



CITY OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

27 SEPTEMBER 2011

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Minutes of the Ordinary Meeting of Council of the City of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 27 September 2011, commencing at 6.00pm.

1. (a) DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania, declared the meeting open at 6.08pm 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:

Mike Rootsey, Director Corporate Services – annual leave.

(b) 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
Anita Radici	Executive Assistant (Minutes Secretary)
Lauren Peden	Journalist – <i>"The Guardian Express"</i> (until approximately 8.10pm)

Approximately 36 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. Matt Selby of 10 Chelmsford Road, Mt Lawley – Item 9.1.8. Stated the following:
 - This is the third time the application has been presented and does not believe this evening's application is sufficiently different to the application at the last Council Meeting which was refused.
 - Believes with the elections coming up it is an important time for Councillors to reflect on what their decision and role is in the community.
 - The application fails on three core areas – policy, consistency and representing the wishes of the local community.
 - Believes as Councillors, good governance should be represented on conviction, consistency and representing the local community therefore, Councillors not standing for election should think about what they stand for, what they want to be remembered for and what they want on the Council.
 - Requested some amendments to the application, good debate and good decision making on this application.

2. Jasmine McDonald of 42 Federation Street, Mt Hawthorn – Item 9.1.13. Stated the following:
 - Her family have lived in the Mt Hawthorn area for the past 25 years and own 3 properties in the area (Federation St and 2 units on Gibney Ave). They love the area with their 3 children having grown up there with the dream being to move their family into the Gibney Ave units to allow their eldest child who has a disability the opportunity to live as independently as possible however, they have felt the street has been under threat by the proposed redevelopment of Precinct E as outlined in the Framework.
 - Understands and appreciates that there needs to be some redevelopment to the Scarborough Beach Road (SBR) area however, they are concerned that the present Framework potentially allows redevelopment on SBR to be 6-7 storey's in height which they feel is excessive and out of character with the immediate surrounding residential area.
 - Believes a 6-7 storey development would have the potential to negatively impact on the lives of nearby residents by reducing their amenity to light, privacy, breeze way capacity and public open space.
 - Fears that the large influx of population in the area will cause a substantial and unacceptable increase in traffic, parking, noise and security problems translating to a reduction in the value of the properties in the immediate vicinity of the redevelopment. Other residents have also expressed the same concerns to her, her husband and through submissions made to the Council.
 - They do not accept the Council's contention that the redevelopment will automatically address parking concerns because an individual will feel more encouraged to use other forms of transport.
 - Presently streets in the area are being used as an unofficial daily overflow car park in order to access the train station. Believes the redevelopment with large numbers of people will exacerbate these problems not alleviate them. Invited Councillors to visit the area on any weekday it will be seen that there is a growing need for residential parking permits to be issued to residents in the streets closest to Glendalough Train Station, especially on Gibney Ave.
 - Does not accept the contention by the Council that when there is extended trading hours by restaurants/cafés, there is increased surveillance, therefore an accompanying reduction in crime. One only needs to visit Northbridge at night to know this contention is flawed where extended hours/alcohol exist together, experience has shown that antisocial behaviour often increases.
3. Michael McDonald of 42 Federation Street, Mt Hawthorn – Item 9.1.13. Stated the following (continuing on from the previous speaker):
 - In light of previous comments they support the proposed amendment to the Framework, in that the 3 properties located at the corner of 16-18 Gibney Ave and 6 Jugan St retain a residential zoning and that the land use plans for both the targeted and significant options be amended to reflect this. However, they object to the proposal by the Council to amend the Framework to Activity Centre for the lots abutting SBR between Brady St and the Mitchell Freeway to allow for an RAC0 zoning.
 - Feels this will only delay any decision making regarding the excessive height issue of this redevelopment which will be an ongoing source of concern and anxiety to the residents and owners in the area. They would like to see an amendment proposed that reduces the potential maximum height allowable on SBR in Precinct E to a more reasonable and sustainable level that would preserve the family friendly nature of the area. Feels the issue has dragged on long enough and residents would like some certainty regarding it.
 - Do not feel that there has been enough specific information released regarding the redevelopment and the documents that are available are hard to access and understand. Asked for a 3D visual model of the concept to be made available to the public so they can view exactly what the redevelopment will look like – where it will be family friendly and how it will affect residents in the surrounding area including overshadowing issues, parking areas, public open spaces, heights of building, transport issues, access for the aged and disabled etc.

- Requested that the resident owner feedback regarding this process be given appropriate weight in any decision making that occurs within the Council.
 - Mr Bob Heart an elderly concerned resident and retired landscape architect of 9 Anderson St has queried whether there are any experienced and qualified Town Planners involved with the project as he feels it has been going on for too many years without appropriate resolution and specific direction.
 - Mr Mark & Ms Sue Treharne of 12 Jugan St have asked that their concerns be brought to the Council regarding the height of the development and queried whether there are any plans to include a turning lane on SBR east bound into Brady St.
4. Jason Lord of 210 Carr Place, Leederville – Item 9.1.7. Stated the following:
- All points he has made at previous Council Meetings still stand and he will be specifically addressing the 5 storey limit.
 - The report states that the original proposal was point forward at such a date that there was a 4-5 storey potential maximum height in Building Guidelines which has now changed to 4 storeys. Believes the applicant wants this retrospectively applied however, it is a recommendation that the Council can consider 5 storey not that it is a given. This can be taken into consideration with the following points which are in the Multiple Dwelling Policy:
 - *“taller buildings adjacent to low rise buildings may be appropriate provided care is taken with the design elements such as the upper level streets and side setbacks”* – there were no side setbacks;
 - *“new taller buildings are to be designed to relate sensitive to existing lower scale buildings”* – ignoring the rear setback guidelines is not sensitive to the people who live at the back. There are numerous townhouses there that are not going to be pulled down or redeveloped at all. The cost of requiring all the units to do that is too prohibitive;
 - *“to ensure multiple dwelling developments positively contribute and respond creatively to their existing context within the City of Vincent”* – there is nothing creative about exceeding the setbacks and existing context;
 - *“the Council may consider a greater height to a maximum of 3 storeys adjacent to primary streets and up to 5 storeys within a site”* – it does not state must approve.
 - Given the original application did not given any consideration to the additional requirements and points that should be addressed when proposing a 5 storey development, does not believe it is appropriate to approve this under the previous 5 storey or current 4 storey limit.
 - Proposal talks about the reduced bulk from the front however, most of the people who view the front of the property are transient and see it for 10/15 minutes per day as they pass by. He has lived there for 7/8 years and does not plan to move so they need to put up with the bulk everyday and it is big and imposing.
 - Believes the Masterplan gives adequate room for development in their area to achieve what the Council want with greater density but that can be balanced with existing residents.
5. Judy Burrows of the North Perth Precinct Group (NPPG), 70 Auckland Street, North Perth – Item 9.1.14. Stated the following:
- Requested support for this Recommendation. After 9 years of the going out canvassing every single resident finding out what their wishes are, not just acting with a small group but finding out what the residents actually want.
 - Every time this comes to the Council and every time it goes out to the residents it comes back with nearly 85% – this is what they want. They want to keep the R20 and lower zoning.
 - Requested approval yet again and hopefully the residents will get peace of mind about the lifestyle they chose to live in this area.

6. Loraine Vincenzoni, Vice Chairperson of the North Perth Precinct Group (NPPG), 73 Sydney Street, North Perth – Item 9.1.14. Stated the following:
- Agrees with the previous speaker.
 - Strongly supports initiation of Amendment 31.
 - Thanks the Staff for the very quick action in terms of bringing it back to the Council and hopefully it is the last Amendment.
 - It has been a long process and believes that with the sunset clauses it does lead to uncertainty in the community.
 - R20 in the Eaton Locality is generally consistent with the current Local Planning Strategy that is being considered by the Council.
 - Believes there is plenty of diversity already in terms of density in the community with targeted growth which is important around the Town Centres.
 - R20 will help retain the amenity, charter dwellings and retention of major trees in the area.
 - Believes that under the Local Planning Strategy there is plenty of housing choice within the City.
 - Queried whether the Amendment needs to go to the WAPC or Department of Planning (DOP) before advertising? They want to avoid any delays and certainly have advertising happen before the Christmas holidays because, time is of the essence and they do not want any gap period where the R20 lapses as it did last time and, from experience she is aware that the DOP Staff are very inundated with amendments at the moment.

Cr Buckels departed the Chamber at 6.23pm.

7. Mark Gidvani of 39 Windsor Street, Perth – Item 9.1.16. Stated the following:
- The area has been predominately residential for a long time and, Windsor, Chapman and Marlborough Sts are all residential in character and they abut onto Lord St which is a major street with a mixture of commercial and residential property.
 - Recently the height limit for commercial was 2 storey which has recently been changed to 3 storey for mixed use. This proposal started with 5 storey which was approved some months ago however, it does not appear good enough for the development and they then applied for 7 storeys since being modified down to 6 storeys.
 - The discrepancy between 3 storeys and 6 storeys, is far in excess of what one would expect especially as a neighbour and resident of the area.
 - Urged the Council to consider these points and hopefully it will be able to be scaled back.

Cr Buckels returned the Chamber at 6.25pm.

8. Alison Hass of 210 Carr Place, Leederville – Item 9.1.7. Stated the following:
- This is the third time this has been presented however, does not believe it has significantly varied from the previous two times it was presented.
 - There was an assessment part in the report talking about overshadowing, stating that there is a relatively small part of 210 Carr Pl overshadowed at 62.5m² which is 6% of the block however, that made up of is 6 strata lots.
 - Understands that the overshadowing is not going to affect some of the units so looking at 6% it does not appear to be a lot however, it is going to have a big affect on the 2 back units and it is a significant amount that is going to occur in their backyard – urged the Council to take this into consideration.
 - Regarding the bulk of the proposal, there appears to be a common theme this evening in the size of the proposals being set forward.
 - She is not against high density living because she understands that is going to happen but, would like consideration to be given to height, bulk, density and the impact on the current residents that have chosen to live in the City for the reason that it is a great place to live.

9. Scott Kerr representing the Landowners between Brady and Jugan Streets fronting SBR – Item 9.1.13. Stated the following:
- The Landowners support the Recommendations and it is their view that the recommended approach provides for a process going forward that would enable the detailed design options to be investigated.
 - Believes it is important for everyone to understand that there have been no plans prepared and no design done. The reason being that there has not been an appropriate strategic context in place to enable the work to be done. Once this is in place, the work can be undertaken that will enable the items raised as part of the consultation and then, to be presented properly through the statutory consultation process where specific detailed plans can be commented upon. Until this happens, people are making judgements in the absence of any understanding of what may or may not eventuate.
 - The Landowners have not been in a position to progress any of this work to date because there has not been the Framework available to give the guidance to enable it to happen.
 - The Urban Design Framework is the first part of the process and the Activity Centre Proposal that is outlined simply provides the opportunity for the more detailed work that can then be examined by the community, commented upon and refined as required to progress.
 - Therefore, expressed their support for the Recommendation as they believe that is the first part of enabling a full and comprehensive consultation process to progress and, to enable detailed design options to actually be prepared.
 - There have been comments made with reference to height, bulk, car parking and traffic implications and on behalf of the Landowners, he is unable to offer any answers to what those may be at this point in time as there has not been an opportunity to do so.
 - The Recommendation simply allows the context to move forward to do the work which can be presented to the community as part of the statutory process for appropriate comment and further refinement to be effected.
10. Sean Fairfoul of Greg Rowe & Associates on behalf of the Landowners at 462 Beaufort Street, Highgate. Stated the following:
- Item 9.1.1
- Thanked the Councillors for deferring the item a few weeks ago as it gave them the chance to discuss the matter further with the City's Technical Staff, which they believe has helped them resolve the majority of the concerns related to this application accordingly, they support the Recommendation.
 - There is a condition they believe is unnecessary. Referred to Clause 3.1 which places a time limit on the application. They support the application of a limit time as they are of the view that eventually the site will be redeveloped and, on that basis a time limit approval is appropriate. However, Clause 6 requires that a legal agreement be prepared and a Caveat lodged on the Title to enforce Clause 3.1. Believes this is unnecessary as the proposed planning approval is essentially a legal agreement between the Council and the Applicant and, the cost to prepare a legal agreement and place a Caveat on Title is an unnecessary duplication of the planning approval which the Council can enforce and there are significant fines available to the Council if the Applicant does not act in accordance with the planning approval.
 - Requested that Clause 6 be removed from the approval and the application be approved on that basis.
- Item 9.1.16
- They have worked very hard with the Council's Staff in preparing the amended application and they support the Recommendation in relation to the mixed use development.
11. Roger Smith, Chairman of Lincoln Towers of 23/133 Lincoln Street, Highgate – Item 9.1.15. Stated the following:
- Asked the Councillors to take careful note of what is being proposed and what will be voted on.

- It will not doubt be argued that there were 2 recent developments – Civic Centre Housing development and the Hotel that replaced the Billabong Backpackers, where the Council argued very strongly that there were special circumstances as to why they should go above and beyond the Council's Planning Policies.
 - Believes this proposal has no special circumstances and is purely a unit development and, if this is accepted, it will set a precedent for the whole of Beaufort Street from Newcastle through to Walcott Streets and, there will be nothing to stop any developer from pursuing similar lines therefore, it could end up like Adelaide Terrace and he does not believe that this is the will of the community of the City of Vincent.
12. Cosi Schirripa of the North Perth Precinct Group (NPPG) – Item 9.1.14. Stated the following:
- Urged the Councillors to support the retaining of the current R20 zone in the Eaton Locality.
 - They have a park in the middle of their Precinct Group at the corner of Auckland and Hobart Streets and, if any Council Members have had a chance to walk through that area recently they would have noticed that there are children literally *"popping out of the ground"*, hanging off Monkey Bars, digging holes in the sand etc. He has never seen so many children around as there has been in the last few years which he puts down to one simple fact – their zoning area has enticed families to come back into the area.
 - When they were zoned down to R30 they had an incident where, in one street alone there were 5 families that simply up and left and, in their place, were put unit developments and, he has not seen any children from those developments. Although it shows that with a particular type of zoning it does entice a community feel and atmosphere.
 - Walking 1km from their Precinct Group is the suburb of Joondanna which underwent a redevelopment similar to the one that they faced. One can walk any street at anytime of the day/night and *"fire a cannon"* up that street and would be battling to hit anyone yet, in terms of density.
 - Hopes the Council will take the opportunity to show everyone what inner city living could be like. It does not have to be people living on top of each other or having very little space or time for anybody except themselves.
 - Believes the Eton Locality has proven to be a magnificent example of what you can do if you have the proper motivation and a good Council that think and hear what its ratepayers have to say, on numerous occasions.
13. James Taylor of 6 Chelmsford Road, Mt Lawley – Item 9.1.8. Stated the following:
- This matter has now come to the Council 3 times and he believes the process is questionable i.e. the first time the Recommendation was for refusal, there were no great changes, next time around it was to accept it and he made quite an effort to speak to some Councillors and he understands they are very busy however, it has been hard to meet or speak with them.
 - There have been lengthy discussions as to where this is non-compliant in terms of need, lack of residential component, a congregation of similar consulting rooms in the area etc.
 - Believes the loss they will be suffering will be for the benefit the greater community as this is going to be used as a consulting room for a good number of years therefore, they will lose part of their community exactly where they should be trying to increase it. They have had a fantastic community where they are and it will be a shame to compromise it.
 - There is an opportunity to reject this and, if it is rejected then SAT can make a decision and he believes they would be in a very good position to do that, given the processes it has been through. He would prefer to see a decision made by SAT because they will handle it impartially.
 - Urged the Council to refuse the matter and let SAT make the decision.

14. Janice Nylander of 4 Gibney Avenue, Mt Hawthorn – Item 9.1.13. Stated the following:
 - Objected to the proposal.
 - They have recently put solar panels on their roof at a significant cost and are concerned as to the affect this proposal will have on the panels. She imagines it will cast shadows over the panels reducing the output of the units.
 - Concerned about privacy as she would like to walk out to her backyard and still have privacy.
 - Parking is already a problem in Gibney Avenue and she can only see it getting worse with the proposal.
 - Believes it will increase in crime associated with a high density development.
15. Peter Taylor of 281 Vincent Street, Leederville – Item 9.1.7. Stated the following:
 - Supports this proposal which is two doors up from him.
 - Urged the Council to support the proposal as he is looking forward to the whole district being redevelopment and is aware that there are many premises sitting and waiting, some are occupied by owner/occupiers and many a being rented.
 - He is very excited about the prospect of the whole district as the Town Scheme proposes to be revitalised/redeveloped.
 - Understands the difficulties in the early transitions of larger buildings while there are still single owner/occupiers however asked that people envisage the end product of a revitalised, medium density urban Town Centre.
16. Christina Ceccon of 220 Lord Street, Perth – Item 9.1.3. Stated the following:
 - She will soon be undergoing renovations for the return of her family.
 - There is considerable opposition to this proposal, which is not based upon an anti-view to the use of mobile phone technology as they would all agree that with such technology the services are part of our modern day world.
 - The community concern relates to the site, the form of the proposed tower and the impact it will have. In summary the concerns are that:
 - the facility will not be located away from a number of homes in accordance the minimum requirements;
 - the proposed facility disguised as a palm tree is not in accordance with the existing flora character of the locality;
 - the object will not have a positive impact on the amenity of the locality; and
 - on a personal level, will be detrimental to those properties that are in direct visual site of the tower.
 - The facility is located at a point where, topographically will dominate the streetscape of Lord Street as the adjoining properties on the opposite side are at a lower level.
 - There is considerable concern within the community as to the radiation health implications of such a high impact facility although it is acknowledged that, within the definition of the Act, the term “high impact” refers to the height.
 - The community would welcome a more appropriate option that is more sensitive and located either at the top of an existing structure in an architectural form that is in harmony with the surrounding urban environment.
 - Noted that the City’s Policy 3.5.6 under Clause 6 – Protection of Sensitive Uses states that *“such telecommunication facilities are to be located at least 300m away from any sensitive use”* however, the site is less than 75m from their family home.
 - The Policy also confirms other provisions relating to vistas, visual amenity etc. and the City clearly states that it strongly encourages microcell telecommunication facilities rather than tower structures.
 - A fake palm tree is not acceptable to the community and she encouraged all Councillors to support a Motion rejecting the application in its current form and location.
 - Thanked the City for giving the community the opportunity to comment and the time the Councillors have invested into considering this matter.

17. Thelma Pitcher [address not stated for privacy reasons] – Item 9.1.8. Stated the following:
- In support of the psychology practice.
 - Believes that the mediated proposal before the Council demonstrates a compromised position that responds to both the concerns of the Council and also those raised by the residents in the area.
 - The changes will effectively mean that all consumer traffic will come to the property via the eastern Beaufort Street access and will utilise existing car parking facilities furthermore, the streetscape will be enhanced by the closure of the western front access point, the construction of fencing allowing for passive surveillance and the addition of landscaping.
 - The removal of the right of way parking bays improves visual amenity and completely separates the properties business activities from the proximity of the right of way thus providing a further buffer with residential areas.
 - Accepts the conditions before the Council in an understanding that this provides both the Council and local residences with assurance about the ongoing low volume, low impact nature of the proposed use.
 - Believes that the services provided at the site will provide a positive community contribution and overall benefit to the City of Vincent.
 - Consumers attending the service will be provided with practice information that includes directions to the property via Beaufort Street and location of the Council car parking. She accepts the proposed cash in lieu proposal.
 - All security lighting and signage put in place will be undertaken with regard for nearby residents and in adherence to the Council requirements.
 - As indicated in prior submissions, approval of the change of use will also ensure substantial refurbishment and renovation of a character dwelling and the amended proposal effectively removes any prior amenity concerns.
 - Urged the Council to approval of the proposal.
18. Steve Allarding of 125 Hamersley Road, Subiaco – Item 9.1.8. Stated the following:
- Supports the child psychology clinic proposal and Dr Pitcher's comments.
 - Further to the comment that there have not been any changes that warrant a change of position to refuse the proposal in fact, as a consequence of mediation, (which he thanked Councillors and Staff who attended) it enabled an opportunity for the Council to air their issues and an opportunity for them to respond which, they did very comprehensively with changes that have effectively now taken away the key areas of concern of residents.
 - The effect of the changes is that the car parking has been removed from the site with the exception of a disabled bay and the staff parking at the back. All patient car parking has been replaced with a cash in lieu arrangement which takes the traffic completely off Chelmsford Road west – the key area of concern raised about traffic impacts and traffic moving up and down the road. Instead, with the contribution from Dr Pitcher they will use a cash in lieu contribution towards car parking along Chelmsford Road east of the median and also along Beaufort Street where there is ample parking available.
 - As a consequence of removing those bays is introduction of landscaping in the front and, the provision of open style fencing which responds to the second issue that was raised about the visual amenity when viewed from the street. The removal of the car parking will mean that there is a surveillance opportunity both from and into the dwelling but, not into locking into the same number of car parks which was also raised as a concern.
 - Believes that they have directly responded to the issues.
 - Believes, as recommended by the City's Staff and Planner, it is a use that is capable of approval and requested approval from the Councillors.
19. Andrea Bassini of Cuborosso Design – Item 9.1.15. Stated the following:
- The site is on the south-east side of Beaufort Street to the north of the old theatre restaurant site currently undergoing redevelopment.
 - The proposal has undergone various revisions over the months prior to the advertising period to bring it in line with the City's requirements.

- After the end of the advertising period there were a few concerns in which case, they sat down once again sat down with the City's Officers and modified the development to address the concerns. The most important thing amended was to decrease the size of the overall building and increased the setbacks on the 3 adjoining properties which, helped to decrease the overshadowing over the 3 or 4 rear properties in question, decreased the plot ratio which was more in keeping with the Officer's requirements.
 - They also modified the under croft parking scenario which helped address any manoeuvring/passing requirements to give them modest surplus of bays.
 - The privacy aspects to the rear balconies were addressed by privacy screening, with windows, screening, terraces and basically addressed all the items that came through in the advertising period.
 - Beaufort Street is mixed with single residential, grouped multiple dwellings, various apartment buildings with buildings ranging from single storey through 2-3 storeys up to 8 storey buildings including the new 6 storey redevelopment of the theatre property that is currently under construction.
 - Beaufort Street is a major road under the City's Policies and they believe this proposal is in keeping with the developments approved in this vicinity as, it is a mixture of apartment types and they believe they have done enough to make it worthy of the Council's support.
20. Jan Lepere of 210 Carr Place, Leederville – Item 9.1.7. Endorses the comments of Jason Lord and Alison Hass and respectfully asked the Council to consider their requests.

There being no further speakers, Public Question Time closed at approx. 6.55pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

Cr Farrell departed the Chamber at 6.55pm.

4. APPLICATIONS FOR LEAVE OF ABSENCE

- 5.1 Cr Matt Buckels applied for leave of absence from 22 October 2011 to 6 November 2011 inclusive, to attend to a conference on behalf of the Council.

Moved Cr Lake, Seconded Cr McGrath

That Cr Buckels' request for leave of absence be approved.

CARRIED UNANIMOUSLY (8-0)

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

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

- 5.1 Petition received from Ms N. Cutler of Mitchell Street, Mt Lawley along with 18 signatures, requesting the installation of traffic slowing devices in Mitchell Street, at the corner of Joel Terrace and Stanley Street, Mt Lawley.

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

- 5.2 Petition received from Mr H. Ekamper of PO Box 345, North Perth along with 69 signatures, opposing the proposed development at No. 1-1A (Lots 14 and 15) Albert Street, North Perth.

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

Cr Farrell returned to the Chamber at 6.58pm.

- 5.3 Petition received from Miss C. Ceccon of Lord Street, Perth along with 39 signatures, objecting to the proposed High Impact Telecommunications Monopole Installation (Optus) at No. 310 (Lot: 350) Pier Street, Perth (nib Stadium).

The Chief Executive Officer advised that this petition related to Item 9.1.3 on this Agenda, and recommended that the petition be considered during debate on the Item.

Moved Cr Lake, Seconded Cr Topelberg

That the petitions be received as recommended.

CARRIED UNANIMOUSLY (9-0)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

- 6.1 Minutes of the Ordinary Meeting of Council held on 13 September 2011.

Moved Cr Topelberg, Seconded Cr Maier

That the Minutes of the Ordinary Meeting of Council held 13 September 2011 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (9-0)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil.

8. DECLARATIONS OF INTERESTS

- 8.1 Mayor Catania disclosed a Financial interest in Item 9.3.1 – Investment Report. The extent of his interest being that he is the Chairperson of the North Perth Community Bank, in which the Town has investment shares.
- 8.2 Cr Burns disclosed a Financial interest in Item 9.3.1 – Investment Report. The extent of her interest being that she is a shareholder and her father is a director in the North Perth Community Bank, in which the Town has investment shares.
- 8.3 Cr Burns disclosed an Impartiality interest in Item 9.1.2 – No. 40 (Lot 64; D/P: 42775) Mary Street, Highgate - Proposed Demolition of Existing Basketball Court and Construction of Multi Purpose Hall to Existing School (Amendment to Approved Application). The extent of her interest being that her son is enrolled to attend Sacred Heart Primary School in approximately (either) 1½ – 2½ years.
- 8.4 Cr Burns disclosed an Impartiality interest in Item 9.2.1 – 2011 Beaufort Street Festival – Temporary Closure of Beaufort Street between Walcott Street and Lincoln Street, and Associated Side Streets, Mount Lawley/Highgate. The extent of her interest being that she and her husband are shareholders in the capacity as trustee of a Company that holds a leasehold interest in, and operates a business from 560 Beaufort Street, Mt Lawley. Cr Burns' husband, father and brother-in-law are directors of that same Company. Cr Burns states that the Companies are controlled by her parents and her brother-in-law and sister-in-law are also shareholders of that same Company. Cr Burns also states that her mother is the treasurer of the Beaufort Street Network.

- 8.5 Cr Burns disclosed an Impartiality interest in Item 9.3.3 – Beaufort Street Enhancement Working Group – Progress Report No. 4. The extent of her interest being that she and her husband (in their capacity as trustees of a trust) are shareholders in a Company that holds a leasehold of and operates a business from 560 Beaufort Street, Mt Lawley. Cr Burns' husband, father and brother-in-law are directors of that same Company. Cr Burns states that the Companies operated by family members and family members acting as trustees are also shareholders of that same Company.
- 8.6 The Chief Executive Officer disclosed an Impartiality Interest in Item 9.1.8 – No. 7 (Lot 31; D/P: 2861) Chelmsford Road, Mount Lawley – Proposed Change of Use From Single House to Medical Consulting Rooms (Psychology) and Associated Alterations and Additions – State Administrative Tribunal (SAT) Review Matter No. DR 300 of 2011. The extent of his interest being he is now aware that a resident who resides in Chelmsford Road lodged an objection against the Development Application. The resident is a former employee of the City, who resigned in October 2005.

Mr Giorgi disclosed and stated:

- (a) I have not had any contact whatsoever with the former employee since they resigned in October 2005 and have only briefly met this person once since 2005, at a social function several years ago.
 - (b) The former employee has not previously discussed this Development application with me in any capacity whatsoever.
 - (c) I have not had any discussion with the Reporting Planning Officer, the Manager- Planning and Building Services or the Director – Development Services, concerning this matter prior to the compilation of the current report.
 - (d) I did not have any involvement in the preparation of this report, other than my normal review of the report as part of the compilation of the Agenda.
- 8.7 Cr McGrath disclosed an Impartiality interest in Item 9.4.5 – Tamala Park Regional Council – Power of Attorney to Sell/Dispose Land within Tamala Park. 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.

All Councillors and the Chief Executive Officer 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 the Councillors would vote accordingly.

- 8.8 Cr Lake disclosed a Proximity interest in Item 9.2.1 – 2011 Beaufort Street Festival – Temporary Closure of Beaufort Street between Walcott Street and Lincoln Street, and Associated Side Streets, Mount Lawley/Highgate. The extent of her interest being that she lives in the area affected by parking restrictions which may be the subject of an amendment. Cr Lake requested approval to participate in the debate and vote on the matter.
- 8.9 Cr Maier disclosed a Proximity interest in Item 9.2.1 – 2011 Beaufort Street Festival – Temporary Closure of Beaufort Street between Walcott Street and Lincoln Street, and Associated Side Streets, Mount Lawley/Highgate. The extent of his interest being that he owns a property in the area which may be subject an amendment. Cr Maier requested approval to participate in the debate and vote on the matter.

At 7.02pm Cr Lake and Cr Maier departed the Chamber whilst their request concerning their disclosure of interest was being considered.

Moved Cr Topelberg, Seconded Cr Buckels

That Cr Lake and Cr Maier's request to participate in debate in Item 9.2.1 – 2011 Beaufort Street Festival – Temporary Closure of Beaufort Street between Walcott Street and Lincoln Street, and Associated Side Streets, Mount Lawley/Highgate, be approved.

CARRIED UNANIMOUSLY (7-0)

(Cr Lake and Cr Maier were absent from the Chamber and did not vote.)

Cr Lake and Cr Maier returned to the Chamber at 7.03pm. The Presiding Member, Mayor Nick Catania advised Cr Lake and Cr Maier that their request was approved (7-0).

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 9.1.8, 9.1.13, 9.1.7, 9.1.14, 9.1.16, 9.1.1, 9.1.15 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:

Items 9.2.1, 9.4.3, 9.4.4 and 9.4.5.

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

Item 9.2.1 and 9.3.1.

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	Items 9.3.4 and 9.3.7.
Cr Buckels	Items 9.1.5 and 9.1.9.
Cr McGrath	Items 9.1.4 and 9.3.3.
Cr Harvey	Nil.
Cr Lake	Nil.
Cr Burns	Nil.
Cr Maier	Items 9.1.10 and 9.4.1.
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 9.1.2, 9.1.6, 9.1.11, 9.1.12, 9.2.2, 9.2.3, 9.3.2, 9.3.5, 9.3.6, 9.4.2 and 9.4.6.

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

Nil.

New Order of Business:

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

(a) Unopposed items moved *En Bloc*;

Items 9.1.2, 9.1.6, 9.1.11, 9.1.12, 9.2.2, 9.2.3, 9.3.2, 9.3.5, 9.3.6, 9.4.2 and 9.4.6.

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

Items 9.1.8, 9.1.13, 9.1.7, 9.1.14, 9.1.16, 9.1.1, 9.1.15 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 Farrell, Seconded Cr Topelberg

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

Items 9.1.2, 9.1.6, 9.1.11, 9.1.12, 9.2.2, 9.2.3, 9.3.2, 9.3.5, 9.3.6, 9.4.2 and 9.4.6.

CARRIED UNANIMOUSLY (9-0)

9.1.2 No. 40 (Lot 64; D/P: 42775) Mary Street, Highgate - Proposed Demolition of Existing Basketball Court and Construction of Multi Purpose Hall to Existing School (Amendment to Approved Application)

Ward:	South	Date:	13 September 2011
Precinct:	Hyde Park, P12	File Ref:	PRO1520; 5.2011.403.1
Attachments:	001 – Property Information Report; 002 - Development Application Plans		
Tabled Items	Nil		
Reporting Officer:	A Dyson, Planning Officer (Statutory)		
Responsible Officer:	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 Santelli Architects Pty Ltd on behalf of the owner Roman Catholic Archbishop for proposed Demolition of Existing Basketball Court and Construction of Multi Purpose Hall to Existing School (Amendment to Approved Application), at No. 40 (Lot 64; D/P 42775) Mary Street, Highgate, 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 Mary and Harold Streets;
2. Any new street/front wall, fence and gate within the Mary Street and Harold Street 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. No street verge tree(s) shall be removed unless written approval has been received from the City’s Parks Services. Should such an approval be granted, all cost associated with the removal and replacement shall be borne by the applicant/owner(s);
4. The hours of operation of the ‘Multi-Purpose Hall’ shall be limited to the following times: 8:00am to 10:00pm Sunday to Thursday and 8:00am to 11:00pm Friday and Saturday;
6. The multi-purpose hall shall not be hired externally during school hours;
7. The maximum number of persons that shall occupy the ‘Multi-Purpose Hall’ at any one time is 304 persons;
8. The maximum number of persons that shall occupy the ‘Computer Room’ at any one time is 35 persons; and
9. The car parking available to the school shall be made available for patrons that hire the ‘Multi Purpose Hall’.

COUNCIL DECISION ITEM 9.1.2

Moved Cr Farrell, Seconded Cr Topelberg

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

Landowner:	Roman Catholic Archbishop
Applicant:	Santelli Architects Pty Ltd
Zoning:	Metropolitan Region Scheme: (MRS) Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Educational Establishment
Use Class:	Educational Establishment
Use Classification:	"AA"
Lot Area:	8974 square metres
Access to Right of Way	Not Applicable

PURPOSE OF REPORT:

The report is referred to a meeting of the Council as the applicant proposes to change one of the conditions of approval, which was approved at the Ordinary Meeting of Council held on 9 February 2010.

BACKGROUND:

- 10 October 2000 The Council at its Ordinary Meeting conditionally approved an application for alterations and additions to the existing school and the removal of a tree at the subject site.
- 8 October 2002 The Council at its Ordinary Meeting conditionally approved an application for partial demolition of, and alterations and additions to the existing educational establishment.
- 27 July 2004 The Council at its Ordinary Meeting conditionally approved an application for alterations and car parking for the existing educational establishment.
- 26 October 2009 The City under delegated authority from the Council conditionally approved a balcony addition to the existing educational establishment.
- 9 February 2010 The Council at its Ordinary Meeting conditionally approved an application for proposed demolition of Existing Basketball Court and Construction of Multi Purpose Hall to Existing School.

DETAILS:

The proposal involves a change of use of room on the approved plans from "Committee Room" to "Computer Room". The proposal also includes the addition of a canteen sub kitchen and lobby entrance area in the existing approved storeroom area, on the western side of the multipurpose hall.

A number of conditions on the previous Council approval made reference to the use of the room as a "Committee Room". These conditions included the following:

- (v) *the hours of operation of the 'Multi-Purpose Hall' and 'Committee Room shall be limited to the following times: 8.00am to 10:00pm Sunday to Thursday and 8:00am to 11:00pm Friday and Saturday;*
- (viii) *the maximum number of persons that shall occupy the Committee Room at any time is 80 persons; and*
- (ix) *the car parking available to the school shall be made available for patrons that hire the 'Committee Room' and/or 'Multi Purpose Hall'."*

Therefore, it is considered these conditions are no longer valid as the applicant proposes to change the use of the room to a Computer Room.

The applicant provided the City's Officers the following information:

"The school have advised that the room identified to be a 'Committee Room' within the multipurpose hall, would better serve their needs if it is instead utilised as a 'Computer Room', rather than a committee room for meeting purposes of up to 80 persons.

This would result in the room being used by students at the school for learning computer related skills, as opposed to the use contemplated as a committee room.

You will note that since the room is proposed to be used as a computer room, it will not be available for hire or use outside of normal school hours, nor is there a consequent need to make car parking available for persons that might have otherwise hired the committee room.

Similarly it is not proposed that any more than 35 persons would occupy the room at any one time and in this respect a condition that refers to a maximum of 80 persons would be redundant and a condition that refers to more than 35 persons would be superfluous, at your discretion."

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Nil	N/A	N/A
Officer Comments		
Noted.		

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

Consultation	
In Support:	N/A
Objections:	N/A
Comments Received	Officer Comments
Advertising	No advertising was carried out as the application was previously advertised to adjoining land owners and the proposal provides for a minor amendment to the approval plans; no further variations are proposed.

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

COMMENTS:

It is considered the change of use of the approved "Committee Room" to "Computer Room" will be of a lesser impact on the surrounding community in terms of a reduction of users who will utilise the room from 80 persons to 35 persons. The minor amendment of the approved storage room into both a small kitchen area and lobby however, will service users of the multipurpose hall. Overall the multipurpose hall and associated rooms, represent a capital increase and improvement to the current school facilities.

In light of the above, it is recommended that the Council approve the application, subject to standard and appropriate conditions listed above.

9.1.6 No. 26 (Lot 57; D/P: 2440) Commonwealth Avenue, North Perth - Proposed Carport to Existing Single House

Ward:	North Ward	Date:	13 September 2011
Precinct:	Smith's Lake, P06	File Ref:	PRO2886; 5.2011.278.1
Attachments:	001 – Property Information Report and Development Application Plans		
Tabled Items	Nil		
Reporting Officer:	A Dyson, Planning Officer (Statutory)		
Responsible Officer:	R Boardman, Director Development Services		

DIRECTOR DEVELOPMENT SERVICES 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 owners R A & V L Morris for a Proposed Carport, at No. 26 (Lot 57; D/P: 2440) Commonwealth Avenue, North Perth and as shown on plans stamp-dated 9 September 2011, subject to the following conditions:

1. Any new street/front wall, fence and gate within the Commonwealth Avenue setback area, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences;
2. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Commonwealth Avenue;
3. No street verge tree(s) shall be removed. The street verge tree/s shall be retained and protected from any damage including unauthorized pruning; and
4. The carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the dwelling.

COUNCIL DECISION ITEM 9.1.6

Moved Cr Farrell, Seconded Cr Topelberg

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

Landowner:	R A & V L Morris
Applicant:	As above
Zoning:	Metropolitan Region Scheme: (MRS) Town Planning Scheme No. 1 (TPS 1): Residential R30
Existing Land Use:	Residential
Use Class:	Single House
Use Classification:	"P"
Lot Area:	382 square metres
Access to Right of Way	East side, 5.0 metres wide, Sealed, City owned

PURPOSE OF REPORT:

The report is presented to the Ordinary Meeting of Council as the proposal has previously been refused under delegated authority.

BACKGROUND:

15 August 2011 The City's Officer's under delegated authority refused an application for a proposed carport at the front of the property as the application did not comply with the provisions of the City of Vincent Policy No. 3.2.1 relating to Residential Design Elements.

DETAILS:

The proposal involves the construction of a carport within the front setback area of the property. The proposed carport is of a pitched roof design, open in nature, with the rear abutting the existing dwelling.

The applicant has provided the following justification for the proposed carport:

"We are proposing to build an aesthetically pleasing carport which is within the character of the home and the streetscape. This is in accordance with the aims of residential design element policy where the Town encourages new residential development that complements the character of the street.

Section 6.2 of the Town of Vincent Planning and Building Manual Residential Development Policy states that car parking solutions should be more innovative and reduce the visual dominance and presence of cars in the environment. Furthermore section 6.3, states the aim to minimise the impact of vehicles on the amenity of the streetscape. We believe our plans will reduce the unsightly littering of vehicles that currently exists on our street, as the majority of the residents in the street park a minimum of 2 cars outside each house, therefore not using rear access.

In regard to the planning element that states the location of the carport is to be located at the rear of the property, as stated in our previous letter, there is not enough length to fit a car. Section 6.4.2 paragraph (iv) the town recognises that there are exceptional circumstances where garages and carports can be accessed by the primary street regardless of whether a right of way is available to the property.

Section 6.4.2 paragraph (v) states setbacks from the Right of Way require a minimum manoeuvring depth of 6 metres must be achieved for any development utilising a right of way for vehicular access onto a property. If the right of way width is less than 6 metres, the development must be setback to provide the deficit distance required to achieve the minimum 6 metre manoeuvring distance. Our right of way measures 4.7 metres, therefore we would require the setback 2.3 metres inside our property. This would then encroach on our existing dwelling which is obviously impossible. Element 1 streetscape assessment criteria SPC 8 Setback of Garages and Carports (b) says vehicular access to car parking, carports and garages for single houses may be from a street, regardless whether a right of way is available to the property. Point (4) reads the applicant demonstrates there would be a major impact on the existing amenity or open space at the rear of the property by using the right of way. Placing the carport at the rear of our property would require major renovation to our existing dwelling and reduce the amount of open space to little or nothing, which would not accommodate the needs of our 3 children.

In relation to the planning element stating more than 50% of the street is required to have carports on the same side of the street, we note in Selkirk Street there are 5 out of 13 properties with front carports, where a right of way, exists. Also, to name a few, the properties at 13, 15 and 52 Elizabeth Street clearly have front carports that are more than 50% of the width of the property. These inconsistencies exist throughout the City of Vincent area....."

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Carpports and Garages	Carpport to be located at the rear of the property where available.	Carpport proposed to the front of the property
Officer Comments:		
<p>Supported- The proposed carport provides for a variation to the location of carports according to the City's Residential Design Elements Policy. However, it is noted that despite the presence of an adequate right of way at the rear of the property, the impediment of locating a new structure within the rear of the property would dramatically reduce the outdoor and internal living space available. In addition, it is noted that a number of properties located along the eastern side of Commonwealth Avenue accommodate a hardstand area for vehicles at the front of the property; only one carport is located in the precinct.</p>		
Side Setbacks	- 1.0 metre	Nil
Carpport		
Officer Comments:		
<p>Supported. The proposed carport is mainly open in nature and abuts an open front yard area of the adjoining property to the north. Given the orientation of the carport, no overshadowing issues will result.</p>		

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

Consultation Submissions		
Item	Comments Received	Officer Comments
Support	Nil	Noted.
Objection	Nil	Noted.
Advertising	No advertising was carried out as the application was previously advertised to adjoining land owners within the last year. The proposal provides for a minor amendment to the plans and no further variations proposed. During the community consultation process for the original application, no comments were received.	

Other Implications	
Legal/Policy	TPS 1 and associated Policies.
Strategic	<p>The City's <i>Strategic Plan 2011-2016</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>
Sustainability	Nil.
Financial/Budget	Nil.

COMMENTS:

The proposed carport provides for a variation to the requirements of the City's Policy No. 3.2.1 relating to Residential Design Elements with regard to its location at the front of the property, rather than the rear with access off the right of way. It is noted however, that if the proposed carport were to be located in an alternative location at the rear of the property, it would greatly impede use of the outdoor living area and would also result in a significant alteration to the dwelling. It is also noted that within the Commonwealth Avenue streetscape, a number of properties have hardstands which allow for vehicles to obtain access off the primary street.

In light of the above, it is recommended the proposed carport be supported subject to the conditions noted above.

9.1.11 Amendment No. 81 to Planning and Building Policies – Policy No. 3.5.19 Relating to Amalgamation Condition on Planning Approvals

Ward:	Both	Date:	13 September 2011
Precinct:	All	File Ref:	PLA0170
Attachments:	001 – Draft Amended Policy No. 3.5.19 relating to Amalgamation Condition on Planning Approvals		
Tabled Items:	-		
Reporting Officer:	D Mrdja, Senior Strategic Planning and Heritage Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

1. **AUTHORISES** the City’s Officers to advertise the Draft Amended Policy No. 3.5.19, relating to Amalgamation Condition on Planning Approvals, as shown in Appendix 9.1.11, for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 (TPS No. 1), including:
 - 1.1 advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;
 - 1.2 where practicable, notifying those persons who, in the opinion of the City, might be directly affected by the subject Policy; and
 - 1.3 forwarding a copy of the subject Policy to the Western Australian Planning Commission (WAPC); and
2. **After the expiry period for submissions:**
 - 2.1 **REVIEWS** the Draft Amended Policy No. 3.5.19, relating to Amalgamation Condition on Planning Approvals, having regard to any submissions; and
 - 2.2 **DETERMINES** the Draft Amended Policy No. 3.5.19, relating to Amalgamation Condition on Planning Approvals, with or without amendment, to or not to proceed with it.

COUNCIL DECISION ITEM 9.1.11

Moved Cr Farrell, 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 a Draft Amended Policy No. 3.5.19, relating to Amalgamation Condition on Planning Approvals, and to seek the Council’s approval to advertise the Draft Amended Policy.

BACKGROUND:

Policy No. 3.5.19, relating to Amalgamation Condition on Planning Approvals, was adopted by the Council at its Ordinary Meeting held on 23 May 2006.

In applying the subject Policy, the City's Statutory Planning Officers have identified certain discrepancies with its implementation and conflict with the requirements of the National Construction Code Series (NCCS). For example, the existing Policy states that amalgamation of lots is not required for minor development that straddles a lot boundary. However, this is contrary to the NCCS, which essentially states that any development that straddles a lot boundary is required to be fire rated.

The Policy has therefore been amended so as to provide greater clarity to applicants in regards to the circumstances where lots are required to be amalgamated.

DETAILS:

Following extensive liaison with the Statutory Planning Section, a number of amendments have been proposed for the subject Policy No. 3.5.19, relating to Amalgamation Condition on Planning Approvals. These include the following:

- Remove objective 2 as amalgamation of lots is required for development of a minor nature such as patios, garages, carports, outbuildings and the like.
- Amend the wording of the condition in clause (1) to add a clause on the end which states that "*Amalgamation of the lots is not required if it can be demonstrated that the proposed development complies with the relevant requirements of the National Construction Code Series*".
- Remove reference to "*are closer to the lot boundary than would be allowed under the Residential Design Codes*" in clause (2)(i). This essentially states that if the development does not straddle the boundary, but is closer than the required side or rear setback as stated in Table 2a/2b of the R Codes, the lots should be amalgamated. This seems onerous and is not the specific intent of the Policy.
- Remove clause (2)(ii) and replace with a new clause that states "*where any proposed development does not comply with the relevant requirements of the National Construction Code Series*". This clause will cover such developments that do not actually straddle the lot boundary, but are closer than the required distance as stated in the NCCS. For example, the current NCCS states that any development closer than 900 millimetres from a boundary is required to be fire-rated. This means that this wall is required to be a 'parapet wall' and no windows can be included in this wall, unless they are fire-rated windows, which can be very expensive. If such a development is proposed, the proposed amended condition stated in clause (1), will give the applicant the option of either amalgamating the land, or complying with the fire-rating requirements of the BCA. No specific clauses have been referred to in the Policy as the NCCS is updated annually, which can result in discrepancies.
- Remove wording in clause (2)(iii) which states that, "*this provision does not apply to carports and garages in instances contained in clause 3*". This is because amalgamation of lots is required for development of a minor nature.
- Amend (3)(i) to remove "are closer to the lot boundary than would be allowed under the Residential Design Codes" and replace with "*and is compliant with the relevant requirements of the National Construction Code Series*".
- Remove clause (3)(ii). The NCCS also requires development of minor nature to be fire-rated if it straddles a lot boundary or is closer than required distance.
- Amend any reference to the 'Town of Vincent' to reflect its new designation as 'City of Vincent', as of 1 July 2011.

It is envisaged that the proposed amendments will serve to further enhance the transparency of the City's Policy No. 3.5.19, relating to Amalgamation Condition on Planning Approvals.

Details of all proposed amendments are outlined in Appendix 9.1.11, and have been depicted via strikethrough and underline.

CONSULTATION/ADVERTISING:

The Draft Amended Policy No. 3.5.1, relating to Minor Nature Development, will be advertised for a period of twenty eight (28) days, in accordance with clause 47 of TPS No. 1.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies and National Construction Code Series (NCCS).

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 Environment and Infrastructure:

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

It is considered that the proposed amendments to Policy No. 3.5.19, relating to Amalgamation Condition on Planning Approvals, will result in a comprehensive policy that will provide clarity to the public and to the City's Officers in regards to the circumstances where amalgamation of lots are required. This amended policy will also ensure that any discrepancies between the existing policy and the National Construction Code Series are addressed.

In light of the above justification, it is recommended that the Council progresses the Draft Amended Policy in accordance with the Officer Recommendation.

**9.1.12 Amendment No. 84 to Planning and Building Policies – Policy No. 3.5.1
Relating to Minor Nature Development**

Ward:	Both	Date:	9 September 2011
Precinct:	All	File Ref:	PLA0165
Attachments:	001 – Draft Amended Policy No. 3.5.1 relating to Minor Nature Development		
Tabled Items:	-		
Reporting Officer:	E Lebbos, Planning Officer (Strategic)		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

1. **AUTHORISES** the City's Officers to advertise the Draft Amended Policy No. 3.5.1, relating to Minor Nature Development, as shown in Appendix 9.1.12, for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 (TPS No. 1), including:
 - 1.1 advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;
 - 1.2 where practicable, notifying those persons who, in the opinion of the City, might be directly affected by the subject Policy; and
 - 1.3 forwarding a copy of the subject Policy to the Western Australian Planning Commission (WAPC); and
2. **After the expiry period for submissions:**
 - 2.1 **REVIEWS** the Draft Amended Policy No. 3.5.1, relating to Minor Nature Development, having regard to any submissions; and
 - 2.2 **DETERMINES** the Draft Amended Policy No. 3.5.1, relating to Minor Nature Development, with or without amendment, to or not to proceed with it.

COUNCIL DECISION ITEM 9.1.12

Moved Cr Farrell, 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 a Draft Amended Policy No. 3.5.1, relating to Minor Nature Development, and to seek Council's approval to advertise the Draft Amended Policy.

BACKGROUND:

Policy No. 3.5.1, relating to Minor Nature Development, was adopted by the Council at its Ordinary Meeting held on 22 November 2005.

In applying the subject Policy, the City's Statutory Planning Officers have identified certain discrepancies with its implementation, and have therefore requested that the Policy be amended so as to provide greater clarity to applicants in regards to the circumstances where developments of a minor nature are exempt from the need to obtain planning approval.

DETAILS:

Following extensive liaison with the Statutory Planning Section, a number of amendments have been proposed for the subject Policy No. 3.5.1, relating to Minor Nature Development, which include the following:

- Amend clause 2 (iv) relating to single storey developments, to include roofs as part of this clause.

Officer Comments:

It is considered appropriate to address the erection of roofs on single storey developments, as it is similar as it is similar in nature to all the other structures addressed in this clause.

- Amend clause 2 (v) as follows: 'swimming pools where no part is more than 1800 millimetres above the surrounding ground level ~~and are not located within any street setback area~~'.

Officer Comments:

In the past, the City has received Development Applications for swimming pools located within primary and secondary street setbacks. However, as it is considered appropriate for swimming pools to be located within street setback areas, this clause has been amended as depicted via strikethrough.

- Amend clause 2 (vi) relating to sun-shade sails and the like, by amending sub-clause (a) to state that these structures are considered minor nature development so long as they 'are not located within any primary street setback area'.

Furthermore, this clause will be amended by deleting sub-clause (b), relating to storm water discharge.

Finally, for ease of implementation, this clause will be amended by deleting sub-clause (c), relating to the timeframe for when sun-shade sails and the like are to be erected.

Officer Comments:

It is considered appropriate for sun-shade structures and the like to be located within secondary street setback areas. In light of this, clause 2 (vi) has been amended to only restrict the erection of these structures within primary street setback areas.

In relation to sub-clause (b), this has been deleted because it is a standard Technical Services provision, and it is therefore unnecessary to make reference to this matter in the subject Policy.

In relation to sub-clause (c), this has been deleted as it is difficult to enforce and monitor the erection and removal of sun-shade sails throughout the year.

- Amend clause 2 (vii) as follows: 'garage sales, fairs, fetes, circus, ~~and~~ charity good sales and the like'.

Officer Comments:

The City has received numerous queries regarding whether development approval is required for bingo games, card games, and the like. By amending this clause to include 'and the like', this will address all of these types of activities.

- Amend clause 2 (xvi) as follows: 'temporary offices and sheds (including containers) used by builders or contractors directly associated with the building works occurring on site for the duration of completing those building works and operations. Containers are not allowed in any other instance'.

Officer Comments:

The City has received numerous queries relating to the capacity in which containers are permitted to be utilised. Therefore, by amending this clause as depicted via underline, this will eradicate any ambiguity regarding this matter.

- Insert a new clause relating to water tanks.

Officer Comments:

Currently, none of the City's Planning and Building Policies address the matter of water tanks. Therefore, it is anticipated that by outlining the circumstances whereby water tanks are considered as minor nature development, this will reduce the amount of queries the City has been receiving in relation to the circumstances that development approval is required for water tanks.

- Amend any reference to the 'Town of Vincent' to reflect its new designation as 'City of Vincent', as of 1 July 2011.

It is envisaged that the proposed amendments will serve to further enhance the transparency of the City's Policy No. 3.5.1, relating to Minor Nature Development.

Details of all proposed amendments are outlined in Appendix 9.1.12, and have been depicted via strikethrough and underline.

CONSULTATION/ADVERTISING:

The Draft Amended Policy No. 3.5.1, relating to Minor Nature Development, will be advertised for a period of twenty eight (28) days, in accordance with clause 47 of TPS No. 1.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

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 Environment and Infrastructure:

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

It is considered that the proposed amendments to Policy No. 3.5.1, relating to Minor Nature Development, will result in a comprehensive policy that will provide clarity to the public in regards to the circumstances where developments of a minor nature are exempt from the need to obtain planning approval.

In light of the above justification, it is recommended that the Council progresses the Draft Amended Policy in accordance with the Officer Recommendation.

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

Ward:	South	Date:	16 September 2011
Precinct:	Forrest (14)	File Ref:	TES0551
Attachments:	001 – Plan No. 2848-TC-01 002 – Plan No. 2849-TC-01 003 – Plan No. 2850-CP-01 004 – Plan No. 2851-CP-01 005 – Summary of Comments		
Tabled Items:	-		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES** the outcome of the recent community consultation undertaken regarding Traffic management matters for Smith and Curtis Street, as outlined in the report;
2. **DOES NOT** proceed with a three (3) month ‘trial’ right turn ban (Walcott into Curtis) using water filled barriers as shown on attached plan No. 2850-CP-01 nor a three (3) month ‘trial’ right turn ban (Barlee into Curtis) using water filled barriers and as shown on attached plan No. 2850-CP-01 as the majority of respondents did not support this initiative;
3. **APPROVES** Installation of ‘low profile’ speed humps at the approaches of the two (2) round a bouts at Broome and Lincoln Streets with Smith Street as shown on attached plan No 2851-CP-01, estimated to cost \$7,500; and
4. **ADVISES** the respondents of its decision.

COUNCIL DECISION ITEM 9.2.2

Moved Cr Farrell, 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 outcome of the recent community consultation undertaken regarding undertaking some traffic management initiatives in Curtis/Smith Street.

BACKGROUND:

The Council at its Ordinary meeting held on 9 August 2011 considered a report on undertaking some traffic management initiatives in Curtis/Smith Street where the following decision was made.

“That the Council;

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

- 1.2 *historical traffic statistic for both Curtis and Harold Streets are outlined on the attached plan No. 2848-TC-01 and plan No. 2849-TC-01; and*
- 1.3 *the Advisory Group recommends that residents in the area bounded by Beaufort, Walcott, Lord and Harold Streets, and Smith Street south of Harold Street, should be consulted regarding the following;*
 - 1.3.1 *conducting a three (3) month 'trial' right turn ban (Walcott into Curtis) using water filled barriers as shown on attached plan No. 2850-CP-01;*
 - 1.3.2 *conducting a three (3) month 'trial' right turn ban (Barlee into Curtis) using water filled barriers and as shown on attached plan No. 2850-CP-01;*
 - 1.3.3 *to measure the speed, volume and composition of traffic in all of the streets bounded by Beaufort, Walcott, Lord and Harold Streets (and Smith Street south of Harold Street) before, and during the trial;*
 - 1.3.4 *installation of 'low profile' speed humps at the approaches of the two (2) roundabouts at Broome and Lincoln Streets with Smith Street as shown on attached plan No. 2851-CP-01; and*
 - 1.3.5 *consults with residents at the conclusion of the trial prior to reporting back to the Council; and*
2. *APPROVES consultation with residents regarding conducting a trial, in accordance with the actions outlined in clause 1.3.1, 1.3.2, 1.3.3 and 1.3.5 above, as shown on attached plan No. 2850-CP-01, and the installation of traffic calming as outlined in clause 1.3.4 above; and*
3. *RECEIVES a further report at the conclusion of the consultation with regards to clause 2 above."*

DETAILS:

Community Consultation:

In accordance with the Council decision on 9 August 2011, 436 'consultation packs' were distributed to all residents which would be potentially affected by the proposal.

The following information was included in the consultation pack:

Information Sheet

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

Speed of Vehicles:

The 85% speed (the speed at which 85% of motorists travel 'less than' and is used to determine the 'speed environment of a roadway).

Smith Street:

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

Curtis Street:

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

Note: The main point of difference between the two (2) streets is that Smith Street comprises a 20.0m wide road reserve with and a 10.0m wide roadway (and it is classified as a Local Distributor). Curtis Street on the other hand comprises a 10.0m wide road reserve with a 6.8m wide roadway (and it is classified as an access road).

The average morning (am) peak period traffic flow is higher in both Curtis and Smith Streets than the evening (pm) peak traffic flow. In Curtis Street the average is 446 vehicles per hour (vph) (maximum of 500 vph) while in Smith its 367 vph (maximum of 453 vph).

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

Proposal:

We are seeking your comments regarding the following proposed actions:

- Conducting a three (3) month 'trial' right turn ban (Walcott into Curtis) using water filled barriers (plan 2850-CP-01),
- Conducting a three (3) month 'trial' right turn ban (Barlee into Curtis) using water filled barriers (plan 2850-CP-01),
- Installation of permanent 'low profile' speed humps to the approaches of the two (2) round a bout's (at Broome and Lincoln) with Smith Street.

Should the above trial be supported the following actions will be undertaken:

- The speed, volume and composition of traffic in all of the streets bounded by Beaufort, Walcott, Lord and Harold Street (and Smith Street south of Harold Street) will be measured before and during the trial'
- Again consults with residents at the conclusion of the trial prior to reporting back to the Council.

Conclusion:

The proposed trial, if supported will be implemented using water filled barriers which can be easily removed at the conclusion of the trial. The proposal is intended to improve the amenity for residents living in this area.

The minutes of the Ordinary Meeting of Council held on 9 August 2011, can be viewed www.vincent.wa.gov.au/Your_Council/Agenda_Minutes.

Consultation Outcomes:

The residents were asked to complete the following table:

<u>PROPOSED TRAFFIC MANAGEMENT TRIAL (PLAN 2850-CP-01):</u>			
<input type="checkbox"/> I am in favour of the proposed trial:	or	<input type="checkbox"/> I do not support the trial:	or <input type="checkbox"/> Other*

Low profile' speed humps at the approaches of the two (2) round a bouts

The majority of respondents (13) indicated they were in favour the speed humps while 5 were against.

Officer Comments:

Given that the majority of respondents were in favour the speed humps it is recommended that this be implemented.

Conclusion:

As previously reported to the Council the average morning peak period traffic flow is higher in both Curtis and Smith Streets than the PM peak traffic flow. In Curtis Street the average is 446 vph (maximum of 500 vph) while in Smith its 367 vehicles per hour (maximum of 453 vph).

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

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

The Walcott/Curtis Intersection would qualify for Blackspot funding (no current submission has been made) and this may be pursued in the future.

However given that the majority of respondents were against trailing any part street closure, it is considered that this proposal not proceed at this point in time.

It is however considered that the low profile speed humps at the Round a Bouts be implemented as this will enhance safety for residents wishing to cross the streets and reduce traffic speeds.

CONSULTATION/ADVERTISING:

Residents will be advised of the Council decision.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Medium: Some residents previously approached the City raising some concerns regarding the volume of traffic in Curtis Street during the AM peak flow and safety issues when crossing Smith Street.

STRATEGIC IMPLICATIONS:

The *Strategic Plan 2011-2016* states:

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

Improve safety for road users.

FINANCIAL/BUDGET IMPLICATIONS:

The proposed speed humps, estimated to cost \$7,500 can be funded from the miscellaneous traffic management budget allocation.

COMMENTS:

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

The outcomes of the meeting and the suggested way forward were reported to Council in August 2011 and Council decided to consult the community regarding the proposals.

The results of the consultation are outlined in this report with associated officer recommendations.

9.2.3 LATE ITEM: Hyde Park Lakes Restoration Project – Progress Report No. 11

Ward:	South	Date:	22 September 2011
Precinct:	Hyde Park – P12	File Ref:	RES0428
Attachments:	001 – Timeline		
Tabled Items:	-		
Reporting Officers:	J van den Bok, Manager Parks & Property Services R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** progress report No. 11 as at 23 September 2011 in relation to the Hyde Park Lakes Restoration Project;
2. **ENDORSES** the revised Hyde Park Lakes Draft Implementation Indicative Timeline dated September 2011, as shown attached Appendix 9.2.3;
3. **REQUESTS:**
 - 3.1 the Hyde Park Lakes Working Group and the appointed consultants, Golder and Associates, to meet on a monthly basis, or as required, commencing in October 2011; and
 - 3.2 that until the project is completed, receives monthly reports on the progress of the project to be submitted to the Council, until the project is completed; and
4. **NOTES** That City has submitted a “Draft Deed” to vary the National Water Security Plan for Cities and Towns, Hyde Park Lakes Funding Agreement between the Commonwealth of Australia and the City of Vincent.

COUNCIL DECISION ITEM 9.2.3

Moved Cr Farrell, 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 Hyde Park Lakes Restoration Project and to seek Council’s approval in relation to the revised indicative timelines for completion of the regulatory approval documentation, final designs and treatment options, tender preparation for construction and commencement of works.

BACKGROUND:

Special Meeting of Council held on 5 July 2011:

At the above meeting Council considered Progress Report No. 10 in relation to the Hyde Park Lakes Restoration project. The report outlined information received by representatives of the Department of Water and Department of Environment & Conservation in relation to the Detailed Site Investigation and the Hyde Park Lakes Working Group’s (HPLRWG) subsequent decision to consider an alternative restoration option. Following consideration of the report the following decision was made:

“That the Council;

1. *RECEIVES* progress report No 10 as at 30 June 2011 in relation to the Hyde Park Lakes Restoration Project;

2. *NOTES that;*
- 2.1 *Hyde Park Lakes Restoration Working Group met on 7 June 2011 and representatives from both the Department of Environment and Conservation (DEC) and the Department of Water (DOW) attended and addressed the Group;*
- 2.2 *the Working Group considered that the objectives of improving the aesthetics of the Lakes and maintaining some water in the Lakes during summer can still be achieved without artificial lining and therefore lining of the lakes is no longer the preferred option for the following reasons:*
- 2.2.1 *there is no guarantee that water will be available to recharge the lakes in the longer term;*
- 2.2.2 *there would be no interface with ground water if the lakes were artificially lined;*
- 2.2.3 *the community is now more accepting of Climate Change and the fact that the climate is becoming dryer and water conservation is paramount; and*
- 2.2.4 *Option 2A is not a long term sustainable option;*
- 2.3 *the Working Group further considered that an alternative restoration City of Vincent Option 2B as shown on attached plan No 2078-CP-01A be prepared which will comprise:*
- 2.3.1 *removing the contaminated sediments/treating/reusing/ disposing of site;*
- 2.3.2 *re-engineering the lake, and placing clean sand where appropriate, beds to create better aesthetics and interaction with the ground water during the drier months of the year;*
- 2.3.3 *the construction of new walls in from and nominally 1.0 metre from the existing walls, with consideration of replacement with 'softer edges' (i.e. beaches, planted embankments) for short sections where of aesthetic, ecological and/or functional benefit;*
- 2.3.4 *re-engineering of the drainage inflow structures to divert more stormwater into the lakes during high rainfall events;*
- 2.3.5 *constructing a treatment swale through the park from Vincent street; and*
- 2.3.6 *removal of exotic vegetation from the existing islands;*
- 2.4 *that following the completion of the Detailed Site Investigation it has been determined that the following plans will need to be prepared;*
- 2.4.1 *preparation of a Ground Water Model;*
- 2.4.2 *preparation of a Remedial Action Plan; and*
- 2.4.3 *preparation of an Acid Sulphate Soil Management Plan;*

- 2.5 *at its Special Meeting held on 13 October 2009 the Council authorised the Chief Executive Officer to;*
- 2.5.1 *engage the services of appropriately qualified consultants as necessary to progress and refine the detailed design and documentation of the restoration project and obtain the appropriate statutory approvals to enable the Masterplan (with Addendum) to be implemented; and*
- 2.5.2 *prepare the necessary Plans (as amended), including but not limited to:*
- (a) *Ecological Impact Management Plan, that includes management and protection of native flora, including the remnant Paperbark trees on the western island, and fauna, including avifauna, long neck turtles and frogs, during the excavation and construction process;*
- (b) *Acid Sulphate Soil Management Plan;*
- (c) *Contaminated Site Management Plan; and*
- (d) *Environmental Management Plan;*
- 2.6 *future water levels in the lakes, particularly in summer, under Option 2B will be largely dependent on surrounding groundwater levels and as such, the stormwater drainage system surrounding and particularly north of Hyde Park should be modified to increase infiltration of stormwater at source. This will require additional capital expenditure to retrofit infiltration measures such as soakwells, drainage swales and soak gullies into the stormwater system.*
3. *at its Ordinary Meeting held on 13 October 2009 [Item No. 7.4 Clause (iv)(a)(2)], the Council resolved (in part) as follows;*
- “(iv) APPROVES;*
- (a) *the adoption of the Hyde Park Redevelopment Masterplan (prepared by Syrinx dated 2008) as shown in Appendix 7.4A, subject to:*
2. *the Town of Vincent Option 2A – “Modified ‘Ornamental’ Permanent Water Solution”, estimated to cost \$4 million as its preferred option being an Addendum to the Masterplan, as shown on attached Plan No 2665-DP-01 (Appendix 7.4B), for the reasons outlined in the report;”*
4. *Cr Warren McGrath MOVES a motion to REVOKE part of the decision by;*
- 4.1 *deleting;*
- “the Town of Vincent Option 2A – “Modified ‘Ornamental’ Permanent Water Solution”, estimated to cost \$4 million as its preferred option being an Addendum to the Masterplan, as shown on attached Plan No. 2665-DP-01 (Appendix 7.4B), for the reasons outlined in the report;”*
- 4.2 *and inserting;*
- “the City of Vincent Option 2B – “Modified Ornamental unlined lakes’ Water Solution”, estimated to cost \$4 million as its preferred option as shown on attached concept plan No. 2078-CP-01A”;*

5. *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Elected Members, namely Cr Warren McGrath, Cr Steed Farrell and Cr Dudley Maier, being one third of the number of offices of members of the Council, SUPPORT this motion to revoke or change a Council decision;*
6. *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council RESOLVES BY AN ABSOLUTE MAJORITY to REVOKE and CHANGE part of the resolution adopted by the Council at its Ordinary Meeting held on 13 October 2009 [Item No. 7.4 Clause (iv) (a)], as shown in Clause 4.1 and 4.2 above;*
7. *ADVISES the Commonwealth Department of the Environment, Water, Heritage and the Arts of the revised proposal "the City of Vincent Option 2B – "Modified Ornamental unlined lakes' Water Solution", estimated to cost \$4 million as its preferred option as shown on attached concept plan No. 2078-CP-01A" and of the indicative revised timeline;*
8. *INFORMS the community of the revised proposal via displays at the City's Administration and Civic Centre, the Library and Local History Centre, the local media and the Town's Website; and*
9. *RECEIVES further progress reports on this matter."*

Ordinary Meeting of Council held on 13 September 2011:

At this meeting the Council approved the tender submitted by Golder Associates as consultants for the Hyde Park Lakes Restoration and Remediation where the following decision was made:

"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."

DETAILS:

Project Delivery:

The City's officers and Golder Associates representatives have met since they were awarded the tender for the "Engagement of Consultants for Hyde Park Lakes Restoration and Remediation" and emphasised the importance of completing this phase of the project as soon as possible in view that we then move onto the construction phase and subsequently do not jeopardise the funding committed by the Federal Government.

Revised Timeline:

Golders provided a revised timeline, that whilst fairly tight in terms of what has to be undertaken, is achievable and will be adhered to. Refer attached time lime submitted by Golder's as part of their tender submission.

Golders have been involved with this project for some time, having completed the Detailed Site Investigation (DSI) and have attended numerous meetings where they have gained a vast amount of background knowledge of the project. They are therefore ideally placed and have the required experience, knowledge and expertise to project management and preparation of regulatory documentation and plans.

It was indicated by Golders that as the Council has endorsed the alternative non-lining Option 2B, that groundwater modelling is required, followed by completion of a Remediation Action Plan (RAP) and Acid Sulphate Soil Management Plan (ASSMP).

Following submission and approval of this regulatory documentation by the DEC, final designs could then be completed in relation to sediment management and lake/swale designs prior to tender documentation being prepared for construction to commence on site.

The time line outlined in the revised funding Deed with the Commonwealth Government (still to be signed off by them) is outlined below:

Officer's Comments:

As previously mentioned this project has been progressing 'slowly' since 2009. The report presented to the Council on 19 April 2011 outlined in detail the chronological order of events/delays/frustrations with the project. The initial timeline indicated that the project would be completed by June 2012. As can be seen from the above timeline, now that the DEC and DoW have reached a position regarding a preferred way forward (following consideration of the Detailed Site Investigation), it is envisaged that the actual construction will not be able to commence until at the earliest, the end on March 2012 and therefore any realistic project completion date will not be until at least at least December 2012. This is an extremely ambitious time line and will depend on all regulatory approvals being obtained, tender being prepared on time, contractor being appointed and ready to commence straight away etc.

Commonwealth Funding Deed:

In accordance with the Council's decision at its Special meeting held on 13 October 2009, the Chief Executive Officer was authorised to submit the Town's Masterplan with Addendum showing, Option 2A - "Modified 'Ornamental' Permanent Water Solution", together with the Application for funding to the Commonwealth Department of the Environment, Water, Heritage and the Arts. This was undertaken and the Deed was subsequently signed in July 2010.

The funding deed comprises of a number of 'funding milestones' and due to the various delays in this project the City was not able to adhere to the milestones.

On 24 May 2011 the Director Technical Services wrote to the Assistant Secretary Urban Water Security Branch Department for Sustainability, Environment, Water, Population and Communities. An extract of the letter is as follows:

"As you are aware, from the Town's response of 5 May 2011, there have been significant delays in the implementation of the Hyde Park Lakes Restoration Project as reported to the Council at its Ordinary Meeting held on 19 April.

Therefore the Town of Vincent would like to formally request a variation to the Restoration of the Hyde Park Lakes Funding Deed in accordance with Section 26 of the Funding Agreement.

The Restoration of the Hyde Park Lakes Funding Deed, which was signed on 7 July 2010, outlines the milestone achievements to be attained in Stage One. Some elements of milestones 2 to 6 have been achieved as part of the first milestone of the final Detailed Site Investigation.

However it is anticipated that the time lapse, as outlined in the Town's letter of 5 May 2011, has impacted sufficiently on the Town's ability to complete the Hyde Park Lakes Restoration Project on time, particularly as we cannot commence any construction works until the outcomes of the Detailed Site Investigation have been finalised.

Accordingly, the Town would like to seek your agreement to negotiate a Deed to Vary the National Water Security Plan for Cities and Towns Hyde Park Funding Agreement. The variation process will accurately depict the project delivery ability from June 2011 to June 2012 completion date.

For your information a stakeholders meeting has been scheduled for 7 June 2011 following which it is anticipated that a revised time line will be prepared however in the interim I have attached an 'indicative' revised project timetable."

Director Technical Services meeting with Urban Water Security Branch Department for Sustainability, Environment, Water, Population and Communities:

While in Canberra in August 2011, while attending the IPWEA National Conference, the Director Technical Services met with officers of the Commonwealth Department.

It was a fruitful meeting where the Director Technical Services gave a full overview and provided a detailed background of the proposal, and its status.

The department officers advised that the funding agreement is until June 2012 and that there was no negotiation on this, even though they fully understood the delays and frustrations with the project. They advised that a number of other Local Governments were in the same position.

Revised Timeline:

They requested that a revised timeline be submitted as soon as possible for their determination. The following timeline has been submitted to them.

Milestone Number	Milestone Detail	Due Date
1.	Signing of the Funding Deed	7 July 2010
2.	Development of restoration options and DSI Audited Detailed Site Investigations (DSI) outcomes	July 2010 – June 2011
3.	<p><u>Prepare and call tenders for the engagement of a consultant to project manage and progress the preparation of:</u></p> <ul style="list-style-type: none"> • Groundwater Modeling (field work and review): • Remedial Action Plan (development, review and DEC approval) • Acid Sulphate Soil Mgmt. Plan (development, review and DEC approval) <p><u>Project Manage and progress the preparation of:</u></p> <ul style="list-style-type: none"> • Design of Sediment Management (develop options, review, design & approvals) • Design of Lake Restoration (objectives & requirements, design, review & approvals) <p><u>Progression towards Construction phase:</u></p> <ul style="list-style-type: none"> • Lake Restoration tender (develop, review, tender evaluation, contract negotiation) • Sediment Removal tender (develop, review, tender evaluation, contract negotiation) • Award Sediment & Lake Restoration contracts & commence construction 	July 2012 – March 2012
4.	<p><u>Commence Construction:</u></p> <ul style="list-style-type: none"> • Provision of access • Pipe work • Remove walling • Dewatering • Excavate material, treat sediments, cut to fill, disposal • Import sand and topsoil grade • Weed removal on islands <p><u>Swale:</u></p> <ul style="list-style-type: none"> • Clear/Grub • Earthworks/grading • Drainage modifications 	March 2012 - June 2012

5.	<p><u>Construction Continues:</u></p> <ul style="list-style-type: none"> • Dewatering • Complete, excavate material, treat sediments, cut to fill, disposal • Complete, grading of sand/topsoil • Construct new walls • Complete Drainage works <p><u>Swale:</u></p> <ul style="list-style-type: none"> • Import Topsoil/Place/Grade • Replace/repair reticulation • Planting • Bridges (walk ways) • Second swale (bore outlet) <p><u>Restoration of Pathways:</u></p> <ul style="list-style-type: none"> • Pathway surrounding lake 	June 2012 – November 2012
6.	All on-ground works and vegetation plantings completed Submission of Final Report to the satisfaction of the Commonwealth	December 2012

Officer's Comments:

As mentioned above the initial timeline indicated that the project would be completed by June 2012. It is now envisaged that the actual construction will not be able to commence until at least March/April 2012 at the very earliest and therefore any realistic project completion date will not be until at least December 2012, all going well.

This information was only recently obtained by the officers and this matter has not yet been discussed in detail with officers from the Commonwealth Department of the Environment, Water, Heritage and the Arts.

The City's Officers have however informed the Department of option 2B (the unlined option) and the Department has indicated that they were fully supportive of this more sustainable option.

CONSULTATION/ADVERTISING:

Ongoing consultation with the various stake holders is continuing as required.

LEGAL/POLICY:

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

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

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

RISK MANAGEMENT IMPLICATIONS:

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:

There is \$4,872,200 allocated in the 2011/2012 budget for the project made up from the following:

- \$2,000,000 - Commonwealth funding (A variation to the funding deed pending);
- \$2,000,000 – (OMC 23 August 2011 – allocated from the State Government's Nib Stadium lease payment – when received);
- \$372,200 – from Reserve;
- \$500,000 – Water Corp, North Perth Community Bank and other potential grants.*

Note:* We currently have \$160,000 (from Water Corp, North Perth Community Bank). At the time of preparing the 2011/2012 budget there was a potential to receive additional grant funding which is still pending, hence the \$500,000 allocation. If the additional funding is not received the budget will need to be adjusted in a future budget review to \$4,532,200 i.e. (\$4,872,200 – {\$500,000-\$160,000})= \$4,532,200.

Option 2B is envisaged to cost in the order of \$4.26M (including consultant's costs and contingency).

As previously reported to the Council stage 2 works which could be staged over a number of years and includes adding extra value to the project such as boardwalks, park furniture, signage and lighting is estimated to cost in the order of \$555,000.

The tender cost for project management and completion regulatory approval documentation, final designs and treatment options and tender preparation for construction is \$333,000, which was within the estimate identified by the City's Officers.

Once the detailed design of the Lake Restoration and treatment options have been determined, a detailed estimate of the construction cost will be able to be determined.

The following revised budget table has been submitted to the Urban Water Security Branch Department for Sustainability, Environment, Water, Population and Communities as part of the revised funding deed.

Item	Commonwealth Funding	City of Vincent Contribution	Contributions by others	Total Estimated Cost
Milestone Two (2)	\$150,000	-		\$150,000
Milestone Three (3)	\$350,000	-	-	\$350,000
Milestone Four (4)	\$1,500,000	-	-	\$1,500,000
Milestone Five (5)	-	\$2,100,000	\$160,000	\$2,260,000
Total	\$2,000,000	\$2,100,000	\$160,000	\$4,260,000

COMMENTS:

Golders Associates and the City are now close to signing the Contract for them to proceed with the regulatory approval documentation, final designs, treatment options and tender preparation for construction. Golders have indicated that they are ready to commence by 1 October 2011 and it is envisaged that they will be regularly attending future HPLRWG meetings to update the group on progress of the project.

As mentioned above, the funding is subject to the project being completed by June 2012. The proposed revised funding breakdown is structured to ensure that the Commonwealth funded portion of the project is completed by June 2012 and to achieve this, the construction will need to be substantially commenced. The remainder of the project will then be funded from the City's (and possibly others) contribution to the project.

Also as mentioned above, this is an extremely ambitious timeline and will depend on all regulatory approvals being obtained, tender being prepared on time, contractor being appointed and ready to commence straight away and no unforeseen matters arising during the construction phase.

The City is yet to formally advised by the Commonwealth as to whether the revised funding deed timeline, funding break down is acceptable to them. At the time of writing this report, on Friday 23 September 2011, the Cities and Towns Urban Water Security Department acknowledged receipt of the Draft Deed to Vary and advised they would get back to the City as soon as is possible.

Accordingly, the Council approval is requested.

9.3.2 Authorisation of Expenditure for the Period 1 – 31 August 2011

Ward:	Both	Date:	16 September 2011
Precinct:	All	File Ref:	FIN0032
Attachments:	001 – Creditors Report		
Tabled Items:	Vouchers, supporting invoices and other relevant documentation		
Reporting Officers:	O Wojcik, Accounts Payable Officer; B Tan, Manager Financial Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

1. Schedule of Accounts for the period 1 August – 31 August 2011 and the list of payments;
2. Direct lodgement of payroll payments to the personal bank account of employees;
3. Direct lodgement of PAYG taxes to the Australian Taxation Office;
4. Direct lodgement of Child Support to the Australian Taxation Office;
5. Direct lodgement of creditors payments to the individual bank accounts of creditors; and
6. Direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;

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

COUNCIL DECISION ITEM 9.3.2

Moved Cr Farrell, Seconded Cr Topelberg

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
Nil.		

PURPOSE OF REPORT:

To present to the Council the expenditure and list of accounts approved by the Chief Executive Officer under Delegated Authority for the period 1 August to 31 August 2011.

BACKGROUND:

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

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Automatic Cheques	070484-070562	\$357,563.23
Transfer of Creditors by EFT Batch	1266, 1270, 1271, 1272 1275, 1276, 1277	\$2,111,107.57
Transfer of PAYG Tax by EFT	August 2011	\$211,917.45
Transfer of GST by EFT	August 2011	
Transfer of Child Support by EFT	August 2011	\$784.80
Transfer of Superannuation by EFT:		
• City of Perth	August 2011	\$40,780.36
• Local Government	August 2011	\$165,113.46
Total		\$2,887,266.87
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$9,808.09
Lease Fees		\$3,546.05
Corporate Master Cards		\$14,832.75
Loan Repayment		\$80,131.61
Rejection Fees		\$12.50
Total Bank Charges & Other Direct Debits		\$108,331.00
Less GST effect on Advance Account		0.00
Total Payments		\$2,995,597.87

LEGAL POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2011-2016:

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

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

SUSTAINABILITY IMPLICATIONS:

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

ADVERTISING/CONSULTATION:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENT:

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

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

9.3.5 Creative Conversations Programme

Ward:	Both	Date:	14 September 2011
Precinct:	All	File Ref:	CVC0016
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	R Gunning, Arts Officer		
Responsible Officer:	J Anthony, A/Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the report on the 2011 Creative Conversation Programme; and
2. **REQUESTS** the City's Arts and Culture Advisory Group to:
 - 2.1 further consider the options for the City's Arts Workshops budget; and
 - 2.2 provide a report on the matter no later than the beginning of November.

COUNCIL DECISION ITEM 9.3.5

Moved Cr Farrell, Seconded Cr Topelberg

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

PURPOSE OF REPORT:

To provide a summary of the report on the 2011 Creative Conversations programme, a series of talks and workshops focusing on the arts in the City of Vincent and seek approval for the Arts and Culture Advisory Group to consider further options for the City's Arts Workshops budget.

BACKGROUND:

At the Ordinary Meeting of Council 22 September 2009 the Council resolved the following:

"That the Council;

1. *RECEIVES* the report on the Art Award/Exhibition for 2009/10;
2. *REQUESTS* the Town's Art Advisory Group to:
 - 2.1 further consider the options for the Town's Art Award/Exhibition 2009/10; and
 - 2.2 provide a report on the matter no later than the end of November 2009."

The report on the Art Award Exhibition for 2009/10 indicated that although the Art Awards had successfully run for over ten (10) years, there were increasing costs associated with this event and a relatively low proportion of the City of Vincent residents who actually participate.

It was considered time to re-evaluate the delivery of this type of event to the community. It was also noted the budget had been reduced from \$35,000 to \$15,000. In the light of these considerations it was recommended that the City's Art Advisory Group consider alternative options and provide a further report.

At the Ordinary Meeting of Council 23 March 2010 the Council resolved the following:

“That Council APPROVES the recommendation of the Town’s Art Advisory Group, to conduct the Arts Workshops and Talks programme, to be held in June/July 2010, as detailed in this report.”

At the Ordinary Meeting of Council 26 October the Council resolved the following:

That the Council;

1. *RECEIVES the report on the 2010 Creative Conversations Programme;*
2. *APPROVES the:*
 - 2.1 *continuation of the programme for 2011; and*
 - 2.2 *the continuing support of the Writer’s Festival Programme; and*
3. *REQUESTS the Art Advisory Group to reconsider the matter and options for the Town’s Art Exhibition.*

DETAILS:

The Creative Conversations programme for 2011 commenced in the middle of June and continued until the end of July 2011, it consisted of talks, workshops and an art tour of the City. The first three (3) talks, titled ‘Talks at the Town’, were held at the Administration and Civic Centre on Wednesday nights. The final three (3) titled ‘Creative Conversations on tour’ were held at venues around the City. Similarly the workshops and the art tour took place at different locations throughout the City;

Talks at the Town

The speakers of the talks were as follows:

1. Ingle Knight: Writer and Performer;
2. Public art in the Town of Vincent and beyond (speakers: Judith Forrest, Stuart Green and Malcolm McGregor; and
3. Gary Giles: Colour and Interiors.

Creative Conversations on Tour

The speakers were as follows:

1. Graham Wood: Jazz Musician;
2. Helen Turner: Gallery Owner; and
3. ‘It’s only paint!’ Conversations on Mural art (speakers: Chris Hill and Ryan Boserio)

The three (3) workshops conducted over June and July were:

1. Painting in the Park:

The workshop was an opportunity to learn the basics of landscape painting with the leading figurative painter Kevin Robertson (and City of Vincent resident). The workshop was run in Hyde Park on Saturday afternoons (2-4.30 pm) over three weeks.

2. Fundamental Video Camera Skills:

A practical, hands-on workshop looking at camera functions, lighting considerations and different filming techniques aimed at the people who want to get the most from their home video camera. The workshop was conducted one night a week (6-8pm) for three weeks by Wayne Waller.

3. The Art and Craft of Writing Drama:

These workshops were designed for those interested learning the craft of writing drama as well as for film and theatregoers looking to enrich their experience with a deeper understanding of the way that drama works conducted by Ingle Knight.

City of Vincent Art Tour

The City of Vincent Arts Officer conducted a bus and walking tour that surveyed the City's public art, visited a number of galleries and artists' studios.

There were one hundred and twenty two (122) participants in the programme of which approximately one third were City of Vincent residents.

Following the programme a survey was emailed to the participants asking the question 'Would you attend a similar event next year?' The responses were as follows:

- 82.4% replied yes; and
- 17.6% replied maybe.

Some of the topics that participants offered as suggestions for the future included the following:

- Urban/street and mural art; and
- Film and writing.

When asked 'What aspects of the workshops they enjoyed?' the participants responded with the following comments:

- Informality and opportunity to discuss with presenter and other participants;
- Casual atmosphere - the ability to chat to presenters afterwards. Variety of presenters;
- Having access to people who I wouldn't normally have access to; and
- Community mixing other artists.

When asked for suggestions on 'How the workshops can be improved?' the following responses were offered:

- Better marketing strategies to encourage participation by local residents and business owners - this might have led to more discussion/debate;
- Better distribution of promotion for workshops/talks. and
- One person advised "Only found out about one (1) through a friend and would not know about them - even though I work in the arts and cultural heritage sector! I only attended one (1) because I was not aware of any of the others."

When asked to rate the organisation of the workshops, 72% considered the programme well organised.

CONSULTATION/ADVERTISING:

A brochure and poster was produced to promote the programme. The brochure was distributed to all the households in the City. It was also distributed through the mailing list of participants from the year before. An email version of the brochure was also sent through the library's data base and to recent participants in the 'Visions of Vincent' photographic workshops. All programme details were posted on the City's website.

A poster was distributed throughout the City and to other appropriate locations in the metropolitan area.

Quarter page advertisements were placed in the Guardian Express.

LEGAL/POLICY:

Not applicable

RISK MANAGEMENT IMPLICATIONS:

Low: The talks and workshops were all attended by officers from the City.

STRATEGIC IMPLICATIONS:

In keeping with the Strategic Plan 2011-2016:

- 3.1 *"Enhance and Promote Community Development and Wellbeing:*
 - 3.1.1 *Celebrate, acknowledge and promote the City's Cultural and Social diversity.*
 - (b) *Encourage and promote cultural and artistic expression throughout the City".*

SUSTAINABILITY IMPLICATIONS:

Promoting City of Vincent artists and Art can be seen to be a sustainable investment by the City in exposing its residents and ratepayers to quality works and local artists that reflect the cultural values of the community.

FINANCIAL/BUDGET IMPLICATIONS:

The budget was within the \$15,000 allocation.

COMMENTS:

The 2011 Creative Conversations programme was well received by the participants. This was in large part due to the professionalism and dedication of the presenters.

The Creative Conversations programme was successful in achieving the objectives of celebrating creative professionals in the City and sharing their knowledge and enthusiasm with community members. The programme however did not attract as many participants as had been hoped.

The programme has now run for two years and although publicity for this year was more extensive than the 2010 programme the number of participants remained similar to the year before.

In the light of the disappointing numbers it must be concluded the programme does not enjoy broad community appeal and it is proposed that the programme not be continued in its present form.

It is anticipated some of the more successful components of the 'Creative Conversations' such as the Art Tour could be easily incorporated into other popular Community Development events such as 'Step Out in Vincent' walks and activities programme.

It is recommended that the Arts and Culture Advisory Group consider alternative options for the Arts Workshops programme and report back to Council.

9.3.6 Shade Structures for Events Investigation

Ward:	Both	Date:	9 September 2011
Precinct:	All	File Ref:	CMS0010
Attachments:			
Tabled Items:			
Reporting Officer:	J Bennett A/Manager Community Development		
Responsible Officer:	J Anthony, A/Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the report on the investigation for the purchase of shade structures and does not proceed with the purchase of the items, as it is not cost effective and efficient to do so, as detailed in the report.

COUNCIL DECISION ITEM 9.3.6

Moved Cr Farrell, 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 information on the use of shade structures at City Festivals and Events.

BACKGROUND:

At the Ordinary Meeting of Council, held on 23 August 2011, the following resolution was adopted:

"That the Council;

- 3. REQUESTS the Chief Executive Officer to investigate the purchase of portable shade structures for use at City organised festivals and community events and report back to the Council. The report is to include cost of equipment, set up, storage and payback period."*

DETAILS:

The City of Vincent has organised a number of medium to large scale events where significant shade structures have been utilised in front of stage areas for shade. These shade structures vary from 6m x 6m to the size of 10m x 10m.

Council events require different types and numbers of shade structures based on the respective event. In spring and summer where the majority of outdoor events are held there is a requirement to provide adequate shade structures for patrons and participants at these events. This is for health and amenity reasons, as well as to ensure good patronage.

A large shade structure provides for protection from sunburn and also provides a cooler area to relax and socialise within. In addition to shade, many additional marquee structures may be utilised at events where dictated by environmental health conditions such as for cooking or food service. These tend to be smaller in size, but have similar issues.

The City of Vincent requested information from a range of local governments regarding their use of shade structures at events. These are listed below:

- City of Swan;
- City of Bayswater;
- City of Wanneroo;
- Town of Cambridge;
- Town of Bassendean; and
- City of Joondalup

All of these local governments indicated that they do not own shade structures but utilise independent hire companies to set up, install, monitor, pack down and remove their shade. Each council has a series of reasons for undertaking this approach such as:

Cost of equipment

Inquiries with current shade companies have revealed that sizeable shade structures (10m x 10m) are individually purpose built or imported from overseas and then modified to suit local conditions. The cost estimation has been \$36,000 for a 10m x 10m shade structure and \$4,000 for a purpose built trailer. An estimation of the shade life may be five (5) years and then an additional outlay may be required to purchase the shade material again. The structure itself must also be certified by an engineer to ensure that this meets the relevant engineering standards. This would become a responsibility of the Council and additional costs may be incurred to have the shade structure inspected.

In addition the purchasing of equipment means that the purchaser is tied to the one product for an extended period of time. It does not allow for a competitive process to be undertaken to ensure that the latest changes in technology can be taken into account. If a particular shade is purchased and a better shade structure comes out next year there is no opportunity to take advantage of the new product.

Set up and staff

Each shade structure requires a team of trained and experienced staff to erect them. The 10m x 10m and additional shade structures utilised four (4) staff in its erection and removal. At many events there are less than four (4) staff members present, especially in the initial set up. There is no council that has staff trained or experienced in this area. Transport to and from events requires a truck to haul the infrastructure and space to store the structure when not use.

For the City of Vincent to set up and install these structures would require the employment or training of additional staff in the erection of these structures. Cost would be incurred initially and on an ongoing basis for each event. If depot staff were trained and utilised City trucks then penalty rates would apply with a minimum three (3) hours overtime for set up and three (3) hours for pack down. Storage would need to be identified within Council facilities.

Risk

Subcontracting the installation of shade work to a company places the requirement for maintenance of the structure, engineering certification of the structure and occupational health and safety of the workers with the subcontractor. This significantly lessens the risk to injury of council workers and exposure to workers compensation and liability costs if someone is injured in the erection and taking down of the structure.

Payback period

The estimated costings are based on shade requirements for three (3) events during the year:

	Hire for one (1) event	Hire for three (3) events	Purchase Outright
10m x 10m x 1	\$1,500	\$4,500	\$40,000
8m x 8m x 2	\$900	\$2,700	\$16,000
6m x 6m x 2	\$500	\$1,500	\$16,000
Transport, 6 hours per event	\$200	\$600	\$1,000
Staff/Labour, 4 x 6 hours per event)	\$200	\$600	\$1,080
Insurance	\$300	900	\$4,320
Maintenance (per annum)	Inc in hire cost		\$2,100
TOTAL	\$3,600	\$10,800	\$81,500

Note: These estimated costings have been provided by shade structure suppliers and contactors.

Based on the five (5) year life span of the shade structure, costings have been compared over that period in the below table:

	Year	Hire	Purchase
	1	10,800	80,500
	2	10,800	7,500
	3	10,800	8,500
	4	10,800	8,500
	5	10,800	8,500
Total		\$54,000	\$113,500

The initial outlay for the purchase option includes the transport, insurance and staff costs. The second year cash outlay is inclusive of the transport and staff costs excluding maintenance.

This assumes no maintenance charges will be incurred by the City in the first two (2) years of owning the shade structures.

The third year onwards includes the transport, insurance, staff and maintenance costs that would be incurred by the City.

Depreciation

Shade structure suppliers and contractors have indicated that the materials would last up to five (5) years.

Plant costs

The additional costs incurred would be for a truck that would be required to transport the materials to the events.

Storage costs

The size of the units may pose a storage issue for the depot but, it is assumed that the structures can be stored at the depot. Therefore storage costs have not been included in the calculations.

Taking into consideration the above factors and costings hiring of the shade structures remains the most cost effective option for the City.

CONSULTATION/ADVERTISING:

Consultation was made with a series of Local Government officers for feedback on other local government approaches.

LEGAL/POLICY:

Not Applicable.

RISK MANAGEMENT IMPLICATIONS:

Low/Medium: This project has low/medium risk as there is a chance that council staff could be injured in the erection of the shade structures.

STRATEGIC IMPLICATIONS:

The support of a Community Events is in keeping with the following objectives from the City of Vincent Strategic Plan 2011 -2016:

“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 initiative.”

SUSTAINABILITY IMPLICATIONS:

Not applicable

FINANCIAL/BUDGET IMPLICATIONS:

Funding would be required for the initial purchase of the shade structures and ingoing costs.

COMMENTS:

Shade structures are temporary by nature and the installation and management of the structures would require more resources and cost to the Council. It is financially prudent to subcontract the shade services for events.

Given that the City staff are trained in event management/community development and have no experience in erecting the shade structures, it is recommended that any shade requirements for events are sourced from external contactors with the skills and appropriate equipment as required.

9.4.2 Mindarie Regional Council Sublease to Landfill Gas and Power Pty. Ltd

Ward:	-	Date:	13 September 2011
Precinct:	-	File Ref:	PRO0739
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	J Anthony, A/Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **APPROVES** of the Sublease between Mindarie Regional Council and Landfill Gas and Power Pty. Ltd. over a portion of Tamala Park for a period from the execution of the Sublease to 30 June 2014, subject to final satisfactory negotiations being carried out by the Chief Executive Officer.

COUNCIL DECISION ITEM 9.4.2

Moved Cr Farrell, Seconded Cr Topelberg

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

PURPOSE OF REPORT:

The purpose of this report is for the Council to approve the Mindarie Regional Council's proposal to extend its Sublease with Landfill Gas and Power Pty. Ltd.

BACKGROUND:

At the Ordinary Meeting of Council held on 11 February 2003, the following resolution was adopted;

"That the Council;

- (i) endorses the Mindarie Regional Council's action to enter into a contract with Landfill Gas and Power to extract gas from the Tamala Park landfill at the location as shown on the attached plan 'A'; and*
- (ii) advises the Mindarie Regional Council of its resolution."*

Tamala Park is leased to the Mindarie Regional Council (MRC), under a Head Lease, for the operation of a refuse disposal site and the organisations listed below collectively from the owners as listed below, who are listed as "Participants" for the purpose of the Head Lease:

- City of Vincent (1/12 share);
- City of Perth (1/12 share);
- Town of Victoria Park (1/12 share);
- Town of Cambridge (1/12 share);
- City of Wanneroo (2/12 share);
- City of Joondalup (2/12 share); and
- City of Stirling (4/12 share).

Under the terms of the Head Lease, the MRC has an obligation to comply with all relevant statutory requirements, including those imposed from time to time by the Environmental Protection Act 1986. It is a requirement of the licence issued by the Environmental Protection Authority that the landfill gas, which is produced by the landfill operation, is to be collected and flared or used for the purpose of generating electricity by combustion.

Clause 6.4 of the Head Lease between the Participants and MRC deals with the covenant in regard to subleasing and licensing and requires the following:

- Mindarie must obtain the consent of the Participants to the proposed sublease or licence prior to that sublease or licence being granted.

In order to comply with the requirements of the environmental licence, the MRC entered into a sublease with Landfill Gas and Power Pty. Ltd (LGP) in 2003 over a portion of Tamala Park for a period expiring 30 June 2011, to permit the construction and operation of a landfill gas collection facility.

DETAILS:

A letter was received from MRC dated 1 April 2011 seeking the consent to a proposed holding over by LGP for a period of 3 months until 30 September 2011 to allow sufficient time for the MRC to negotiate a new Sublease and for the new Sublease to be referred to the owners, for their consent. All the participants have consented to the holding over of that sublease until 30 September 2011 while the MRC concluded negotiations with LGP for an extension of the sublease.

The MRC has provided the City with a copy of the proposed Sublease to LGP, prepared by Woodhouse Legal acting for MRC and have sought the City's consent as one of the owners.

The proposed Sublease is for a term of slightly less than three (3) years as it commences once the proposed Sublease is executed by the parties, up until 30 June 2014 and at a peppercorn rent. The area being subleased is the Power Facility Site, along with a licence to access the Wellfield Facility, Flare Site, Access Road and the Power Lines Site in relation to the various activities performed in the operation of the Power Generation Plant.

The proposal to extend the sublease contains a limited number of variations from the previous sublease concerning operational and financial arrangements between MRC and LGP.

The varied terms include provisions for Renewable Energy Certificates, changes to the Tariffs payable for the supply of electricity as well as other cost provisions and monitoring regulations, all being matters between MRC and LGP. The proposed Sublease also changes the previous Sublease as it now includes the Participants as parties to the proposed Sublease, which the previous Sublease does not do. The City covenants in relation to providing its consent to the document in clause 7 and in clause 6 agrees that although LGP as Sublessee is bound by the terms of the Head Lease, certain terms are excluded.

CONSULTATION/ADVERTISING:

Officers consulted with MRC and other MRC member Councils.

LEGAL/POLICY:

Local Government Act 1995, Section 3.1.

City of Vincent Delegated Authority Register 2011 -2012

Delegation 3.21 - Negotiating Terms and Conditions for Leases and Properties

RISK MANAGEMENT IMPLICATIONS:

Low: The lease arrangement has been in place since 2003 and has posed minimal risk to the owner councils.

STRATEGIC IMPLICATIONS:

Strategic Plan 2011-2016

"1. *Natural and Built Environment*

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

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

SUSTAINABILITY IMPLICATIONS:

As a member of the MRC, the proposal would enhance the sustainability of the region.

FINANCIAL/BUDGET IMPLICATIONS:

There are no direct financial implications associated with the proposed sublease as the City receives its rent from the MRC through the Head Lease. The MRC receives approximately \$12,000 per year, depending upon the amount of gas which is generated.

COMMENTS:

Under the terms of the Head Lease, the MRC is required to obtain the consent of the Participants prior to entering into an agreement to sublease any portion of their leased area. The proposed Sublease is considered to be appropriate and does not have any detrimental impact or detract from the responsibilities of the MRC under the Head Lease.

The length of term of the proposed Sublease is not a concern as it is less than the Head Lease. The covenants made by the City are acceptable. The terms of the Head Lease that are excluded from binding the Sub lessee are either contained in the proposed Sublease or do not apply to the area being subleased. Given that the landfill gas extraction process is required under the licence conditions, it is appropriate to facilitate the provision of the service by agreeing to the proposed Sublease between the MRC and LGP.

It is recommended that the Council gives its consent to the MRC to enter into the sublease.

9.4.6 Information Bulletin

Ward:	-	Date:	16 September 2011
Precinct:	-	File Ref:	-
Attachments:	001 – Information Bulletin		
Tabled Items:	Nil		
Reporting Officer:	A Radici, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the Information Bulletin dated 27 September 2011, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.4.6

Moved Cr Farrell, Seconded Cr Topelberg

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

DETAILS:

The items included in the Information Bulletin dated 27 September 2011 are as follows:

ITEM	DESCRIPTION
IB01	Minutes of the Local History and Heritage Advisory Group Meeting held on 1 September 2011
IB02	Further Report – Bi Annual International Public Works Conference – 2011
IB03	New Earth Carers Newsletter

9.1.8 No. 7 (Lot 31; D/P: 2861) Chelmsford Road, Mount Lawley – Proposed Change of Use From Single House to Medical Consulting Rooms (Psychology) and Associated Alterations and Additions – State Administrative Tribunal (SAT) Review Matter No. DR 300 of 2011

Ward:	South	Date:	16 September 2011
Precinct:	Norfolk; P10	File Ref:	PRO0781
Attachments:	001 – Aerial and Revised Submission and Plans		
Tabled Items:	-		
Reporting Officer:	J Algeri, Algeri Planning and Appeals (Nominated Planning Consultant)		
Responsible Officer:	R Boardman, Director Development Services		

In accordance with the Council’s Policy No. 4.1.23 State Administrative Tribunal, this report has been prepared by Algeri Planning and Appeals – Consultants for the Council, in respect to reconsideration of this matter currently at the State Administrative Tribunal.

CONSULTANT 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 the owner T Pitcher for proposed Change of Use from Single House to Medical Consulting Rooms (Psychology) and Associated Alterations and Additions, at No. 7 (Lot 31; D/P: 2861) Chelmsford Road, Mount Lawley, and as shown on amended plans stamped 8 September 2011, subject to the following conditions:

1. Consulting Rooms (Psychology)

- 1.1. Shall be limited to a maximum of three (3) consulting rooms operating at any one time. Any increase in the number of consulting rooms shall require Planning Approval to be applied to and obtained from the City;
- 1.2. This approval is for Medical Consulting Rooms (Psychology) only and any changes from Medical Consulting Rooms (Psychology) shall require Planning Approval to be applied for and obtained from the City prior to the commencement of such use;
- 1.3. The hours of operation shall be limited to the following times:
 8:30am to 6:00pm Monday, Wednesday and Friday;
 8.30am to 7:00pm Tuesday and Thursday; and
 9:00am to 1:00pm Saturday; and
- 1.4. per hour, per practitioner and limited as follows:
 Maximum 30 appointments Monday, Wednesday and Friday;
 Maximum 33 appointments Tuesday and Thursday; and
 Maximum 12 appointments Saturday.

In order to verify compliance with this clause, the appointment book in respect of the proposed Consulting Rooms (Psychology) or an extract from the appointment book shall be produced for inspection by the City’s Officers upon request from time to time, in a format in which the personal details of patients have been excised;

2. **Building**

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 obstructive from Chelmsford Road;

3. **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;

4. **Signage**

All signage is to comply with Clause (2) (iii) of the City's Policy No. 3.5.2 relating to Signs and Advertising, in respect of Signage on Residential Properties, and all signage shall be subject to a separate Sign License application, being submitted to an approved by the City prior to the erection of the signage;

5. **Cash-in lieu**

5.1 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:

5.1.1 pay a cash-in-lieu contribution of \$7,781 for the equivalent value of 2.51 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 \$7,781 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;

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

6.1 **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:

- 6.1.1 the location and type of existing and proposed trees and plants;
- 6.1.2 all vegetation including lawns;
- 6.1.3 areas to be irrigated or reticulated;
- 6.1.4 proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 6.1.5 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); and

- 6.2 Any new street/front wall, fences and gate within the Chelmsford Road setback area, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences; and

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

- 7.1 One (1) class 3 bicycle parking facility shall be provided at a location convenient to the entrances of the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the City prior to installation of such facilities; and
- 7.2 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.

Moved Cr Maier, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr Topelberg

That Clause 1.4 be amended to read as follows:

“1.4. The number of appointments be limited to one appointment per hour, per practitioner and limited as follows:...”

AMENDMENT NO 1 PUT AND CARRIED UNANIMOUSLY (9-0)

Debate ensued.

AMENDMENT NO 2

Moved Cr Topelberg, Seconded Cr Harvey

That Clause 4 be amended to read as follows:

“4. Signage

4.1 No signage other than the street number shall be on the front face of the dwelling facing Chelmsford Road; and

4.2 All signage is to comply with Clause (2) (iii) of the City’s Policy No. 3.5.2 relating to Signs and Advertising, in respect of Signage on Residential Properties, and all signage shall be subject to a separate Sign License application, being submitted to an approved by the City prior to the erection of the signage;”

Debate ensued.

AMENDMENT PUT AND LOST (2-7)

For: Mayor Catania, Cr Topelberg

Against: Cr Buckels, Cr Burns, Cr Farrell, Cr Harvey, Cr Lake, Cr McGrath, Cr Maier

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (5-4)

For: Cr Farrell, Cr Harvey, Cr McGrath, Cr Maier, Cr Topelberg

Against: Mayor Catania, Cr Buckels, Cr Burns, Cr Lake

COUNCIL DECISION ITEM 9.1.8

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 the owner T Pitcher for proposed Change of Use from Single House to Medical Consulting Rooms (Psychology) and Associated Alterations and Additions, at No. 7 (Lot 31; D/P: 2861) Chelmsford Road, Mount Lawley, and as shown on amended plans stamp-dated 8 September 2011, subject to the following conditions:

1. Consulting Rooms (Psychology)

1.1. Shall be limited to a maximum of three (3) consulting rooms operating at any one time. Any increase in the number of consulting rooms shall require Planning Approval to be applied to and obtained from the City;

1.2. This approval is for Medical Consulting Rooms (Psychology) only and any changes from Medical Consulting Rooms (Psychology) shall require Planning Approval to be applied for and obtained from the City prior to the commencement of such use;

1.3. The hours of operation shall be limited to the following times:

**8:30am to 6:00pm Monday, Wednesday and Friday;
8.30am to 7:00pm Tuesday and Thursday; and
9:00am to 1:00pm Saturday; and**

- 1.4. The number of appointments be limited to one appointment per hour, per practitioner and limited as follows:

Maximum 30 appointments Monday, Wednesday and Friday;
Maximum 33 appointments Tuesday and Thursday; and
Maximum 12 appointments Saturday.

In order to verify compliance with this clause, the appointment book in respect of the proposed Consulting Rooms (Psychology) or an extract from the appointment book shall be produced for inspection by the City's Officers upon request from time to time, in a format in which the personal details of patients have been excised;

2. **Building**

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 obstructive from Chelmsford Road;

3. **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;

4. **Signage**

All signage is to comply with Clause (2) (iii) of the City's Policy No. 3.5.2 relating to Signs and Advertising, in respect of Signage on Residential Properties, and all signage shall be subject to a separate Sign License application, being submitted to an approved by the City prior to the erection of the signage;

5. **Cash-in lieu**

5.1 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:

5.1.1 pay a cash-in-lieu contribution of \$7,781 for the equivalent value of 2.51 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 \$7,781 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;

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

6.1 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:

- 6.1.1 the location and type of existing and proposed trees and plants;
- 6.1.2 all vegetation including lawns;
- 6.1.3 areas to be irrigated or reticulated;
- 6.1.4 proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 6.1.5 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); and

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

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

7.1 One (1) class 3 bicycle parking facility shall be provided at a location convenient to the entrances of the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the City prior to installation of such facilities; and

7.2 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.

Landowner:	T Pitcher
Applicant:	Allerding & Associates
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R 40
Existing Land Use:	Residential (Single Dwelling)
Use Class:	Medical Consulting Rooms (Psychology)
Use Classification:	"SA"
Lot Area:	469 square metres
Access to Right of Way	West side, 5 metres wide, sealed and City owned

PURPOSE OF REPORT:

To update the Council on the above review application and to comply with the requirements of the City's Policy/Procedure for the State Administrative Tribunal (SAT).

To allow the Council to reconsider an application for a revised development under Section 31 of the State Administrative Tribunal Act.

In re-considering the proposal the Council may:

- (a) affirm its decision;
- (b) vary its decision; or
- (c) set aside the decision and substitute a new decision.

Note: in accordance with Section 31 of the State Administrative Tribunal Act, the amended plans are presented to the Council for reconsideration by consent. Should Council resolve to refuse the application, or vary its decision to approve the application subject to conditions not acceptable to the applicant, the applicant may proceed to a Final Hearing based on the amended plans the (subject of this report).

BACKGROUND:

23 August 2011 The Council at its Ordinary Meeting refused the application for the proposed change of use from Single House to Medical Consulting Rooms (Psychology) and Additions and Alterations 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 City's Policies relating to Consulting Rooms and Non-Residential/Residential Interface, and 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 onto established residential areas;*
- 4. The approval of the proposed development would result in increased traffic within the residential area, exacerbated by the shortfall of car parking for the proposed use;*
- 5. The parking shortfall which will cause congestion in the street; and*
- 6. Consideration of the objections received."*

26 August 2011 Application for review against the City's decision lodged at the SAT by Allarding and Associates.

6 September 2011 **Appointed Consultant for the SAT Mediation Process**

As prescribed by the City's SAT Policy, the City appointed a consultant to mediate the matter on its behalf. Accordingly, Algeri Planning and Appeals were appointed. Mr Joe Algeri, the Director of the practice is a highly qualified Town Planner, with extensive experience with mediation and hearings at the SAT, is now responsible for the matter on behalf of the City.

No City of Vincent Planning Officers have been involved in the preparation of the consultant's report.

The City was represented at the SAT Mediation Sessions by:

- Appointed Consultant - Mr Joe Algeri;
- Mayor - Nick Catania;
- Director Development Services - Rob Boardman; and
- Co-ordinator Statutory Planning - Rasaratnam Rasiah

7 September 2011 Mediation held at the City's offices. Present at this mediation session were:

- SAT member - Anthony Ednie-Brown;
- Appointed Consultant - Mr Joe Algeri;
- Mayor - Nick Catania;
- Director Development Services - Rob Boardman;
- Co-ordinator Statutory Planning - Rasaratnam Rasiah;
- The Applicant/landowner – Thelma Pitcher; and
- Appointed consultant for the applicant – Steve Allarding.

8 September 2011 Revised plans and a submission detailing the proposed changes received by the City from the Applicant's representative, Allarding and Associates.

29 September 2011 Further mediation/directions scheduled to be held at the SAT. This date will be withdrawn should the Council vary its decision to allow for the application to be conditionally approved.

DETAILS:

Comparison of Plans

The changes to the new plans submitted (as shown in Appendix 9.1.8), as compared to the plans refused by Council at its Ordinary Meeting held on 23 August 2011, are as follows:

- Deletion of the western-most bay within the front setback along Chelmsford Road and its replacement with a landscaped area;
- Deletion of the two parallel bays along the western boundary of the building adjoining the right of way (ROW) and their replacement with paving and landscaping treatments;
- Inclusion of a single disabled bay on the eastern side of the property in the front setback of Chelmsford Road with access and egress restricted to Chelmsford Road east of the median treatment;
- Removal of proposed access to ROW within front setback along the western side and replacement with a masonry fence with visually permeable infill metal railings extending from the north-western corner of the property through to the front setback area adjacent to Therapy Room 1 and thereafter the provision of a solid wall along the ROW to the access path adjoining the garage; and
- Agreement by the landowner to receive a condition requiring that the removal of the three bays will be made up by way of cash in lieu, noting the significant number of areas of public car parking both immediately adjacent to the premises and the area in the near vicinity.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Consulting Rooms Policy	An application for Consulting Rooms in a Residential zone where the lot is within 200 metres of a Local Centre of District Zone is not favourable. A minimum of 80 per cent of the total building area is to be dedicated for residential use.	The subject lot is directly adjacent to a District Centre zone. No residential component.
City of Vincent Economic Development Strategy 2011-2016	Minimise sprawl of commercial developments outside designated activity centres to encourage precinct-based growth whilst protecting residential areas from 'commercialisation'.	Commercial use in a residential zone.
Non-Residential/Residential Development Interface	Non-residential development shall be restricted to District Centre, Commercial and Local Centre zones only.	A proposed commercial use located within a residential zone.
Consultant's Comments:		
Supported – refer to comments below.		
The above Officer Comments are provided pursuant to Clause 38(5) of Town Planning Scheme No. 1.		
Consultation Submissions		
Not applicable.		
Car Parking		
Car parking requirement (nearest whole number): • Consulting Rooms – 3 bays per Consulting Rooms Number of Consulting Rooms = 3 Total car bays required = 9 car bays		9 car bays
Apply the parking adjustment factors: • 0.85 (within 400 metres of a bus stop) • 0.80 (within 50 metres of one or more public car parks in excess of 50 spaces) • 0.9 (provision of "end of trip" facilities for bicycle users)		(0.612) = 5.51 car bays
Minus the car parking provided on-site		3
Minus the most recently approved on-site car parking shortfall		Nil
Shortfall		2.51 car bays
Bicycle Parking		
Consulting Rooms: • 1 space per 8 practitioners (class 1 or 2) • 1 space per 4 practitioners (class 3)		0.375 spaces =0 spaces; 0.75 spaces =1 space
Other Implications		
Legal/Policy	TPS 1 and associated Policies	
Strategic	The City's Strategic Plan 2011-2021 – 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>	
Financial/Budget	Cost of employing a private consultant to represent the City in State Administrative Tribunal review matter.	

The following matters are considered to be key to the Council's consideration of the matter:

Commercial use in a Residential zone

The proposed development represents a commercial use, utilising and retaining an existing residential dwelling, within the Residential zone. The proposed development is located directly adjacent to a non-residential zone and land use fronting Beaufort Street.

By agreeing to the modified proposal and approving the application through the mediation process, the Council will therefore be accepting that this is minor encroachment of non-residential activity into the Residential Zone.

Parking

The Applicant proposes the removal of three (3) standard parking bays from the subject land which otherwise can be provided as indicated in the original proposal. A disabled parking bay is proposed to be retained in the front setback area of the subject land. This represents a parking shortfall of 2.51 bays or equivalent. In the Applicant's submission dated 8 September 2011 (Attachment 002), there is confirmation of an offer to pay cash-in-lieu for this shortfall on the basis of public parking being conveniently available at the nearby parking station at No. 2 Chelmsford Road.

With the lack of available parking on-site, clients to the proposal will be required to park at the parking station or other public parking in the vicinity of Beaufort Street. Accordingly, the advantages of this are as follows:

- (a) Fewer vehicles parked on the subject land will assist in retaining the residential amenity and the streetscape values associated with the Residential zone;
- (b) Other than the two (2) staff parking bays that will be accessed via the existing right-of-way, the proposal will not generate any traffic than can access the site through the Residential area on the western side of Chelmsford Road; and
- (c) Similarly, the disabled parking bay in the front setback area of the subject land can only be accessed from Chelmsford Road to the east of the site (to or from Beaufort Street) and not to or from the Chelmsford Road to the west (Residential precinct).

Accordingly, the modified proposal significantly diminishes the opportunity for additional traffic movements to occur through the residential side of Chelmsford Road to the west of the site.

Right-of-Way

Removal of parking bays abutting the existing right-of-way removes any connection between the proposed Consulting Rooms and the existing right-of-way. The right-of-way will still be utilised for the parking of vehicles in the existing garaging facilities at the rear of the subject land. These bays are to be utilised primarily for the parking of practitioners and staff vehicles. There is no net change to parking or traffic on the right-of-way as a result.

Landscaping

With the reduction of car parking on-site there is a greater opportunity for landscaping which is more conducive to the residential amenity of the locality. This will be enhanced by the transparent fencing on the front and the side of the property (where the previously proposed car bays have been removed) that will also assist with surveillance.

It is submitted that these modifications be supported.

COMMENTS:

The Council is advised that it is preferable for mediation reports to be considered on a confidential basis "behind closed doors". Although SAT Mediation sessions are "without prejudice" and are not admissible in a Final Hearing, the availability of Council Minutes may compromise the City's consultant to act as an expert witness in such proceedings. However, the Chief Executive Officer considers that the matter should not be considered "behind closed doors" as there is considerable community interest in the matter.

9.1.13 Scarborough Beach Road Urban Design Framework – Adoption of Final Amended Version

Ward:	North	Date:	15 September 2011
Precinct:	Mt Hawthorn; Mt Hawthorn Centre; Leederville; North Perth; Smith's Lake; Charles Centre	File Ref:	PLA0205
Attachments:	001 – Draft Scarborough Beach Road Urban Design Framework 002 – Summary of Submissions		
Tabled Items:	Nil		
Reporting Officer:	E Lebbos, Planning Officer (Strategic)		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

1. **ADOPTS** the final amended version of the Draft Scarborough Beach Road Urban Design Framework as shown in Appendix 9.1.13(a);
2. **AUTHORISES** the Chief Executive Officer to advertise the final amended version of the Draft Scarborough Beach Road Urban Design Framework; and
3. **REFERS** a copy of the final amended version of the Draft Scarborough Beach Road Urban Design Framework to the Department of Planning, to inform the overarching Place Making Strategy.

COUNCIL DECISION ITEM 9.1.13

Moved Cr Maier, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of the outcomes of the formal advertising period for the Draft Scarborough Beach Road Urban Design Framework, to present the final amended version of the Draft Framework to the Council, and to seek final adoption of the Framework, a copy of which will be referred to the Department of Planning to inform the overarching Place Making Strategy for the Scarborough Beach Road Activity Corridor.

BACKGROUND:

- | | |
|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 13 June 2008 | The City of Vincent participated in the Scarborough Beach Road Activity Corridor scoping project facilitated by the then Department for Planning and Infrastructure. |
| July 2008 | Hassell Planning Consultants completed a Scoping Report and Action Plan for Scarborough Beach Road, which recommended that 3 studies be undertaken, namely; a Population/Land Use Target Study, a Transport Strategy and a Place Making Strategy. |

- 10 September 2008 The City of Vincent accepted an invitation from the then Department for Planning and Infrastructure to participate in the Working Group for the Scarborough Beach Road Activity Corridor Demonstration Project.
- 6 February 2009 The City of Vincent provided the then Department of Planning and Infrastructure in-principle support to the project management structure as outlined within the Statement of Intent for the Project.
- February 2009 Fortnightly Working Group meetings commenced, facilitated by the Department of Planning and attended by representatives from the City of Vincent, the City of Stirling, the Public Transport Authority, Main Roads WA, and as required, the Consultants engaged to undertake the Population and Land Use Target Study and the Transport Study, namely Syme Marmion and Sinclair Knight Merz respectively.
- May 2010 Information sessions were held at the City's Administration and Civic Centre, whereby general information about the Project was presented to the community.
- 15 June 2010 The Department of Planning and the City of Vincent's Strategic Planning Services presented to the Council Member Forum, providing an update on the Scarborough Beach Road Activity Corridor Project.
- 22 February 2011 The Council considered a report relating to the three (3) road design options for Scarborough Beach Road between Main Street and the Mitchell Freeway, as part of the Scarborough Beach Road Activity Corridor Project. The Council endorsed Option 2, resulting in a 3.5 metre increase in the existing 5 metre road reservation for this portion of the road.
- April 2011 Community workshops were undertaken at the City's Administration and Civic Centre, whereby two urban design options for the future development of Scarborough Beach Road were presented, one relating to a targeted option, the other to a significant option.
- 14 June 2011 The Council endorsed the Draft Scarborough Beach Road Urban Design Framework.
- 28 June 2011 The public consultation period commenced for the Draft Scarborough Beach Road Urban Design Framework.
- 25 July 2011 The public consultation period closed for the Draft Scarborough Beach Road Urban Design Framework.
- 30 August 2011 The Council considered the matter at its Special Meeting, and resolved to defer the Item for further consideration and to allow sufficient time for members of the community to lodge a submission.

DETAILS:

The then Department of Planning and Infrastructure initiated the Scarborough Beach Road Activity Corridor Demonstration project in 2008-2009.

A letter received from the Department, dated 28 January 2009, clearly sets out the following three elements of the Scarborough Beach Road Activity Corridor Project, which emerged as recommendations of the Scarborough Beach Road Action Plan undertaken in 2008:

- Population/Land Use Study;
- Transport Strategy; and
- Place Making Strategy.

Element one (the Population/Land Use Study) was completed by consultant Syme Marmion & Co, and element two (the Transport Strategy) was completed by consultant Sinclair Knight Merz. Element three however, a high level non-statutory document, will be undertaken by the Department of Planning and informed by the respective Local Government authorities, that being the City of Vincent and the City of Stirling. For its part, the City of Vincent has prepared the Urban Design Framework to inform element three, that being the Place Making Strategy.

Proposed Key Amendments

The Draft Urban Design Framework was advertised between 28 June 2011 and 25 July 2011. Following the completion of the advertising period, the Draft Framework was further considered in light of the submissions received, and where appropriate, has been amended in light of these submissions.

A summary of the proposed key amendments to the Draft Framework following the advertising period are as follows:

- Incorporate property No. 1/84 Bondi Street, Mount Hawthorn, into the land use plans for both the Targeted and Significant Options;
- For the three properties located at the corner of Jugan Street and Gibney Avenue (namely No. 16 Gibney Avenue, No. 18 Gibney Avenue, and No. 6 Jugan Street), it is considered appropriate to retain a residential zoning for these properties. As such, the land use plans for both the Targeted and Significant Options have been amended to reflect this;
- Amend the Draft Urban Design Framework, to 'Activity Centre' for the lots abutting Scarborough Beach Road between Brady Street and the Mitchell Freeway, to allow for an R-AC0 zoning (refer to sub-heading below, relating to 'Development of Lots from Brady Street to the Mitchell Freeway', for additional information relating to this);
- Amend the Draft Urban Design Framework to make reference to water efficiency;
- The Draft Urban Design Framework will be amended to make reference to Department of Water document Better Urban Water Management 2008; and
- Amend any reference to the 'Town of Vincent' to reflect its new designation as 'City of Vincent', as of 1 July 2011.

Further to the above, a late submission was received by Main Roads Western Australia (MRWA), dated 27 July 2011, outlining certain concerns they have with the Draft Urban Design Framework, particularly in relation to the cross-sections and aerial profile plan prepared by Sinclair Knight Mertz for the portion of Scarborough Beach Road between Main Street and the Mitchell Freeway. The City forwarded these comments onto the Department of Planning and Department of Transport, who provided comment in favour of the City's proposal. Notwithstanding this, the City has acknowledged that further detailed design work is required to address certain matters raised by MRWA; however, this is outside the scope of this Project. The comments provided by the MRWA, and the subsequent responses provided by the Department of Planning and Department of Transport are comprehensively set out in Appendix 9.1.13(b).

Furthermore, details of all the proposed amendments are outlined in Appendix 9.1.13(a), and have been depicted via strikethrough and underline.

Development of Lots from Brady Street to the Mitchell Freeway

During the community consultation period, the City received significant feedback from concerned residents regarding the impact that the lots zoned R-AC2, particularly those between Brady Street and Jugan Street, would have on their properties, especially in relation to the 6-7 storey building heights proposed.

This concern is clearly evident as shown in Appendix 9.1.13(b), which provides a summary of the submissions received. Furthermore, a resident in the area attended the Special Council Meeting held on 30 August 2011, and provided the following comment during the Public Question Time:

- *'Unhappy with the plans recently published for the development between Brady and Jugan Street and the proposed 6 storey height.'*

In order to address these community concerns, the City proposed a residential/commercial mixed use zone for the subject lots between Jugan Street and Brady Street, instead of the initially proposed Activity Centre R-AC2 zoning, which would result in a lower building height being permitted. When the owner of these lots became aware about the proposed modification to the zoning however, they were significantly concerned for a number of reasons. A representative attended the Special Council Meeting held on 30 August 2011 on the owner's behalf, and made the following comments during the Public Question Time:

- *'The subject land is affected by an existing road widening reservation with a further road widening resulting from the Scarborough Beach Road transit corridor proposal;*
- *The land owners have been in liaison with the Council for several years to address these issues with the proposed Town Planning Scheme Amendment 29, which is currently awaiting the WA Planning Commission approval to be advertised; and*
- *The original proposal for the Activity Centre designation was identified as a means of supporting this process in consultation with the City of Vincent Officer's and they are concerned the proposed modification will further constrain the options for the subject land.'*

In light of the above, the City has reconsidered the matter, and has shown 'Activity Centre' on the maps for those lots between Brady Street and the Mitchell Freeway. Although the Urban Design Framework document itself does not stipulate specific zonings, by showing Activity Centre for these lots, this will facilitate an R-AC0 zoning for them in the City's Draft Local Planning Strategy and Draft Town Planning Scheme No. 2, both of which are in the process of being forwarded to the Western Australian Planning Commission for consent to advertise. This R-AC0 zoning will allow the owners to prepare a Detailed Area Plan for their respective sites, to be approved and advertised, which will provide more detailed information on how the Toyota site, and the largely vacant site from Jugan Street to Brady Street could be developed.

By taking this approach, it is envisaged that this will balance the existing and future desired built form for the locality, by ensuring that the subject site is utilised to its full potential, whilst at the same time respecting and enhancing the built form, scale, character and amenity of the surrounding locality.

Further to the above, it is noted that the City has received a letter, dated 9 September 2011, from consultants Masterplan, on behalf of the owner of the subject lots between Jugan Street to Brady Street. Whilst they acknowledge the concerns raised by the various local residents and owners, in terms of the initially proposed R-AC2 zone as outlined in Appendix 9.1.13(b), they have indicated that these concerns, including overshadowing and building bulk, can be addressed through careful design responses.

In light of this, the consultants have indicated support for the City's approach to designate the subject lots as Activity Centre, but have suggested that no specific zoning be specified as part of this process, but rather, as part of Scheme Amendment No. 29 to the City's Town Planning Scheme No. 1. It is noted that the City does not intend to stipulate specific zonings in the Urban Design Framework itself, as it is the intention for this document remain strategic in nature. However, it is also noted that an actual zoning can only be determined as part of the process for a Scheme Amendment or new Town Planning Scheme.

Taking this into consideration, the future zoning of this site has been considered as part of the Town Planning Scheme review, which indicates that an R-AC0 zoning would provide the best design outcome for the site. It is noted however, that the final decision on this matter lies with the Western Australian Planning Commission, following the mandatory three (3) month advertising period. Although no requirements are set out in the Residential Design Codes of Western Australia (R-Codes) for an R-AC0 zoning in terms of building height and street setback, the R-Codes stipulate that a Structure Plan or Detailed Area Plan, setting out the development requirements for an R-AC0 zoned site, will have to be prepared and endorsed by the Council.

CONSULTATION/ADVERTISING:

The Draft Scarborough Beach Road Urban Design Framework was advertised for a period of 28 days, with the formal advertising period commencing on 28 June 2011 to 25 July 2011.

In total, thirty nine (39) submissions were received, the breakdown of which is as follows:

- Support: thirteen (13);
- Object: sixteen (16);
- Neither support nor object: seven (7); and
- Not stated: three (3).

A summary of the submissions received are set out in Appendix 9.1.13(b).

LEGAL/POLICY:

- City of Vincent Town Planning Scheme No. 1;
- City of Stirling District Planning Scheme No. 2;
- City of Stirling District Planning Scheme Amendment 423 (Schedule 14);
- Metropolitan Region Scheme; and
- Planning and Development Act 2005.

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 Environment and Infrastructure:

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

The Scarborough Beach Road Activity Corridor Project is based on the premise of best practice sustainability principles.

It aims to provide an overarching transport and land use concept that, when implemented over time, will significantly improve the form and function of the road and its surrounds into the future for residents, cyclists, pedestrians and public transport patrons alike.

As such, it is envisaged that this Urban Design Framework, which sets out the future land use concept for the road, will inform and facilitate development along Scarborough Beach Road in a sustainable manner, by making efficient use of existing land and infrastructure, accommodating a balanced transport mode share along Scarborough Beach Road, and promoting a diversity of high quality land uses.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

In its current state, Scarborough Beach Road is unlikely to attract or be suitable for high activity land uses, particularly outside the Mount Hawthorn Town Centre. The dominant role and function of the road as a district distributor reduces its ability to attract the appealing development needed to create vibrant, pedestrian orientated environments along the road. As such, this Project, including the City's Draft Scarborough Beach Road Urban Design Framework, forms the first step to improving the future development of Scarborough Beach Road in terms of transport function and land use.

In light of the above justification and the submissions received, it is recommended that the Council adopts the final amended version of the Draft Scarborough Beach Road Urban Design Framework, and refers a copy of the document to the Department of Planning to inform the overarching Place Making Strategy, in accordance with the Officer Recommendation.

9.1.7 No. 287 (Lot 100; D/P: 302371, Lot 9; D/P: 2406) Vincent Street, Leederville - Proposed Demolition of Single House and Construction of Five-Storey Mixed Use Development Consisting of Two (2) Offices, Twelve (12) Single Bedroom Multiple Dwellings and Twelve (12) Multiple Dwellings and Associated Basement Car Parking - State Administrative Tribunal (SAT) Review Matter No. DR 267 of 2011

Ward:	South	Date:	16 September 2011
Precinct:	Oxford Centre; P4	File Ref:	PRO5299; 5.2011.107.2
Attachments:	001 – Aerial and Plans		
Reporting Officer:	B Doyle, Director Planning Solutions (nominated consultant)		
Responsible Officer:	R Boardman, Director Development Services		

In accordance with the Council's Policy No. 4.1.23 State Administrative Tribunal, this report has been prepared by Planning Solutions – Consultants for the Council, in respect to reconsideration of this matter currently at the State Administrative Tribunal.

CONSULTANT 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 JDI Projects Pty Ltd on behalf of the owner 176 Investment Pty Ltd for proposed Demolition of Single House and Construction of Five-Storey Mixed Use Development Consisting of Two (2) Offices, Twelve (12) Single Bedroom Multiple Dwellings and Twelve (12) Multiple Dwellings, and Associated Basement Car Parking, at No. 287 (Lot 100; D/P: 302371, Lot 9; D/P: 2406) Vincent Street, Leederville, and as shown on amended plans stamp-dated 9 September 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 Vincent Street;
- 1.2 The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 285 and No. 289 Vincent Street in a good and clean condition;
- 1.3 Doors, windows and adjacent floor areas facing Vincent Street and the entrance to the building fronting Vincent Street, shall maintain active and interactive relationships with this street;
- 1.4 The maximum gross floor area of the offices shall be limited to 51 square metres. 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 Parking and Access Policy No. 3.7.1;
- 1.5 The commercial units shall be used as offices only; and
- 1.6 A Demolition Licence shall be obtained from the City prior to commencement of any demolition works on the site;

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 A minimum of one (1), and a maximum of five (5) car parking bays shall be allocated for the 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 \$43,800 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$4,380,000); 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. **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the City:**

5.1 **Construction Management Plan**

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

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

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

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

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

5.3 **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:

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

5.3.2 all vegetation including lawns;

5.3.3 areas to be irrigated or reticulated;

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

5.3.5 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);

5.4 **Schedule of External Finishes**

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

5.5 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 provided from an Acoustic Consultant that the measures have been undertaken, prior to the first occupation of the development;

5.6 Refuse and Recycling Management Plan

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

5.7 Right of Way

Prior to the first occupation of the development, the full length and width of the adjacent right of way from the eastern boundary of No. 287 Vincent Street to the western boundary of No. 297 Vincent Street, shall be sealed and drained in accordance with the City's specification, at the full cost of the developer. A bond for the sum of \$15,000 shall be paid for the upgrading of the right of way. The bond will be held until the works are completed. A written application is required for the refund of the bond;

5.8 Security Bond

A bond or bank guarantee for the sum of \$2,200 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, has 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;

5.9 Privacy

Revised plans shall be submitted to and approved by the City demonstrating the balconies to Units 5 and 12 on the southern elevation being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material that is easily removed; OR prior to the issue of a Building Licence, revised plans shall be submitted demonstrating the above major openings being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes. 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. 210 Carr Place, stating no objection to the respective proposed privacy encroachment;

5.10 Fencing

Any new street/front wall, fence and gate within the Vincent Street 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;

5.11 Stores

All stores shall comply with minimum internal area of 4 square metres and minimum dimension of 1.5 metres;

5.12 Amalgamation

Prior to the issue of a Building Licence, the subject Lots 9 and 100 shall be amalgamated into one lot on 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 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);

5.13 Underground Power

In keeping with the City's Policy 2.2.2, the domestic power lines along the Vincent Street frontage of the development shall be undergrounded at the Developer's full cost. The Developer is required to liaise with both the City and Western Power to comply with their respective requirements, prior to the issue of the Building Licence; and

5.14 Floor Level

Final plans demonstrating that the finished floor level of the ground floor being 300 millimetres above the existing crown of the adjacent road; and

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

6.1 Residential Car Bays

Nineteen (19) car bays and six (6) car bays shall be provided for the residents and visitors respectively. The twenty-five (25) car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development;

6.2 Bicycle Parking

Two (2) bicycle bays for the visitors of the residential component shall be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;

6.3 Management Plan-Vehicular Entry Gates

The 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; and

6.4 Clothes Drying Facility

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

FOOTNOTE:

1. The Council notes that the applicant/owner has advised that they are prepared to cede Lot 66 to the Crown at no cost, to be vested in the care, control and management of the City of Vincent, for use as a right-of-way (ROW). The City's Officers will liaise and investigate the feasibility of acquisition of the ROW.

COUNCIL DECISION ITEM 9.1.7

Moved Cr Buckels, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (7-2)

For: Mayor Catania, Cr Buckels, Cr Burns, Cr Farrell, Cr Harvey, Cr McGrath, Cr Topelberg

Against: Cr Lake, Cr Maier

Landowner:	176 Investment Pty Ltd
Applicant:	JDI Projects Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Multiple Dwelling, Office Building
Use Classification:	"P", "SA"
Lot Area:	Lot 9=524 square metres; Lot 100= 263 square metres Total site area= 787 square metres
Access to Right of Way	Southern side, 5 to 6 metres wide, unsealed, privately owned

PURPOSE OF REPORT:

To update the Council on the above review application and to comply with the requirements of the Town's Policy/Procedure for the State Administrative Tribunal (SAT).

BACKGROUND:

12 July 2011

The Council at its Ordinary Meeting refused the application for the proposed Demolition of Single House and Construction of Five-Storey Mixed Use Development Consisting of Two (2) Offices, Sixteen (16) Single Bedroom Multiple Dwellings and Ten (10) Multiple Dwellings, and Associated Basement Car Parking, at No. 287 (Lot 100; D/P: 302371, Lot 9; D/P: 2406) Vincent Street, Leederville, for the following reasons:

1. *Excessive plot ratio and bulk.*
2. *Concerns about some of the height provisions of Policy No. 3.4.8 – Multiple Dwellings.*
3. *Concerns about some of the setbacks, particularly on the east and western boundary."*

- 26 August 2011 Directions hearing held at SAT.
- 6 September 2011 Mediation held at City of Vincent offices.
- 5 October 2011 Further mediation/directions scheduled to be held at SAT.

DETAILS:

Comparison of Plans

The changes to the new plans submitted (Attachment 002) as compared to the plans refused by the Council at its Ordinary Meeting held on 12 July 2011 are as follows:

- Number of single bedroom dwellings has been decreased by four, and the number of two bedroom dwellings has been increased by two. Total number of dwellings therefore reduced by two;
- Balconies modified to provide minimum 10 square metres to all dwellings, except Units 10, 17 and 22;
- First and second floor rear setback reduced by 0.075 metre (to building) and by 0.46 metre (to balcony);
- Third floor rear setback increased by 4.725 metres (to building) and 4.4 metres (to balcony);
- Plot ratio area reduced by 71 square metres from 1.93 to 1.84;
- Store rooms confirmed to incorporate minimum area of 4 square metres and minimum dimension of 1.5metres; and
- Overshadowing plan amended to depict correct overshadowing angle of 34 degrees, reducing the overshadowing of Lots 1 and 72 to the rear by 31 square metres.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Density:	R 120= 13.25 multiple dwellings (as per Leederville Masterplan Guidelines)	R 254 = 12 single bedroom multiple dwellings and 12 multiple dwellings
Consultants Comments:		
Supported- It is noted that whilst the Leederville Masterplan Built Form Guidelines specify the density, the new R-Codes (2010) does not consider density as a criteria for assessing an application for a mixed use development. In light of the changes in the R-Codes, the Leederville Masterplan is being reviewed to reflect these changes. Accordingly, density is not considered a criterion for this application.		
Plot Ratio:	As per the Leederville Masterplan Built Form Guidelines, the plot ratio is 1.5. 1.5= 1181 square metres	1.84 = 1,450 square metres
Consultants Comments:		
Supported- Refer to "Comments" below.		
Front Setback: Vincent Street Second, Third, Fourth and Fifth Floors	7 metres	6 metres to 7 metres
Consultants Comments:		
Supported - The variations will not have an impact on the streetscape as the main building line is setback 7 metres from Vincent Street.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Building Setbacks:		
<u>Ground Floor</u>		
Rear (South)	6 metres (Interface Policy)	1 metre to 2.4 metres
Side (West and East)	4 metres	Nil
<u>First and Second Floors</u>		
West	4 metres	Nil to 1.5 metres
East	4 metres	Nil to 2.8 metres
Rear	4 metres	1.64 to 3.64 metres
<u>Third and Fourth Floors</u>		
West	4 metres	Nil to 1.5 metres
East	4 metres	Nil to 2.8 metres
Consultants Comments:		
<p>Supported- The site is located within the transitional zone between commercial and residential land uses. In the commercial zone, buildings with nil setbacks are permitted and accordingly, it is considered nil setbacks in the transitional zone will contribute to the desired built form visualised in the Leederville Masterplan area. Moreover, the boundary walls on the eastern and western sides are staggered and do not occupy the whole length of the boundaries. They will not overshadow the adjoining eastern and western adjoining properties, and will not contribute to overlooking of these properties. Given the front setbacks (4 metres to seven metres), the rear setbacks, existing ROW at the rear of the property, and the staggered boundary walls, the variations will not have an undue impact in terms of ventilation and bulk on the adjoining and surrounding properties. The increased rear setback to the third floor has also reduced the length of the boundary walls at this level, mitigating the impact of the boundary walls in comparison with the application refused by the Council.</p>		
Boundary Wall	<p>Maximum Height= 7 metres</p> <p>Average Height= 6 metres</p> <p>Two-thirds of the length of the boundary</p> <p>Eastern boundary wall length=29.9 metres</p> <p>Western boundary wall length= 28.2 metres</p>	<p>Eastern Boundary</p> <p>Maximum Height= 15.51 metres</p> <p>Average Height= 15.51 metres</p> <p>Length= 36.65 metres</p> <p>Western boundary</p> <p>Maximum Height= 15 metres</p> <p>Average Height= 15 metres</p> <p>Length= 35.6 metres</p>
Consultants Comments:		
<p>Supported- The site is located within the transitional zone between commercial and residential land uses. In the commercial zone, buildings with nil setbacks are permitted and accordingly, it is considered nil setbacks in the transitional zone will contribute to the desired built form visualised in the Leederville Masterplan area. Moreover, the boundary walls on the eastern and western sides are staggered and do not occupy the whole length of the boundaries. They will not overshadow the adjoining eastern and western adjoining properties, and will not contribute to overlooking these properties.</p>		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
<p>The modification of the third floor footprint to match the fourth floor footprint has reduced the third floor boundary wall length by 8.35 metres to 23.8 metres (eastern) and by 8.15 metres to 24.06 metres (western). This is considered to significantly reduce the perceived building bulk, particularly when viewed from the south, and from the rear portions of the sites abutting to the east and west (which would most likely be the outdoor/balcony areas for any future redevelopment of those properties). Given the front setbacks (4 metres to 7 metres), the increased rear setback to the third floor, existing ROW at the rear of the property, and the staggered boundary walls, the variations will not have an undue impact in terms of ventilation and bulk on the adjoining surrounding properties.</p>		
Number of Storeys	<p>4 Storeys as per the Leederville Masterplan Guidelines</p> <p>4 Storeys within the site as per the City's Multiple Dwellings Policy No. 3.4.8</p>	5 storeys and basement car parking
Consultants Comments:		
<p>Supported- The Leederville Masterplan Built Form Guidelines specify that for a land area between 500 square metres to 1500 square metres, 4 storeys can be supported. However, the City's Multiple Dwellings Policy No. 3.4.8, as it existed at the time the application was originally submitted, provided for a maximum height of 5 storeys within the site. However, Council at its meeting of 9 August 2011 adopted modifications to the Multiple Dwellings Policy No. 3.4.8, reducing the permitted maximum height to 4 storeys. Therefore, the proposed height was generally consistent with the Policy at the time of lodgement, but now exceeds the policy provisions. It is considered the proposed height is acceptable, given the third and fourth floors are well set back from the front and rear boundaries, and the design of the building mitigates the perceived bulk. It is accordingly considered that five storeys will not have any undue visual impact on the surrounding locality. Refer to "Comments" below.</p>		
Vehicular Access	Vehicular access from right of way	Vehicular access from Vincent Street
Consultants Comments:		
<p>Supported- If in the future developments occur along Vincent Street, the existing right of way will not be able to accommodate the load of traffic generated. Therefore, access from Vincent Street will contribute to minimising the impact on the right of way. Moreover, the existing developments along Vincent Street have their primary access from Vincent Street and, therefore, the proposed access will not impact on the streetscape.</p>		
Solar Access	Adjoining sites are not adversely affected by solar access	Overshadowing to the rear (southern) sites.
Consultants Comments:		
<p>Supported- In the new R-Codes, there is no Acceptable Development standard for solar access for adjoining properties coded R80 and above. The R-Codes specify that in codings R80 and above, <i>"it is anticipated that some overshadowing will occur however, the building design can ensure that solar access on adjoining sites and within the development are not adversely affected."</i></p> <p>Given the site is north oriented, the southern sites which will be impacted by the overshadowing are No. 210 and No. 212 Carr Place. As shown on the overshadowing diagram, No. 212 Carr Place will be mostly impacted by the overshadowing; No. 210 Carr Place will be overshadowed a relatively small part.</p> <p>No objection was received from the owner of No. 212 Carr Place with regard to overshadowing. As per the Leederville Masterplan Built Form Guidelines, No. 210 Carr Place can be developed to four storeys. The objective of the Carr Place Residential Precinct is to increase density in the precinct, which will result in buildings of 3 storeys to 8 storeys in the area. Therefore, given the sizes of the lots and the heights being proposed for the Carr Place Residential Precinct, it is anticipated that some overshadowing will occur. In this instance, the owner of No. 212 Carr Place did not object to the overshadowing and a relatively small part (area of overshadowing= 62.5 square metres, percentage of overshadowing= 6.0 per cent) of No. 210 Carr Place will be overshadowed; therefore, the proposed extent of overshadowing is supported.</p>		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Privacy	Balcony = 7.5 metres	Units 5 and 12 = 4.64 metres to southern boundary
Consultants Comments:		
Not supported- If this application is supported, the applicant will be required to screen the balconies.		
Balconies	Minimum area of 10 square metres and a minimum dimension of 2.4 metres	Units 10, 17 and 22 = area of 8.0 square metres (minimum dimension of 2.4 metres achieved).
Consultants Comments:		
Supported- The balconies to Units 10, 17 and 22 are north facing, and are capable of use directly from the lounge room, and therefore satisfy the Performance criteria of the R-Codes. The dimensions of the balconies are considered sufficient to readily accommodate a standard 4-seater table and chairs, and air-conditioning plant or barbecue (if proposed, not part of this application). It is noted the front of the site is constrained by the requirement to provide clearance to the Western Power infrastructure along Vincent Street, and pushing the development further back would most likely necessitate a substantial redesign, given the location of the lift core, and may impact on parking provision. The subject site is in very close proximity to the Leederville Town Centre, which provides a wide range of options for alfresco dining and entertaining. Accordingly, the proposed variation to balcony area is considered appropriate in the site context, and is supported.		

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

Car Parking

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

Car Parking - Residential	
Small Multiple Dwelling (<75 square metres)- 0.75 bay per dwelling (proposed 20 multiple dwellings) = 15 car bays Medium Multiple Dwelling (75-110 square metres)-1 bay per dwelling (proposed 4 multiple dwellings) = 4 car bays Visitors= 0.25 per dwelling = 6 car bays	
Total= 25 car bays	25 car bays
Total car bays provided	30 car bays
Surplus	5 car bays

In total 25 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, 5 car bays will be available.

Car Parking - Commercial	
Car parking requirement (nearest whole number). • Office (1 car bay per 50 square metres gross office floor area) Proposed 51 square metres = 1.02 car bays Total car bays required = 1 car bay	1 car bay
Apply the parking adjustment factors. • 0.85 (within 800 metres of a rail station) • 0.85 (within 400 metres of a bus stop) • 0.85 (within 400 metres of public car park in excess of a total of 75 car parking spaces) • 0.80 (development contains mix of uses, where at least 45 percent of the gross floor area is residential)	(0.4913) 0.4913 car bay
Minus the car parking provided on-site	5 car bay
Minus the most recently approved on-site car parking shortfall	Nil
Surplus	4.5 car bays

Bicycle Parking		
Bicycle Parking	<p>Offices- 1 space per 200 (proposed 51) square metres (class 1 or 2)= 0.255 bicycle bay = Nil bays</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) = 8 (residents) + 2.4 (visitors) = 10 bays</p>	<p>Bike racks are shown on the plan for 14 bicycle bays.</p>

COMMENTS:

It is considered that the amended plans have aimed to address the concerns raised by Council Members. The reduced footprint for the third floor reduces the perceived building bulk when viewed from the south, and also reduces the scale of boundary walls to the eastern and western side boundaries.

It is acknowledged the building height of 5 storeys represents a variation to the Council's Multiple Dwellings Policy 3.4.8 as modified. However, it is noted the Policy as formulated at the time of lodgement provided for 5 storey dwellings, and it is also noted the Leederville Masterplan provides for 8 storey dwellings in the locality. The upper floors (3 and 4) are setback from the front and rear boundaries, mitigating the perceived building bulk. In the context of the subject site and anticipated future development, the building height is supported.

In light of the above, it is considered the proposed development is consistent with the aims and objectives of the Leederville Masterplan, and the development standards of Council Policy and the Residential Design Codes.

The applicant has indicated they are prepared to cede Lot 66 to the Crown at no cost, to be vested in the care, control and management of the City of Vincent, for use as a right-of-way (ROW). It is considered the ceding of the ROW is likely to provide public benefit, as it will provide for alternative access to properties with frontage to the parcel of land, reducing the demand for crossovers from Vincent Street, in particular. Accordingly, it is recommended the offer to cede the land is accepted by the City, and a footnote to this effect is included to the Consultant's Recommendation.

The proposed development, as amended, is supported. Approval of the Consultant's Recommendation is requested.

9.1.14 Scheme Amendment No. 31 to the City of Vincent Town Planning Scheme No. 1 – Relating to Land Coded Residential R20 in the Mount Hawthorn and North Perth Precincts – Precinct Plans 1 and 8

Ward:	North	Date:	15 September 2011
Precinct:	Mount Hawthorn (P1) and North Perth (P8)	File Ref:	PLA0202
Attachments:	001 – Amendment Report		
Tabled Items:	Nil		
Reporting Officer:	R Marie, Planning Officer (Strategic)		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

1. Pursuant to section 75 of the Planning and Development Act 2005, **RESOLVES** to **INITIATE** Scheme Amendment No. 31 to the City’s Town Planning Scheme No. 1 to delete the following clauses;
 - 1.1 clause 20(4)(c)(ii) - ‘After 1 May 2012 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct’; and
 - 1.2 clause 20(4)(h)(i) - ‘After 1 May 2012 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct’;
2. **ENDORSES** the Scheme Amendment No. 31 Report as shown in Appendix 9.1.14; and
3. **FORWARDS** the City’s decision to the Western Australian Planning Commission for their consideration.

COUNCIL DECISION ITEM 9.1.14

Moved Cr Maier, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Cr Topelberg departed the Chamber at 7.26pm.

Debate ensued.

Cr Topelberg returned to the Chamber at 7.27pm.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

PURPOSE OF REPORT:

The purpose of this report is for the Council to initiate Scheme Amendment No. 31 to delete clauses 20(4)(c)(ii) and 20(4)(h)(i) from the City of Vincent Town Planning Scheme No. 1, in order to maintain the current R20 zoning in the North Perth and Mount Hawthorn Precincts.

BACKGROUND:

- 7 October 2003 Scheme Amendment No. 11 was gazetted which down coded an area in the Mount Hawthorn Precinct from R30 to R20 and the North Perth Precinct from R30/40 to R20, and imposed a sunset clause in the Town Planning Scheme No. 1 to limit the time the land would remain at R20.
- 14 July 2006 Scheme Amendment No. 22 was gazetted which modified the date listed in the sunset clause.
- 9 May 2008 Scheme Amendment No. 24 was gazetted which modified the date listed in the sunset clause.
- 3 March 2009 Scheme Amendment No. 27 was gazetted which modified the date listed in the sunset clause.
- 27 August 2010 Scheme Amendment No. 28 was gazetted which modified the date listed in the sunset clause.
- 1 September 2011 The City received a request from the North Perth Precinct Group to initiate a Scheme Amendment to avoid the 'gap' period where the sunset clause would lapse.

DETAILS:

On 1 September 2011, the City received a request from the North Perth Precinct Group to initiate a Scheme Amendment to avoid the 'gap' period where the sunset clause would lapse. The amendment relates to removing the following clauses from the City of Vincent Town Planning Scheme No. 1:

Clauses 20(4)(c)(ii) – 'After 1 May 2012 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct'; and

Clause 20(4)(h)(i) – 'After 1 May 2012 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct'.

As outlined in the above clauses, at 1 May 2012, the land coded R20 in the North Perth Precinct and Mount Hawthorn Precinct will return to the former zonings of R30/40 and R30 respectively.

The intention of deleting the abovementioned clauses is to maintain the current R20 zoning and to remove the uncertainty associated with the sunset clause. The sunset clause was initially imposed by the former Minister for Planning and Infrastructure as part of Scheme Amendment No. 11, which would only allow the area to be zoned at R20 for a period of time. This interim measure was imposed to enable the City time to conduct a review on housing and density across the entire City to form a more holistic approach to density in the City.

The review of zonings and housing densities has been undertaken as part of the Town Planning Scheme review. The City acknowledges that the State Government direction is to allow for increased inner city densities. As part of the Town Planning Scheme Review, the City has taken the approach of targeted growth in areas where there is good access to services, amenities and public transport, whilst retaining areas of character and low to medium density, to provide a diverse range of housing choice within the City. In line with this approach, as part of the Town Planning Scheme Review, the City will be recommending maintaining the existing R20 zoning within parts of the former Eton Locality, with the exception of London Street, which is considered capable of zonings greater than R20. In addition, it is noted that the analysis and forecasting outlined in the City's Draft Local Planning Strategy, the City can meet the additional 5,000 dwellings, required in *Directions 2031*, by promoting development in targeted areas and keeping the existing areas of low zoning.

It is therefore considered that Amendment No. 31 to delete clauses 20(4)(c)(ii) and 20(4)(h)(i) is consistent with the City's strategic direction to maintain areas of character and low to medium density to provide a diverse range of housing choice in the City.

In addition to the above, it is noted that in previous instances when similar Amendments to the Scheme have been advertised, based on the responses received during the formal consultation period, the City has received more support for the R20 zoning.

CONSULTATION/ADVERTISING:

Scheme Amendments are to be advertised for a period of 42 days in accordance with the *Town Planning Regulations 1967*, following endorsement from the WAPC (where required).

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

Not Applicable.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2011-2016* – Objective 1.1.1 and 1.1.2 states:

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

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

SUSTAINABILITY IMPLICATIONS:

The Scheme Amendment is considered to be in line with the community's desire to maintain the low density of the area. It is also noted that by maintaining lower densities within areas of the City, it encourages the retention of existing housing stock and character, and aims to maintain existing vegetation.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

It is noted that in the past the City has undertaken similar Scheme Amendments to delete clauses 20(4)(c)(ii) and 20(4)(h)(i); however, rather than approve the Amendment, the Minister for Planning has imposed modifications to the clauses that extend the dates listed in the sunset clause. Whilst not preferable, if a similar modification is required, it would be recommended that the date listed provide sufficient time for the City to review its Town Planning Scheme. In the request provided by the North Perth Precinct Group, an extension of four (4) years was recommended. It would not be the City's intention that the Scheme review take an additional four (4) years; however, the long timeframe is considered sufficient to provide the City ample time to complete the Town Planning Scheme review.

Scheme Amendment No. 31 is considered to be consistent with the community's desire to maintain the low density and it is also considered to be consistent with the City's future direction of this area.

In light of the above, it is recommended that the City adopt the Officer Recommendation to initiate Scheme Amendment No. 31.

9.1.16 LATE ITEM: No. 298 (Lot 888) Lord Street, corner Windsor Street, Highgate – Proposed Construction of a Six Storey Mixed-Use Development Comprising Thirty-Five (35) Single Bedroom Multiple Dwellings, Thirty-Eight (38) Multiple Dwellings, One (1) Shop (Deli), Five (5) Offices and Associated Basement Car Parking

Ward:	South	Date:	22 September 2011
Precinct:	Banks-P15	File Ref:	PRO3571; 5.2011.225.1;
Attachments:	001 - Property Information Report, Development Application Plans, Coloured Perspectives 002 - Applicant Submission - Amended Plans		
Tabled Items:	Applicant's Submission		
Reporting Officer:	R Narroo, Senior Planning Officer (Statutory)		
Responsible Officer:	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 Greg Rowe and Associates on behalf of the owner, JNI Developments Pty Ltd, Avalon Holdings (WA) Pty Ltd, Land Surveys Pty Ltd and 300 Lord Street Pty Ltd for Construction of a Six Storey Mixed-Use Development Comprising Thirty-Five (35) Single Bedroom Multiple Dwellings, Thirty-Eight (38) Multiple Dwellings, One (1) Shop (Deli), Five (5) Offices and Associated Basement Car Parking at No. 298 (Lot 888) Lord Street corner Windsor Street, Highgate and as shown on amended plans dated 19 September 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 Lord Street and Windsor Street;
- 1.2 First obtaining the consent of the owners of No. 308 Lord Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 308 Lord Street in a good and clean condition;
- 1.3 Doors, windows and adjacent floor areas facing Lord Street and Windsor Street shall maintain active and interactive relationships with these streets; and
- 1.4 The maximum gross floor area of the shop and offices shall be limited to 132 square metres and 256 square metres, respectively. Any increase in floor space or change of use of the offices and shop 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 Six (6) 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 \$120,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$12,000,000); 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 \$2,647 for the equivalent value of 0.854 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 \$2,647 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. The end-of –trip facilities shall comply with the definition as specified in the City's Policy No. 3.7.1 relating to Parking and Access;

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

7.1 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;

7.2 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:

7.2.1 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

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

7.3 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:

- 7.3.1 the location and type of existing and proposed trees and plants;
- 7.3.2 all vegetation including lawns;
- 7.3.3 areas to be irrigated or reticulated;
- 7.3.4 proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 7.3.5 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);

7.4 Schedule of External Finishes

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

7.5 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. This report shall include the car stackers and 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;

7.6 Refuse and Recycling Management Plan

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

7.7 Fencing

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

7.8 Road Widening

The landowner shall enter into a Deed of Agreement with the Western Australian Planning Commission (WAPC) not to seek from either the City of Vincent or the WAPC compensation for any loss, damage or expense to remove the approved works (awning and landscaping) which encroach the Other Regional Road reserve/road widening requirement when the road reserve/road widening is required. This Agreement shall be registered as a Caveat on the Certificate of Title;

7.9 Privacy

Revised plans shall be submitted to and approved by the City demonstrating the following:

7.9.1. the balconies to Units 101, 102, 103 and 104 on the eastern elevation (first, second and third floors);

7.9.2. the balconies to Units 401 and 402 on the northern, eastern and southern elevations; and

7.9.3. the balcony to Units 403 and 501 on the eastern elevation;

being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material that is easily removed; OR prior to the issue of a Building Licence, revised plans shall be submitted demonstrating the above major openings being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes. 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. 36 Windsor Street, stating no objection to the respective proposed privacy encroachment;

7.10 Footpath Upgrade

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. The upgrade bond shall also be applied to construction of embayed parking to the City's design. A refundable footpath upgrading bond of \$86,000 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. An application to the City for the refund of the upgrading bond when works are completed must be made in writing;

7.11 Access Ramps

Revised plans shall be submitted demonstrating the access ramps to the parking levels being modified with kerbing guides to prevent a right turn into the right of way. All vehicles egressing the development are to make the right turn to the Windsor Street access point of the right of way;

7.12 Manoeuvring Space

6 metres manoeuvring room shall be provided for vehicle access from the right of way into the parking area access points;

7.13 Intersection Modification

The intersection of Windsor Street and Lord Street shall be modified to satisfactorily address access and safety issues, at the full cost of the developer/applicant. A bond of \$25,000 shall be paid prior to the issue of a Building Licence. Actual cost of the modifications will be determined when required design has been costed, to the satisfaction of the City;

7.14 Carriageway

A minimum 5 metre wide carriageway shall be constructed along the full boundary of the lot, adjacent to the right of way. Any part of that carriageway that is not designated public right of way, shall be encumbered by a public access easement, endorsed on a Deposited Plan, and endorsed on the title of the lot. The carriageway shall be free of all development including encroaching doors or ramps; and

7.15 Amalgamation

The subject Lots 1, 2, 3, 4 and 123 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); and

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

8.1 Residential Car Bays

Sixty-four (64) car bays and nineteen (19) car bays shall be provided for the residents and visitors respectively. The 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;

8.2 Bicycle Parking

Twenty-Four (24) bicycle bays for the residents and seven (7) bicycle bays for the visitors of the residential component plus two (2) class one or two and one (1) Class 3 bicycle bay for the shop and offices components shall be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;

8.3 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;

8.4 Management Plan- Tandem Parking

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

8.5 Clothes Drying Facility

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

8.6 Car Parking Bays

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

COUNCIL DECISION ITEM 9.1.16

Moved Cr Topelberg, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (2-7)

For: Mayor Catania, Cr Farrell

Against: Cr Buckels, Cr Burns, Cr Harvey, Cr Lake, Cr McGrath, Cr Maier, Cr Topelberg

REASONS FOR REFUSAL:

- 1. Bulk, scale and the height along the street, as the development is heading towards the residential zone, is considered excessive.**
- 2. Interface on the residential area is considered unacceptable.**

Landowner:	JNI Developments Pty Ltd, Avalon Holdings (WA) Pty Ltd, Land Surveys Ltd and 300 Lord Street Pty Ltd
Applicant:	Greg Rowe and Associates
Zoning:	Metropolitan Region Scheme: Urban and 'Other Regional Roads Reservation' Town Planning Scheme No. 1 (TPS 1): Commercial and 'Other Regional Roads Reservation'
Existing Land Use:	Vacant land
Use Class:	Shop, Office Building and Multiple Dwellings
Use Classification:	"P", "P" and "AA"
Lot Area:	2576 square metres (40 square metres of this area along the laneway will be used for the laneway widening)
Right of Way:	East side, 3.62 metres wide, sealed, City owned

PURPOSE OF REPORT:

This proposal requires referral to the Council for determination given it cannot be considered under Delegated Authority.

BACKGROUND:

5 December 2006 The Council at its Ordinary Meeting considered and approved a proposed mixed-use development comprising offices and fourteen grouped dwellings at Nos. 296-306 Lord Street, Highgate.

16 June 2008 The Western Australian Planning Commission conditionally approved the amalgamation of No. 288 (Lot 123; D/P: 4540) and Nos. 296-306 (Lots 1-4; D/P: 1197) Lord Street, corner Windsor Street, Highgate.

24 March 2009 The Council at its Ordinary Meeting considered and approved the proposed demolition of existing corner shop and attached Single House at No. 288 Lord Street, Highgate.

14 April 2009 The Council at its Ordinary Meeting conditionally approved the construction of a five storey commercial development comprising offices, eating house and basement car parking.

DETAILS:

The current application is for the construction of a six storey mixed use development comprising thirty-five (35) single bedroom multiple dwellings, thirty-eight (38) multiple dwellings, one shop (deli), five offices and associated car parking.

The applicant's submission is "Tabled".

The applicants have on a number of occasions discussed the possibility of residential development on the subject site. However, until 31 August 2010, "multiple dwellings" were not permitted within the Banks Precinct. Given the amendment to Town Planning Scheme No. 1, 'multiple dwellings' can now be considered in the Banks Precinct. The residential coding applying to the site is R60.

Following concerns raised during the Community Consultation, the City's Officers met with the applicant to discuss the issues. Following the meeting, the applicant submitted amended plans which detail the following changes:

- The number of multiple dwellings has been reduced from 78 to 73;
- The number of storeys has reduced from 7 to 6 storeys;
- Two basements for parking were originally proposed – only one basement level is proposed now;
- Provision for 88 car parking bays and minor alterations to the bin store, transformer and bicycle storage areas;
- Reduction in plot ratio from 2.11 to 1.95; and
- The commercial units on the ground floor have been reconfigured.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Plot Ratio:	0.7=1803 square metres	1.95= 5023 square metres
Officer Comments:		
Supported-Refer to "Comments" below. The site is zoned commercial and in the event the development were 100% commercial, plot ratio would not be applicable.		
Street Setbacks:	Setback to be generally consistent with building setback on adjacent land.	<u>Lord Street</u> Ground to Fourth Floors= 5 metres. Fifth floor= 5 metres to 7.5 metres. <u>Windsor Street</u> Ground Floor= Nil to 2 metres. First Floor to Fifth Floor= 2 metres.
Officer Comments:		
Supported- The street setbacks are considered consistent with other development along Lord Street and Windsor Street more generally. The Council at its Ordinary Meeting held on 14 April 2009 approved a setback of 5 metres along Lord Street and nil to 1.7 metres along Windsor Street.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Building Setbacks:	<u>East Side-Laneway</u>	
	<u>Basement and Ground Floors</u> 6 metres (Interface Policy)	1.697 metres to 1.9 metres.
	<u>First Floor</u> 7.3 metres	1.6 metres to 4.4 metres.
	<u>Second Floor</u> 9.3 metres	1.6 metres to 4.4 metres.
	<u>Third Floor</u> 11.3 metres	1.6 metres to 4.4 metres.
	<u>Fourth Floor</u> 13.3 metres	1.6 metres to 4.4 metres.
	<u>Fifth Floor</u> 10.6 metres	1.6 metres.
Officer Comments:		
Supported- There is an existing right of way along the eastern boundary. Therefore, the building will be generally setback 5.22 metres from the rear boundary of the adjoining residential building. The proposal complies with the overshadowing requirement for the rear property. No objection was received from the adjoining rear property with regard to overshadowing or setbacks.		
Number of Storeys:	Three storeys, as per the Residential Design Codes 2010. As per the Multiple Dwellings Policy No. 3.4.8, three storeys are permitted.	Six storeys and associated basement car parking.
Officer Comments:		
Supported- Refer to "Comments".		
Privacy	Balcony= 7.5 metres setback from boundary.	Balconies to Units 101, 102, 103, 104, 401, 402, 403 and 501 on the eastern elevations.
Officer Comments:		
There is an existing right of way along the eastern boundary. Therefore, the building will be generally setback 5.22 metres from the rear boundary of the adjoining residential building. No objection was received from the adjoining rear property; however, privacy conditions will be imposed.		

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

Consultation	
In Support:	Six (6) support
Comments Received	Officer Comments
<i>"The inner city needs to embrace that we can accommodate considerably more people in the inner city area. This type of development can only add positives to the area that needs further investment and people to take up living in our great city. It is not only good for reducing urban sprawl, but will create greater sense of community with more people in the area- we have a range of parks, access to cultural facilities, shops, CBD and importantly public transport that can support such developments. This development should be a model for Lord, Beaufort, Bulwer streets in the City of Vincent."</i>	Noted.

Consultation	
Objections:	Six (6) objections
Comments Received	Officer Comments
<p><u>Plot Ratio</u></p> <p>The plot ratio is over 200 per cent in excess of the allowable plot ratio for the site.</p> <p><i>"The proposed bulk and scale of this development far exceeds that of any other development along Lord Street and any residential dwelling along Windsor Street being characterised by single and two storey residential dwellings. We strongly object to the proposed bulk and scale of this development as it will dominate the streetscapes of both Windsor and Lord Streets and in doing so, will have a significant adverse impact on the amenity of this predominantly residential area."</i></p> <p><u>Street Setbacks</u></p> <p>The proposed setbacks are not consistent with the existing buildings along Lord Street and Windsor Street which will impact on the streetscape.</p> <p><u>Building Setbacks</u></p> <p>There are significant variations to the setback requirements which will have visual and privacy impact on the adjoining eastern properties.</p> <p><u>Privacy</u></p> <p>All outdoor living areas overlooking adjoining property should be screened.</p> <p><u>Car Parking</u></p> <p>The shortfall in parking bays will create undue impact on the adjoining streets.</p> <p>Concerns that the people accessing this development may use the parking at No. 36 Windsor Street.</p>	<p>Not Supported- Refer to "Comments". In addition, it is noted that the adjoining rear neighbour who is mostly impacted by the proposed development, did not object to the bulk and scale of the development.</p> <p>Not Supported- Refer to Compliance Table.</p> <p>Not Supported- Refer to Compliance Table.</p> <p>Supported- In the event the application is supported, all the balconies will be required to be screened.</p> <p>Not Supported- Amended plans detail a minor variation to the parking requirement- refer to Parking Assessment Table. It is considered there will be no undue impact on the existing parking on the adjoining streets.</p> <p>Noted- People associated with the proposed development should use only the parking available at No. 298 Lord Street. Moreover, the onus is on the owner of No. 36 Windsor Street not to allow unauthorised parking on the property.</p>

Consultation	
<p><u>Number of Storeys</u></p> <p>The proposed development goes against the guidelines of the City Town Planning Scheme No. 1 which specifies that a building should have a maximum height of three storeys only. The proposed building will be out of character with the surrounding area which will impact on the residential amenity of the area.</p> <p>The proposed development does not comply with the City's Non-residential/Residential Development Interface Policy where it specifies that development should be 2 storeys when abutting commercial sites abutting residential sites with coding R60.</p> <p><u>Traffic impact in the Right of Way</u></p> <p>This proposed development will have a major impact on the laneway to the detriment of the owners already using the right of way. The impact will have a domino effect on the adjoining streets.</p> <p><u>Overshadowing</u></p> <p>The building will overshadow all the adjoining eastern residential properties.</p> <p><i>"The newly-constructed Unit no. 1 on 39 Windsor Street will have all of its outdoor area and windows/doors to its sole main living area overshadowed by the proposed structure at midday on 21 June. This is not reflected in the applicant's paperwork, which uses a photograph in its shadow submission which was taken prior to the erection of the affected unit."</i></p>	<p>Not Supported- Refer to "Comments".</p> <p>Not supported- Refer to "Comments". Variations to this Policy are permitted subject to Council being satisfied that there will be no adverse impact on the adjoining properties.</p> <p>Not Supported- The proposed development has a lesser number of vehicles on site compared to that approved by the Council on 14 April 2009. The Department of Planning did not object to the proposed development. The City's Technical Services provide comment in the Comments section of this report.</p> <p>Not supported- As shown in the overshadowing diagram, the overshadowing complies with the requirement of the R-Codes with respect to the adjoining eastern rear property (only 11 per cent of the site will be overshadowed). Moreover, the owner of this property did not object to the proposal.</p> <p>Not supported- This issue was raised with the applicant. A new overshadowing diagram (Plan SD00.02) was presented to the City to show the impact. The applicant advises as follows:</p> <p><i>"The attached overshadowing diagrams and photos clearly illustrate that there are pre-existing conditions which affect overshadowing throughout the year regardless of this proposal. Notably, these include the following:</i></p> <p><i>A large tree with heavy foliage within the road verge. This tree virtually overshadows the entirety of the outdoor living area;</i></p> <p><i>The constructed 2 metres high masonry wall surrounding the entertaining area; and</i></p> <p><i>The overhang of the dwellings roof structure."</i></p> <p>The City Officers concur with the applicant's argument.</p>

Consultation	
<p><u>Department of Planning (DoP)</u></p> <p>Given the site abuts an Other Regional Road (Lord Street), the application was referred to the Department of Planning for their comments.</p> <p>DoP has confirmed that there is no objection to the proposed development on regional transport planning grounds.</p>	Noted.
Advertising	The advertising was carried out as per the City's Policy No. 4.1.5 relating to Community Consultation.

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

Car Parking

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

Car Parking	
Small Multiple Dwelling (<75 square metres)- 0.75 bay per dwelling (35 dwellings proposed)= 26.25 car bays = 26 car bays	
Medium Multiple Dwelling (75-110 square metres)-1 bay per dwelling (38 dwellings proposed) = 38 car bays	
Visitors= 0.25 per dwelling (73 dwellings proposed) = 18.25 car bays = 18 car bays	
Total= 82.5 car bays = 82 car bays	82 car bays
Total car bays provided	88 car bays
Surplus	6 car bays

In total, 82 car bays will be required for the residential component. Overall, the number of car parking bays provided for the development is 88 car bays. Therefore, for the commercial component, 6 car bays will be available.

Car Parking	
Car parking requirement (nearest whole number).	14 car bays
<ul style="list-style-type: none"> Shop (1 car bay per 15 square metres gross shop floor area) Proposed 132 square metres = 8.8 car bays Office (1 car bay per 50 square metres gross office floor area)- Proposed 256 square metres = 5.12 car bays 	
Total car bays required = 13.92 car bay= 14 car bays	
Apply the parking adjustment factors.	(0.4896)
<ul style="list-style-type: none"> 0.85 (within 400 metres of a bus stop) 0.80 (within 400 metres of a train station) 0.90 (development provides end-of-trip facilities) 0.80 (development is mixed use) 	6.854 car bays
Minus the car parking provided on-site	6 car bays
Minus the most recently approved on-site car parking shortfall	N/A
Shortfall	0.854 car bays

Bicycle Parking		
Bicycle Parking	<p>Shop</p> <p>1 space per 300 square metres gross floor area (proposed 132 square metres) (Class 1 or 2) = 0.44= Nil</p> <p>1 space per 200 square metres (proposed 132 square metres) (class 3) = 0.66 = 1 Class 3</p> <p>Office</p> <p>1 space per 200 (proposed 256 square metres) square metres (class 1 or 2)= 1.28 bicycle bays= 1 bay</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>24 bicycle bays for the residents 7 bicycle bays for the visitors</p>	<p>Bicycle racks are shown on the plans.</p>

COMMENTS:

Planning

The Council at its Ordinary Meeting held on 23 August 2011 conditionally approved a six and seven storey mixed use development at the corner of Lord Street, Summers Street and Coolgardie Terrace. This proposed development is located approximately 165 metres from the subject site. It is considered the proposed 6 storey development is consistent with the approved six storey development along Lord Street and with the future desired character of the locality with regard to corner lots with large land areas (more than 1,000 square metres).

Lord Street is a particularly diverse environment by virtue of its large traffic volumes, the accommodation of a variety of building types and uses, and its close proximity to public transport and the Central Business District.

The subject planning application is considered to generally improve the streetscape and surrounding area through the redevelopment of under-utilised sites, which will provide a catalyst for other sites to be developed in the same manner. The proposed development is of a high quality and contemporaneous in nature. The subject site is a corner lot and it is crucial that development on this site exhibits a strong presence and encourages maximum interaction at street level.

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 and in the event the proposal was for a one hundred per cent commercial development, plot ratio would not be applicable. Furthermore, the Precinct Policy allows for nil setbacks on the side boundaries. Moreover, the fifth floor does not occupy the whole site and there is a right of way at the rear which minimises the impact on the rear properties.

Due to the support of a six-storey development on the subject site, the proposed plot ratio is also recommended for approval. The subject development is consistent with the principles of transit oriented development espoused with respect to a proposed high density residential building in close proximity to transport facilities.

Cash-in-Lieu

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."

The subject site is located along Lord Street which is well served by buses and is also within 200 metres of a train station. Therefore, the shortfall of 0.854 car bays will have a minimum impact on the surrounding area.

If a shortfall in car parking were to be supported, a 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; \$2,647 in this instance.

Technical Services

As per the previous application for a similar development on this site, modification of the intersection of Windsor and Lord Streets will be required at the developer's cost, to satisfactorily address access and safety for traffic access and egress between Windsor and Lord Streets. It is estimated that the works will be in the order of \$25,000, and a bond for this amount will be required as a condition of development approval. The actual cost will be calculated once a design is finalised. The applicant is advised that the modifications will result in the street light on the northern side of the intersection requiring relocation, at their expense.

It is noted that a number of outstanding issues remain relating to all parking bays being compliant with AS2890, bin stores (which are inadequate for a development of this size), a lack of required manoeuvring room to access ramps from the right of way, and adequate access through the right of way to the parking level ramps. The right of way is less than 4.5metres in width including the widening approved in the amalgamation Deposited Plan and the building has not been set back adequately to allow two vehicles to pass. As such, these matters will be required to be resolved in revised plans, which can be submitted prior to the issue of a Building Licence.

It is noted that the plans depict embayed parking in the Windsor Street road reserve. The layout and actual number of bays that may be accommodated within the road reserve will be determined by the City's Technical Services, but will be less than the number indicated. It should be noted that these bays remain for the use of the public, and will not be attributed in the calculation of parking for the site and will not be for the exclusive use of users/occupiers of the development.

The verge areas along the Lord Street and Windsor Street frontages are to be upgraded to a paved standard. The works, together with embayments and landscaping in Windsor Street, will require a bond of \$86,000 to be paid, prior to the issue of a Building Licence.

Strategic Planning

The strategic direction of the subject site and surrounding area has been examined as part of the review of the City's Town Planning Scheme No. 1. Whilst the zoning of the subject site is proposed to remain 'commercial', higher residential zonings have been proposed along Lord Street outside of the commercially zoned area, and a general intensification and diversity of land uses has been proposed within the area east of the Claisebrook Train Station, bounded by Lord Street, Summers Street, the Railway Reserve and the Graham Farmer Freeway. This area has been identified as a planned growth area to facilitate urban regeneration through a mix of residential and commercial development capitalizing on the close proximity to the Claisebrook Station and other key transport links.

The residential zoning applicable to this portion of Lord Street, zoned 'Commercial' is proposed to be Residential R100, which in accordance with the R-Codes equates to a 4 storey height limit. However, given the site's corner location and large site area, it is considered to meet the criteria of a strategic development site, and therefore subject to consideration to variations of the standard requirements to realize the opportunity the site offers. Under the City's draft Local Planning Strategy, a Strategic Development Site is identified against the following criteria:

- A vacant site or a site containing derelict buildings, of greater land area;
- Of greater land area, along a major transport route with proximity to facilities, a town or local centre and/or a commercial area;
- Identified in *Vincent Vision 2024* visions and/or Placecheck analysis such as prominent gaps/voids in the streetscape and where redevelopment would have a beneficial impact on the streetscape;
- Prominent gateway buildings and/or sites into the City of Vincent; and
- Non-conforming uses where incentive can be offered to achieve a better use of the site.

As such, it is considered that the proposed development satisfies the above criteria and adheres to the following objectives of a strategic development site by:

- Facilitating a good quality and well-designed building for residential, commercial and mixed-use purposes;
- Maximizing a recognized need for future housing to be met in the established metropolitan suburbs; and
- Maximizing the opportunities afforded by the site's proximity to a planned growth area and major public transport routes.

In light of the above, it is considered that the proposed redevelopment will not result in any undue impact on the amenity of the surrounding area and aligns with the strategic vision for this emerging regeneration area, and therefore is supported subject to standard and appropriate conditions.

9.1.1 Further Report - No. 462 (Lot 2; D/P: 3824) Beaufort Street, corner of Broome Street, Highgate – Proposed Signage and Paid Carpark to Existing Shop (Pharmacy)

Ward:	South	Date:	15 September 2011
Precinct:	Mount Lawley Centre Precinct; P11	File Ref:	PRO2339; 5.2011.235.1
Attachments:	001 - Property Information Report; 002 - Development Plan		
Tabled Items:	Applicant's submission and associated documentation		
Reporting Officer:	T Cappellucci, Planning Officer (Statutory)		
Responsible Officer:	R Boardman, Director Development Services		

FURTHER 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 Greg Rowe & Associates on behalf of the owner M R Hopkins & Braxton Pty Ltd for Proposed Signage and Paid Carpark to Existing Shop (Pharmacy) at No. 462 (Lot 2; D/P: 3824) Beaufort Street, corner of Broome Street, Highgate, and as shown on plans stamp-dated 6 July 2011, subject to the following conditions:

1. Building

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

2. Car Parking

2.1 Six (6) car parking bays shall be solely dedicated for the existing shop (Pharmacy) and are not to be subject to parking fees. The six (6) car parking bays shall be used only by employees, tenants, and visitors directly associated with the existing shop (Pharmacy);

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

2.3 All car parking bays shall comply with the minimum specifications and dimensions specified in the City's Policy relating to Parking and Access and Australian Standards AS2890.1 - "Off Street Parking";

3. Paid Parking

3.1 The approval for the fee paying car park is valid for a period of five (5) years only, following which, the use shall revert back to a non-fee paying car park;

3.2 The desired outcome for the site is for mixed use development. If a planning application is submitted and consequently approved for a mixed use development, this shall take precedence over the paid car parking approval;

- 3.3 The paid parking is subject to the operation of the existing pharmacy. Should the pharmacy use cease, or the property be sold, the paid parking situation shall also cease operation and all associated signage and pay machines shall be removed within twenty-eight (28) days; and
- 3.4 The operating hours of the nineteen (19) paid car parking bays are 7.00am to 10.00pm Monday to Thursday as well as Sunday, and 7.00am to 12.00pm Friday and Saturday;
4. **Signage**

 - 4.1 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 and approved prior to the erection of the signage;
 - 4.2 The signage shall not have flashing or intermittent lighting;
 - 4.3 All signage shall be subject to a separate Sign Licence application being submitted to and approved by the City prior to the erection of the signage; and
 - 4.4 All signage shall be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site;
5. **PRIOR TO THE COMMENCEMENT OF THE FEE PAYING CAR PARK**, a Car Parking Layout Plan and a fully comprehensive Car Parking Management Plan prepared by a duly qualified consultant shall be submitted and approved by the City. The car parking layout shall show dimensioned car parking bays proposed for the paid-parking and those designated to the shop (pharmacy) being in accordance with Australian Standards AS2890 and the City's Parking and Access Policy. The Car Parking Management Plan shall detail the full operation of the fee paying car park, addressing matters relating to signage, location of the pay terminal for the ticket entry, internal circulation of motor vehicle traffic within the fee paying car park and the pharmacy, ensuring that there is no spill of cars being banked up along Beaufort and Broome Streets, awaiting entry into the fee paying car park, signage indicating car park being full, signage and number of car bays allocated for pharmacy car parking;
6. **PRIOR TO THE FIRST USE OF THE FEE PAYING CAR PARK ON-SITE**, the owner(s) shall enter into a legal agreement with the City and lodge an appropriate assurance bond/bank guarantee of \$1750, that addresses the following undertaking to the satisfaction of the City, that the part fee paying car park use shall cease within five (5) years with the expiry date being 27 September 2016. The legal agreement shall be secured by a caveat on the Certificate(s) of Title of the subject land. The legal documentation shall be prepared by the City's solicitors or other solicitors agreed upon by the City. All costs associated with this condition, including the cost of the City's solicitors checking the documentation if prepared by the other solicitors, shall be borne by the applicant/owner(s); and
7. **ADVISES** the applicant that it does not support "wheel clamping" as an enforcement method and recommends that an alternative method be used to control the car park.

Cr Farrell departed the Chamber at 7.40pm.

Moved Cr Maier, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr Topelberg

That Clause 5 be amended to read as follows:

“5. **PRIOR TO THE COMMENCEMENT OF THE FEE PAYING CAR PARK, the following shall be completed to the satisfaction of the City:**

(a) Car Parking Layout Plan

a A Car Parking Layout Plan and a fully comprehensive Car Parking Management Plan prepared by a duly qualified consultant shall be submitted and approved by the City. The car parking layout shall show dimensioned car parking bays proposed for the paid-parking and those designated to the shop (pharmacy) being in accordance with Australian Standards AS2890 and the City’s Parking and Access Policy. The Car Parking Management Plan shall detail the full operation of the fee paying car park, addressing matters relating to signage, location of the pay terminal for the ticket entry, internal circulation of motor vehicle traffic within the fee paying car park and the pharmacy, ensuring that there is no spill of cars being banked up along Beaufort and Broome Streets, awaiting entry into the fee paying car park, signage indicating car park being full, signage and number of car bays allocated for pharmacy car parking; and

(b) Shade Trees

The provision of a minimum one shade tree per four car parking spaces shall be provided in the open car parking area. For the purpose of this condition, a plan detailing the tree species and proposed watering system shall be submitted to and approved by the City’s Parks Services.”

Debate ensued.

Cr Farrell departed the Chamber at 7.43pm.

Debate ensued.

Cr Topelberg departed the Chamber at 7.44pm.

Debate ensued.

Cr Topelberg returned t the Chamber at 7.46pm.

Debate ensued.

AMENDMENT NO 1 PUT AND LOST (4-5)

For: Cr Harvey, Cr Lake, Cr McGrath, Cr Maier

Against: Mayor Catania, Cr Buckels, Cr Burns, Cr Farrell, Cr Topelberg

Debate ensued.

AMENDMENT NO 2

Moved Cr Maier, Seconded Cr Buckels

That Clause 5 be amended to read as follows:

“7. ADVISES the applicant that ~~it does not support~~ ‘wheel clamping’ as an enforcement method and recommends that an alternative method be used to control the car park. shall be in adherence to the “Code of Practice for the Wheel Clamping Industry in Western Australia.””

Debate ensued.

AMENDMENT NO 2 PUT AND LOST (1-8)

For: Cr Maier

Against: Mayor Catania, Cr Buckels, Cr Burns, Cr Farrell, Cr Harvey, Cr Lake, Cr McGrath, Cr Topelberg

AMENDMENT NO 3

Moved Cr Buckels, Seconded Cr Lake

That a new Subclause 3.5 be inserted as follows:

“3.5 All car parking bays shall be operated with the first hour free, with an hourly fee of \$2.10 per hour thereafter applying.”

Debate ensued.

AMENDMENT NO 3 PUT AND CARRIED (7-2)

For: Mayor Catania, Cr Buckels, Cr Farrell, Cr Lake, Cr McGrath, Cr Maier, Cr Topelberg

Against: Cr Burns, Cr Harvey

Debate ensued

AMENDMENT NO 4

Moved Cr Buckels, Seconded Cr Lake

“5. PRIOR TO THE COMMENCEMENT OF THE FEE PAYING CAR PARK, the following shall be completed to the satisfaction of the City:

(a) Car Parking Layout Plan

a A Car Parking Layout Plan and a fully comprehensive Car Parking Management Plan prepared by a duly qualified consultant shall be submitted and approved by the City. The car parking layout shall show dimensioned car parking bays proposed for the paid-parking and those designated to the shop (pharmacy) being in accordance with Australian Standards AS2890 and the City’s Parking and Access Policy. The Car Parking Management Plan shall detail the full operation of the fee paying car park, addressing matters relating to signage, location of the pay terminal for the ticket entry, internal circulation of motor vehicle traffic within the fee paying car park and the pharmacy, ensuring that there is no spill of cars being banked up along Beaufort and Broome Streets, awaiting entry into the fee paying car park, signage indicating car park being full, signage and number of car bays allocated for pharmacy car parking; and

(b) Shade Trees

The provision of three (3) shade trees (equivalent to one (1) tree per eight (8) car parking spaces) shall be provided in the open car parking area. For the purpose of this condition, a plan detailing the tree species and proposed watering system shall be submitted to and approved by the City's Parks Services:"

AMENDMENT NO 4 PUT AND CARRIED (7-2)

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

MOTION PUT AND CARRIED UNANIMOUSLY (7-2)

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

COUNCIL DECISION ITEM 9.1.1

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 Greg Rowe & Associates on behalf of the owner M R Hopkins & Braxton Pty Ltd for Proposed Signage and Paid Carpark to Existing Shop (Pharmacy) at No. 462 (Lot 2; D/P: 3824) Beaufort Street, corner of Broome Street, Highgate, and as shown on plans stamp-dated 6 July 2011, subject to the following conditions:

1. **Building**

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

2. **Car Parking**

2.1 Six (6) car parking bays shall be solely dedicated for the existing shop (Pharmacy) and are not to be subject to parking fees. The six (6) car parking bays shall be used only by employees, tenants, and visitors directly associated with the existing shop (Pharmacy);

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

2.3 All car parking bays shall comply with the minimum specifications and dimensions specified in the City's Policy relating to Parking and Access and Australian Standards AS2890.1 - "Off Street Parking";

3. **Paid Parking**

3.1 The approval for the fee paying car park is valid for a period of five (5) years only, following which, the use shall revert back to a non-fee paying car park;

- 3.2 The desired outcome for the site is for mixed use development. If a planning application is submitted and consequently approved for a mixed use development, this shall take precedence over the paid car parking approval;
- 3.3 The paid parking is subject to the operation of the existing pharmacy. Should the pharmacy use cease, or the property be sold, the paid parking situation shall also cease operation and all associated signage and pay machines shall be removed within twenty-eight (28) days;
- 3.4 The operating hours of the nineteen (19) paid car parking bays are 7.00am to 10.00pm Monday to Thursday as well as Sunday, and 7.00am to 12.00pm Friday and Saturday; and
- 3.5 All car parking bays shall be operated with the first hour free, with an hourly fee of \$2.10 per hour thereafter applying.

4. Signage

- 4.1 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 and approved prior to the erection of the signage;
- 4.2 The signage shall not have flashing or intermittent lighting;
- 4.3 All signage shall be subject to a separate Sign Licence application being submitted to and approved by the City prior to the erection of the signage; and
- 4.4 All signage shall be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site;

5. **PRIOR TO THE COMMENCEMENT OF THE FEE PAYING CAR PARK, the following shall be completed to the satisfaction of the City:**

(a) **Car Parking Layout Plan**

A Car Parking Layout Plan and a fully comprehensive Car Parking Management Plan prepared by a duly qualified consultant shall be submitted and approved by the City. The car parking layout shall show dimensioned car parking bays proposed for the paid-parking and those designated to the shop (pharmacy) being in accordance with Australian Standards AS2890 and the City's Parking and Access Policy. The Car Parking Management Plan shall detail the full operation of the fee paying car park, addressing matters relating to signage, location of the pay terminal for the ticket entry, internal circulation of motor vehicle traffic within the fee paying car park and the pharmacy, ensuring that there is no spill of cars being banked up along Beaufort and Broome Streets, awaiting entry into the fee paying car park, signage indicating car park being full, signage and number of car bays allocated for pharmacy car parking; and

(b) **Shade Trees**

The provision of three (3) shade trees (equivalent to one (1) tree per eight (8) car parking spaces) shall be provided in the open car parking area. For the purpose of this condition, a plan detailing the tree species and proposed watering system shall be submitted to and approved by the City's Parks Services;

6. **PRIOR TO THE FIRST USE OF THE FEE PAYING CAR PARK ON-SITE**, the owner(s) shall enter into a legal agreement with the City and lodge an appropriate assurance bond/bank guarantee of \$1750, that addresses the following undertaking to the satisfaction of the City, that the part fee paying car park use shall cease within five (5) years with the expiry date being 27 September 2016. The legal agreement shall be secured by a caveat on the Certificate(s) of Title of the subject land. The legal documentation shall be prepared by the City's solicitors or other solicitors agreed upon by the City. All costs associated with this condition, including the cost of the City's solicitors checking the documentation if prepared by the other solicitors, shall be borne by the applicant/owner(s); and
7. **ADVISES** the applicant that it does not support "wheel clamping" as an enforcement method and recommends that an alternative method be used to control the car park.

Landowner:	M R Hopkins & Braxton Pty Ltd
Applicant:	Greg Rowe & Associates
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Pharmacy (Shop)
Use Class:	Signage and Paid Car Park
Use Classification:	"P" and "AA"
Lot Area:	1083 square metres
Right of Way:	N/A

FURTHER REPORT:

The Council considered the subject application at its Ordinary Meeting held on 26 July 2011, and resolved as follows:

"That the item be DEFERRED to engage with the Applicant on possible solutions for either City Management of the car park facility or possible introduction of a paid parking facility".

The City's Officers met with Mr Lynden Semmens, representing the applicants of the application, Greg Rowe and Associates, on 28 July 2011, to discuss the above Council resolution at its meeting held on 26 July 2011. The applicant has submitted the following response in support of the proposal dated 25 August 2011:

"We refer to the Application lodged by our Office in relation to Lot 2 Beaufort Street, Highgate (hereafter referred to as the subject site). Specifically we refer to the recent resolution of Council in the Ordinary Council Meeting of 26 July 2011 which was:

'That the item be DEFERRED to engage with the Applicant on possible solutions for either City management of the car park facility or possible introduction of a paid parking facility'.

Furthermore, we confirm the outcomes of a meeting between your Mrs Helen Smith, Messrs Troy Cappellucci and Jim Maclean and our Mr Lynden Semmens, where the possibility of the City's Ranger Services managing the car park was discussed. This was consistent with the above resolution. In this regard, and as confirmed in the meeting, our Client and the on-site tenant (SuperChem Pharmacy) has engaged the City's Ranger Services previously to assist in the ongoing illegal parking which occurs on the subject site. The previous agreement was not satisfactory to our Client as the arrangement failed to cease the illegal parking.

Given the previous history of the City managing the car park unsuccessfully, it is our Clients intention to pursue an avenue where a private operator will manage the car park. This is the process that has been formalised within the subject Development Application. Importantly, it is the outcome our Client wishes to pursue, and is the outcome which your Elected Members confirmed in the above resolution was one of the possibilities requiring further consideration. Given the clear history of the subject sites illegal parking, and the inability of the City's Ranger Services to assist in this manner, we believe the City can support the paid parking facility (and signage) on the site.

In regards to the above information of our intentions moving forward, we provide the following bullet points in support for the Application and suggested conditions aimed at assisting City Staff with supporting the Application:

- *The paid parking station is aimed at ensuring illegal park will become less attractive on the site;*
- *Our Client has confirmed the parking station will only be operational in conjunction with the existing pharmacy use. That is to say, once the lease lapses on the pharmacy, the parking station use will cease. The following condition is believed to appropriately cover this consideration and give Council the confidence the parking station will not be a long term use for the site:*

“The paid parking station is subject to the operation of the existing pharmacy. Should the pharmacy use cease, the paid parking station will also cease operation and all associated signage and pay machines are to be removed within 28 days”.

Given the attractiveness of the site for redevelopment, it is not expected the existing small scale pharmacy will be the ‘highest and best use’ for the site. With this in mind, the above condition will ensure the current illegal parking can effectively be managed by a private operator, as well as providing Council with the confidence that the parking station will not become a long term commercial use.

- *The application will not prejudice a redevelopment of the subject site for ‘mixed use’ purposes.*
- *The application does not propose any amendments to the existing built form (only compliant signage and a ticket machine) and subsequently will not have any detrimental impact on the existing amenity afforded the site.*
- *It is believed the Application will reinstate the amenity expected on the subject site at the time of the pharmacy approval, given it will remove illegal parking.*
- *Provision for 6 ‘free’ parking bays has been included as part of this Application. These 6 bays are provided for users of the pharmacy and have been derived by a traditional car parking calculation based on floorspace.*

We trust the above will be considered by your staff when preparing an item to the next available round of Council.”

Strategic Planning

From a short term to medium term perspective, the proposed use can be supported. The surveys undertaken as part of the Car Parking Strategy and Precinct Parking Management Plans illustrates that there is a high occupancy and demand for car parking in the Mount Lawley/Highgate area. At the Ordinary Meeting of Council held on 10 May 2011, the Council endorsed the installation of ticket machines along the length of Beaufort Street from Broome Street to Walcott Street and along portions of the adjacent side streets, including Broome Street. Given the installation of such machines in the immediate vicinity of the subject site, drivers may seek out the subject site for long term unrestricted parking. As outlined in the Car Parking Strategy one of the main outcomes of the introduction of ticket machines is to increase the “churn” of parkers, which in turn will ensure that there are adequate short-term parking facilities for patrons of local cafes, restaurants and other businesses. The car parking arrangement for this site should be based on this principle.

Ranger and Community Safety Services

The occupier of this property has previously applied to the City seeking the assistance of the Rangers to enforce parking restrictions within the private property at this address. Unfortunately, the occupier was reluctant to comply with the requirements of registration of a “Private Property”, for the purpose of parking enforcement and, as a result, decided to find an alternative way to achieve their needs. There is no doubt that the parking facility is being abused by both local staff and members of the public, with many vehicles parking for long periods of time, without patronising the chemist shop.

The application appears to provide a means of controlling illegal parking, whereby drivers are warned, by a sign at the entrance to the car park, that it is necessary to purchase a ticket. **Offenders will have their wheels clamped**, if they fail to purchase and display a parking ticket and vehicles will not be released, until a fee of \$135.00 has been paid. Wheel clamping has become more prevalent in recent years, as a method of reducing the incidence of illegal parking on private property. It was first used in the City of Vincent, around 2004, in the former Auto Masters site, at No. 322 William Street, Perth. Following a complaint from a member of State Parliament, the City of Vincent, the then Department of Planning and Infrastructure and the WA Police, undertook extensive investigations into the legality of wheel clamping and established that there is no legislation which deals with the practice, so it is a legal method of controlling parking on private property. This resulted in the RAC engaging with the City, Police and wheel clamping companies in developing a Code of Conduct.

The City currently has three (3) fee paying car parks in the vicinity of this property – Raglan Road, Chelmsford Road and Barlee Street Car Parks, which are well used. The City has also introduced paid parking, in kerb-side locations, in Beaufort Street, between Walcott Street and Broome Street, which will have the effect of shifting the current users of the kerb-side bays, so it is likely that the drivers will seek an alternative facility, thereby exacerbating the already difficult position in the applicant's facility.

It should also be noted that the Council-approved kerb-side and car park parking fees, are greater than is proposed by the applicant, so it is very likely that the applicant's facility will become attractive to local staff and customers. As a result, it is probable that the applicant's car park will be filled every day. Wheel clamping strikes a "wrong" note, but it is acknowledged that, as long as it is made clear to users of the facility that payment is essential, the practice will have the desired effect.

As a result of the above, approval of this application would not have an adverse affect on the City, from a parking perspective. If approval is granted, it should be conditional on adherence to the "Code of Practice for the Wheel Clamping Industry in Western Australia".

From a Ranger and Community Safety perspective, while the potential approval will result in an increase in complaints to the City from members of the public, the practice is both valid and legal. However, the City's administration does not support "wheel clamping" of vehicles as an enforcement method. Accordingly, the Council should recommend that the Applicant use another method of enforcement.

The City's Officers are of the view that, if the above measures are introduced, the Applicant will have satisfactorily addressed the concerns raised at the Ordinary Meeting of Council held on 26 July 2011.

Accordingly, the City's Officers are of the view that the planning application is supportable, and recommend that it be approved subject to standard and appropriate conditions.

The following is a link to the City's website to view the Minutes from Item 9.1.5 placed before the Council at its Ordinary Meeting held on 26 July 2011.

http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes.

9.1.15 LATE ITEM: Nos. 398 & 402 (Lots 5; D/P: 1372 & 71; D/P: 29149) Beaufort Street, Perth – Proposed Five (5) Storey Mixed Use Development Comprising One (1) Eating House, Six (6) Single Bedroom Multiple Dwellings, Eight (8) Multiple Dwellings and Associated Basement Car Parking

Ward:	South	Date:	22 September 2011
Precinct:	Forrest; P14	File Ref:	PRO2442; 5.2011.319.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Neighbourhood Context Report		
Tabled Items	-		
Reporting Officer:	C Harman, Planning Officer (Statutory)		
Responsible Officer:	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 Tizzano Group for proposed Five (5) Storey Mixed Use Development Comprising One (1) Eating House, Six (6) Single Bedroom Multiple Dwellings, Eight (8) Multiple Dwellings and Associated Basement Car Parking at Nos. 398 & 402 (Lots 5; D/P: 1372 & 71; D/P: 29149) Beaufort Street, Perth, and as shown on plans stamp-dated 16 September 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 Beaufort Street;
- 1.2 Doors, windows and adjacent floor areas of the eating house facing Beaufort Street shall maintain active and interactive relationships with the street; and
- 1.3 The maximum gross floor area of the eating house shall be limited to 129 square metres. Any increase in floor space or change of use of the 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 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 park shall be used only by employees, tenants, and visitors directly associated with the development; and
- 2.4 A minimum of fifteen (15) car parking bays shall be allocated for the eating house;

3. **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;

4. **Fencing**

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

5. **Verge Trees**

No street verge tree(s) shall be removed unless written approval has been received from the City's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);

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

6.1 **Management Plan**

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

6.2 **Bicycle Parking**

Five (5) bicycle bays for the residents of the residential component plus one (1) class one or two and three (3) class three bicycle parking facilities for the eating house component shall be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;

6.3 **Residential Car Bays**

Fourteen (14) car bays and four (4) car bays shall be provided for the residents and visitors respectively. The eighteen (18) car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development;

6.4 **Bicycle Parking**

Five (5) bicycle bays for the residents of the residential component plus One (1) Class one or two and three (3) bicycle bays Class 3 for the eating house component 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; and

6.5 **Underground Power**

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

7. **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:

7.1 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 \$60,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$6,000,000); and

7.2 in conjunction with the above chosen option;

7.2.1 **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

7.2.2 **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;

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

8.1 **Construction Management Plan**

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

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

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

8.2.1 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

8.2.2 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;

8.3 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:

- 8.3.1 the location and type of existing and proposed trees and plants;
- 8.3.2 all vegetation including lawns;
- 8.3.3 areas to be irrigated or reticulated;
- 8.3.4 proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 8.3.5 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);

8.4 Schedule of External Finishes

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

8.5 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;

8.6 Amalgamation

The subject Lots 5 and 71 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);

8.7 Revised Car Parking

Revised plans shall be submitted demonstrating the car bays numbered 10 – 14 being deleted and replaced with two (2) 'at-grade' car parking bays, to the satisfaction of the City's Technical Services. These bays shall be marked as customer parking for the proposed eating house;

8.8 Privacy

Revised plans demonstrating the balconies on the first and second floors on the northern and southern elevations being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the City receives written consent from the owners of Nos. 396 and 406 Beaufort Street stating no objection to the respective proposed privacy encroachments.

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

8.9 Car Stackers

Revised plans and details shall be submitted to and approved by the City incorporating a compliant car stacker system and addressing the following matters in relation to the proposed car stacking system:

- 8.9.1 The vertical clearance of the car stackers shall be a minimum of 2.1 metres on each level;
- 8.9.2 Weight limitation for the car stacker shall be no less than 2,500 kilograms;
- 8.9.3 Platform openings shall be an absolute minimum of 2.5 metres wide with a general minimum of 2.7 metres wide for each bay with a general minimum platform width of 2.9 metres for each bay;
- 8.9.4 Reversing car isle widths shall be an absolute minimum of 7 metres;
- 8.9.5 Rubber inserts shall be installed on all platforms on the driver's side;
- 8.9.6 Walls for mounting shall be as per manufacturer's specification – walls and floor shall be made of concrete, grade to be minimum of B25;
- 8.9.7 Car stacker platforms shall accommodate vehicles of 5.2metres in length;
- 8.9.8 Sliding doors shall be automatic;
- 8.9.9 Car stacker operation shall be by remote control;
- 8.9.10 An emergency power generator shall be installed;
- 8.9.11 A suitable mechanical ventilation system shall be installed to the satisfaction of the City;
- 8.9.12 A suitable sprinkler system, approved by a fire engineer, shall be installed;
- 8.9.13 The car stacker design and associated requirements as conditioned shall be submitted to and approved by FESA; and
- 8.9.14 The car parking design shall incorporate a minimum of two additional "at grade" parking bays, which will necessitate the deletion of the car stacker accommodating bays 10 to 14;

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

8.10 Legal Agreement – Car Stacker System

The owner(s) shall enter into a Legal Agreement with the City, which is secured by a caveat on the certificate(s) of title of the subject land, in relation to the car stacker system to address the following to the satisfaction of the City:

8.10.1 All maintenance agreements/contracts shall be current for the life of the building and renewed annually;

8.10.2 A copy of updated and current maintenance agreements/contracts shall be submitted to the City on an annual basis;

8.10.3 The City may act to ensure compliance with the car stacker conditions of approval, in the event of the applicant/owner fails to ensure that the car stacker is in good working order and maintained as such, and the conditions of approval are compliant;

8.10.4 The owner/applicant shall undertake to provide, maintain and ensure the car stacker system is operable and in good working order at all times, for the life of the building, to the satisfaction of the City; and

8.10.5 The legal agreement shall be prepared by the Applicant/owner(s) and approved by the City, or alternatively the Applicant/owner(s) may request the City's solicitor to prepare the Legal Agreement and associated caveat. All costs associated with this condition, including the City's costs for checking the legal documents and caveat if prepared by the Applicant/owner(s) solicitors, shall be borne by the Applicant/owner(s);

8.11 Clothes Drying Facility

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

8.12 Footpath Upgrade

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 \$7,000 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; and

9. 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 \$7,000 amount 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. An application to the City for the refund of the upgrading bond must be made in writing.

Cr Burns departed the Chamber at 8.56pm.

Moved Cr Maier, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

Cr Burns returned to the Chamber at 8.57pm.

Debate ensued.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr Lake

That Subclause 8.8 be amended to read as follows:

“8.8 Privacy

Revised plans demonstrating the balconies on the first and second floors on the northern and southern elevations, the private terraces on the third floor on the northern and southern elevations, and the roof terrace on the third floor on the northern, southern and eastern elevations being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the City receives written consent from the owners of Nos. 396 and 406 Beaufort Street, No. 125 Lincoln Street, and Nos. 7 and 9 McCarthy Street, stating no objection to the respective proposed privacy encroachments.

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

Debate ensued.

AMENDMENT NO 1 PUT AND CARRIED UNANIMOUSLY (9-0)

AMENDMENT NO 2

Moved Cr Maier, Seconded Cr Buckels

That Subclause 8.9.14 be deleted.

Cr McGrath departed the Chamber at 8.00pm.

Debate ensued.

AMENDMENT NO 2 PUT AND CARRIED UNANIMOUSLY (8-0)

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

AMENDMENT NO 3

Moved Cr Maier, Seconded Cr Burns

That Subclause 8.10.2 be amended to read as follows:

~~“8.10.2 A copy of updated and~~ Provide copies of current maintenance agreements/contracts ~~shall be submitted to the City on an annual basis for the car stacking system, on demand, to the City;”~~

Debate ensued.

AMENDMENT NO 3 PUT AND CARRIED UNANIMOUSLY (8-0)

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

Debate ensued.

Cr McGrath returned to the Chamber at 8.02pm.

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (5-4)

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

COUNCIL DECISION ITEM 9.1.15

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 Tizzano Group for proposed Five (5) Storey Mixed Use Development Comprising One (1) Eating House, Six (6) Single Bedroom Multiple Dwellings, Eight (8) Multiple Dwellings and Associated Basement Car Parking at Nos. 398 & 402 (Lots 5; D/P: 1372 & 71; D/P: 29149) Beaufort Street, Perth, and as shown on plans stamp-dated 16 September 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 Beaufort Street;
- 1.2 Doors, windows and adjacent floor areas of the eating house facing Beaufort Street shall maintain active and interactive relationships with the street; and
- 1.3 The maximum gross floor area of the eating house shall be limited to 129 square metres. Any increase in floor space or change of use of the 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 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 park shall be used only by employees, tenants, and visitors directly associated with the development; and
- 2.4 A minimum of fifteen (15) car parking bays shall be allocated for the eating house;

3. **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;

4. **Fencing**

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

5. **Verge Trees**

No street verge tree(s) shall be removed unless written approval has been received from the City's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);

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

6.1 **Management Plan**

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

6.2 **Bicycle Parking**

Five (5) bicycle bays for the residents of the residential component plus one (1) class one or two and three (3) class three bicycle parking facilities for the eating house component shall be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;

6.3 **Residential Car Bays**

Fourteen (14) car bays and four (4) car bays shall be provided for the residents and visitors respectively. The eighteen (18) car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development;

6.4 **Bicycle Parking**

Five (5) bicycle bays for the residents of the residential component plus One (1) Class one or two and three (3) bicycle bays Class 3 for the eating house component 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; and

6.5 **Underground Power**

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

7. **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:

- 7.1 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 \$60,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$6,000,000); and

7.2 in conjunction with the above chosen option;

7.2.1 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

7.2.2 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;

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

8.1 Construction Management Plan

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

8.2 Section 70 A Notification under the Transfer of Land Act

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

8.2.1 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

8.2.2 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;

8.3 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:

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

8.3.2 all vegetation including lawns;

8.3.3 areas to be irrigated or reticulated;

- 8.3.4 proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 8.3.5 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);

8.4 Schedule of External Finishes

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

8.5 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;

8.6 Amalgamation

The subject Lots 5 and 71 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);

8.7 Revised Car Parking

Revised plans shall be submitted demonstrating the car bays numbered 10 – 14 being deleted and replaced with two (2) 'at-grade' car parking bays, to the satisfaction of the City's Technical Services. These bays shall be marked as customer parking for the proposed eating house;

8.8 Privacy

Revised plans demonstrating the balconies on the first and second floors on the northern and southern elevations, the private terraces on the third floor on the northern and southern elevations, and the roof terrace on the third floor on the northern, southern and eastern elevations being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the City receives written consent from the owners of Nos. 396 and 406 Beaufort Street, No. 125 Lincoln Street, and Nos. 7 and 9 McCarthy Street, stating no objection to the respective proposed privacy encroachments.

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

8.9 Car Stackers

Revised plans and details shall be submitted to and approved by the City incorporating a compliant car stacker system and addressing the following matters in relation to the proposed car stacking system:

- 8.9.1 The vertical clearance of the car stackers shall be a minimum of 2.1 metres on each level;
- 8.9.2 Weight limitation for the car stacker shall be no less than 2,500 kilograms;
- 8.9.3 Platform openings shall be an absolute minimum of 2.5 metres wide with a general minimum of 2.7 metres wide for each bay with a general minimum platform width of 2.9 metres for each bay;
- 8.9.4 Reversing car isle widths shall be an absolute minimum of 7 metres;
- 8.9.5 Rubber inserts shall be installed on all platforms on the driver's side;
- 8.9.6 Walls for mounting shall be as per manufacturer's specification – walls and floor shall be made of concrete, grade to be minimum of B25;
- 8.9.7 Car stacker platforms shall accommodate vehicles of 5.2metres in length;
- 8.9.8 Sliding doors shall be automatic;
- 8.9.9 Car stacker operation shall be by remote control;
- 8.9.10 An emergency power generator shall be installed;
- 8.9.11 A suitable mechanical ventilation system shall be installed to the satisfaction of the City;
- 8.9.12 A suitable sprinkler system, approved by a fire engineer, shall be installed; and
- 8.9.13 The car stacker design and associated requirements as conditioned shall be submitted to and approved by FESA;

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

8.10 Legal Agreement – Car Stacker System

The owner(s) shall enter into a Legal Agreement with the City, which is secured by a caveat on the certificate(s) of title of the subject land, in relation to the car stacker system to address the following to the satisfaction of the City:

- 8.10.1 All maintenance agreements/contracts shall be current for the life of the building and renewed annually;
- 8.10.2 Provide copies of current maintenance agreements/contracts for the car stacking system, on demand, to the City;
- 8.10.3 The City may act to ensure compliance with the car stacker conditions of approval, in the event of the applicant/owner fails to ensure that the car stacker is in good working order and maintained as such, and the conditions of approval are compliant;
- 8.10.4 The owner/applicant shall undertake to provide, maintain and ensure the car stacker system is operable and in good working order at all times, for the life of the building, to the satisfaction of the City; and
- 8.10.5 The legal agreement shall be prepared by the Applicant/owner(s) and approved by the City, or alternatively the Applicant/owner(s) may request the City's solicitor to prepare the Legal Agreement and associated caveat. All costs associated with this condition, including the City's costs for checking the legal documents and caveat if prepared by the Applicant/owner(s) solicitors, shall be borne by the Applicant/owner(s);

8.11 Clothes Drying Facility

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

8.12 Footpath Upgrade

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 \$7,000 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; and

9. 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 \$7,000 amount 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. An application to the City for the refund of the upgrading bond must be made in writing.

Landowner:	Tizzano Group
Applicant:	Cuborosso Design and Development
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Vacant Site
Use Class:	Eating House and Multiple Dwellings
Use Classification:	"SA" and "P"
Lot Area:	737 square metres
Right of Way:	N/A

PURPOSE OF REPORT:

This proposal requires referral to the Council for determination as the City's Officers do not have the delegation to determine it.

BACKGROUND:

28 August 2009 The City received an application for a Proposed Seven Storey Mixed Use Development Comprising Thirty (30) Multiple Dwellings, Recreational Facility, Eating House and Associated Two Level Basement Car Parking.

31 December 2009 The application was deemed cancelled due to lack of information received from the applicant.

DETAILS:

The application is for the construction of a five-storey mixed-use development comprising one eating house, six single bedroom multiple dwellings, eight multiple dwellings and associated basement car parking.

The applicant has worked extensively with the City's Officers to address the concerns raised by the City and the community during consultation. Since the application was submitted, the applicant has made significant changes to the proposal to address these concerns.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Plot Ratio:	1.0 = 737 square metres	1.61 = 1,185 square metres
Officer Comments:		
Supported – See “Comments” below.		
Street Setbacks:	2 metres.	1.6-2.1 metres.
Officer Comments:		
Supported – See “Comments” below. The proposed setback allows for future widening of Beaufort Street, whilst maintaining interaction at street level.		
Non-Residential Development Interface Policy	Rear setback for non-residential properties that adjoin residential properties to be a minimum of 6 metres.	Ground, First and Second floors – 1.4 – 2.4 metres.
Officer Comments:		
Supported - The applicant has made significant changes to the original proposal in order to reduce the impact on the adjoining properties. The amended design shows the rear boundary setbacks increasing as the height increases, to reduce the impact of the building on the adjoining properties. The majority of the bulk is contained towards the Beaufort Street elevation, to create an active and interactive street façade.		
Building Setbacks:	<p><u>Northern Side</u> First, Second, Third and Mezzanine Floors = 4 metres (as per R-Codes).</p> <p><u>Southern Side</u> First, Second, Third and Mezzanine Floors = 4 metres (as per R-Codes).</p>	<p>First and Second Floors = 1.6 – 1.8 metres.</p> <p>Third Floor = 1.6 metres.</p> <p>Mezzanine Floor = 1.64 metres.</p> <p>First, Second and Third Floors = 1 – 1.8 metres.</p> <p>Mezzanine Floor = 1.64 metres.</p>
Officer Comments:		
Supported – The walls facing the adjoining properties to the north and south incorporate appropriate articulation in order to create visual interest in the wall and reduce its impact on the adjoining properties. Given the setbacks and the design features, the visual impact will be minimised.		
Number of Storeys:	Four storeys, as per the Residential Design Codes 2010, and the City's Policy No. 3.4.8 relating to Multiple Dwellings.	Five storeys.
Officer Comments:		
Supported – The development which is currently under construction at No. 378 Beaufort Street will be up to six storeys upon completion, as approved by the Council in August 2009. <i>Lincoln Towers</i> is located across Beaufort Street and is up to eight (8) storeys in height and there are also apartment buildings on the corner of Beaufort Street and Lincoln Street, adjacent the subject site, which are 3 storeys. The Council at its Special Meeting held on 5 July 2011 reconsidered and approved as part of the State Administration Tribunal Orders a seven (7) storey Hotel opposite at No. 381 Beaufort Street, Perth. It is therefore, considered that the subject proposal would be in keeping with the context of the area and is not considered to have an adverse impact on the streetscape.		
Building Height:	13 metres (concealed roof).	17.6 metres (average).
Officer Comments:		
Supported – as above.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Overshadowing:	Overshadowing not to exceed 50 per cent of the adjoining site and does not overshadow more than 50 per cent of the outdoor living area on the adjoining properties.	The overshadowing to the <u>rear properties</u> is considered to comply with the provisions of the R-Codes, as the proposal does not overshadow more than 50 per cent of the sites or their outdoor living areas. Adjoining <u>properties along Beaufort Street</u> – up to 80 per cent of the site is overshadowed.
Officer Comments:		
Supported – No objections were received from the properties directly affected along Beaufort Street. The overshadowing to the <u>rear properties</u> is considered to comply with the provisions of the R-Codes, as the proposal does not overshadow more than 50 per cent of the sites or their outdoor living areas.		
Canopy:	No Development is to occur within the MRS Road Widening Reserve.	Proposed canopy within the MRS reserve.
Officer Comments:		
Supported – see “Comments” below.		
Bicycle Parking:	<u>Eating House</u> One (1) class 1 or 2 facility. Three (3) class 3 facilities. <u>Residential</u> 5 residential bicycle parking facilities.	No bicycle parking proposed. A condition will be applied.
Officer Comments:		
Not Supported – A condition will be imposed to address this.		

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

Consultation	
In Support:	Two (2)
Comments Received	
• Nil	Noted.
Officer Comments	
Objections:	Five (5) plus a petition with thirty (30) signatures.
Comments Received	
Natural light will be blocked from adjoining properties and the proposal will increase noise and nuisance for properties to the south and exacerbate traffic problems.	Not Supported – Whilst it is acknowledged that the two adjacent properties along Beaufort Street will be overshadowed, no objections were received from these properties that directly relate to overshadowing. The overshadowing to the rear is considered to comply with the provisions of the R-Codes, as the proposal does not overshadow more than 50 per cent of the sites or their outdoor living areas.
Concerned over the height, given surrounding single storey homes.	Not Supported – In the context of the immediate locality, there are a number of other examples of buildings of similar or greater height and, therefore, the proposal is not considered to have an undue impact on the streetscape or adjoining properties.
Non-Compliant with the R-Codes.	Not Supported – The Council has the discretion to approve variations to the Acceptable Development Criteria of the R-Codes, where it is considered that the proposal meets the objectives set out in the Performance Criteria.

Consultation	
Concerned about privacy, noise and visual impacts.	Supported in Part – A condition has been applied to address any privacy concerns as well as noise.
Bulk and scale is not in keeping with the area.	Not Supported – Given the height of some of the adjoining properties, the proposal is considered to be in keeping with other buildings along Beaufort Street.
Council should consider the impact of overshadowing during summer months.	Not Supported – The R-Codes Explanatory Guidelines require that overshadowing be calculated at midday, 21 June and, therefore, the City's Officers are bound by this when conducting an assessment of any proposal.
Neither:	One (1)
Comments Received	Officer Comments
<ul style="list-style-type: none"> Why ask residents for their input when the Council will make a decision with or without our blessing. No faith in Council. 	Noted.
Advertising	Advertising for the proposal for a period of 21 days was carried out as per the City's Policy 4.1.5 relating to Community Consultation.

Car Parking

The car parking required is calculated as per the R-Codes 2010. The car parking for each category is required to be rounded to the nearest whole number.

Car Parking	
Small Multiple Dwelling (less than 75 square metres) - 0.75 bay per dwelling (6 proposed) = 4.5 car bays = 5 car bays	
Medium Multiple Dwelling (75-110 square metres) - 1 bay per dwelling (6 proposed) = 6 car bays	
Large Multiple Dwelling (greater than 110 square metres) – 1.25 bays per dwelling (2 proposed) = 2.5 car bays = 3 car bays	
Visitors = 0.25 per dwelling = 3.5 car bays = 4 car bays	
Total= 18 car bays	18 car bays
Total car bays provided	36 car bays
Surplus	18 car bays

In total 18 car bays will be required for the residential component. Overall, the number of car parking bays provided for the development is 36 car bays. Therefore, for the commercial component, 18 car bays will be available.

Car Parking	
Car parking requirement (nearest whole number). <ul style="list-style-type: none"> Eating House (1 car bay per 4.5 square metres) Proposed 129 square metres = 28.6 car bays 	29 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> 0.85 (within 400 metres of a bus stop) 0.85 (within 400 metres of public car park in excess of a total of 75 car parking spaces) 0.80 (development contains a mix of uses, where at least 40% is residential) 0.90 (development provides end-of-trip facilities) 	(0.5202)
Minus the car parking provided on-site	15.08 car bays
Minus the car parking provided on-site	18 car bays
Minus the most recently approved on-site car parking shortfall	N/A
Surplus	2.92 car bays

Bicycle Parking		
Eating House	<ul style="list-style-type: none"> 1 space per 100 square metres (proposed 129 square metres) gross floor area (Class 1 or 2) = 1.29 = 1 required) 2 spaces plus 1 space per 100 square metres (proposed 129 square metres) gross floor area (Class 3) = 3.29 = 3 required. 1 space for each 3 dwellings for residents plus 1 space per 10 dwellings for visitors (14 dwellings) = 4 spaces for residents plus 1 space for visitors = 5 required 	Nil Provided.
Residential		Nil Provided.

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

COMMENTS:

Department of Planning

The Other Regional Road (ORR) reservation for Beaufort Street that affects the lots is 1.6 metres wide and has been considered in the design of the building. The Department of Planning finds the development of the eaves over the ORR reservation area acceptable as this area would be used as a footpath in the event of future road widening; the plans depict that the eaves would be 3.25 metres above ground level. This is acceptable to the Department of Planning as it complies with AS1742.2, which requires a minimum of 2.75 metres clearance over footpaths. The Department of Planning has no objection to the proposal.

Strategic Planning

The proposed 5 storey mixed use development has been reviewed in the context of the strategic direction for this area of Beaufort Street. As part of the City's review of its Town Planning Scheme No. 1 and in the preparation of the Local Planning Strategy (LPS) to inform the new Scheme, Beaufort Street has been identified as providing a vital conduit between Mount Lawley and Northbridge, with the capacity for greater density and mix of commercial and residential development, encapsulated through Transit Orientated Design. In this regard, the proposed residential density and commercial element is supported.

The City's Policy No. 3.4.8 relating to Multiple Dwellings (adopted 9 August 2011) prescribes heights for an R80 site as per the R-Codes to be 12 metres for the top external wall, 13 metres for a wall for a concealed roof, and 15 metres to the top of the pitch roof which is the equivalent of a four (4) storey building. The previous Policy relating to Multiple Dwellings (prior to 9 August 2011) permitted a maximum of five (5) storeys within the site for an R80 zoning, which the subject Development Application has proposed. Due to the new R-Codes 2010, the two (2) storey (3 in some instances) height limit in the Precinct Policy is not applicable in respect to this application. On the above basis, the proposed five (5) storey height is not considered to have an undue impact on the emerging inner-urban character of the streetscape or the amenity of the area.

The Draft Town Planning Scheme proposes zonings of R/C R100 with permitted heights of four (4) storeys including loft. It is noted that these documents are still in Draft Format and have not been endorsed by the Western Australian Planning Commission and, therefore, could be subject to change, and as a result, should not be used to assess the Development Application.

In light of the above, it is considered that the proposed redevelopment supports the strategic direction for Beaufort Street.

Statutory Planning

The proposed five storey building is not inconsistent with other buildings in the immediate locality. The applicant has worked with the City's Officers to design the building in such a way so as to reduce the impact on the adjoining properties, particularly to the rear, by staggering the setbacks. The top floors are adequately setback from the rear to alleviate any visual impact on the adjoining properties and in light of the site which is currently being developed at No. 378 Beaufort Street; it is likely that the adjoining sites will be developed in a similar fashion in the future. In light of this, the five storey building is considered consistent with the future direction for development along Beaufort Street and is supported.

Therefore, given the height and scale is in keeping with buildings adjacent and opposite along Beaufort Street, the proposed plot ratio is considered supportable. The subject development is also consistent with the principles of transit oriented development which promotes residential and mixed use buildings in close proximity to transport facilities.

In light of the above, the application has been recommended for approval, subject to standard and appropriate conditions to address the above matters.

9.1.3 No. 310 (Lot 350; D/P: 302839) Pier Street, Perth (NIB Stadium) – High Impact Telecommunication Monopole Installation (Optus)

Ward:	South	Date:	14 September 2011
Precinct:	Beaufort; P13	File Ref:	PRO1510; 5.2011.323.1
Attachments:	001 – Property Report, Plans and Justification Report; 002 – Heritage Assessment; 003 – Applicant’s Response to Submissions		
Reporting Officers:	C Harman, Statutory Planning Officer D Mrdja, Senior Planning and Heritage Officer A Fox, Strategic Planning Officer		
Responsible Officer:	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, **RECOMMENDS SUPPORT** to the Western Australian Planning Commission, for the application submitted by Aurecon Pty Ltd on behalf of the City of Vincent for Proposed High Impact Telecommunication Monopole Installation (Optus), at No. 310 (Lot 350; D/P: 302839) Pier Street, Perth, and as shown on plans stamp-dated 1 July 2011 and 28 July 2011, subject to the following conditions:

1. The proposed equipment shelter shall be of a colour compatible with the main monopole installation on-site;
2. All equipment shall be removed should the facility be relocated or decommissioned from the above site, and the site reinstated to its original state to the satisfaction of the City of Vincent, at the full expense of Optus;
3. The City shall not be liable to any claim for compensation as a result of the above Telecommunications Facility;
4. The monopole and associated equipment shall be constructed in accordance with the approved plans and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City;
5. **PRIOR TO THE ISSUE OF A BUILDING LICENCE**, the applicant shall enter into a lease agreement with the City of Vincent for the construction of the proposed Telecommunications Monopole within the City’s landholdings; and
6. Should the design and construction of the nib Stadium redevelopment interfere with the future operations of the proposed telecommunications facility, the applicant shall remove/relocate the facility at the full expense of Optus.

COUNCIL DECISION ITEM 9.1.3

Moved Cr Farrell, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr Burns

That the item be DEFERRED to investigate other alternative locations for the proposed monopole, away from the residential area.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

Landowner:	City of Vincent
Applicant:	Aurecon Pty Ltd
Zoning:	Metropolitan Region Scheme: Parks and Recreation Town Planning Scheme No. 1: Parks and Recreation
Existing Land Use:	Sports Stadium
Use Class:	Recreational Facility; High-Impact Telecommunications Facility
Use Classification:	"P"; "IP"
Lot Area:	6407 square metres
Right of Way:	Not applicable

PURPOSE OF REPORT:

The proposal requires referral to the Council for determination as the City received 33 objections during the community consultation period.

BACKGROUND:

There is no background that directly relates to this proposal.

DETAILS:

The proposal involves the construction of a telecommunications monopole, at a height of approximately 32 metres, to accommodate six (6) panel antennas, each not more than 2.63 metres long, flush mounted to the monopole at a height of 30 metres. *Optus* will be utilising best-practice design strategies to ensure the proposed monopole is well positioned in the context of *nib* Stadium and the surrounding locality.

In addition to the monopole and antennas, as part of the facility, an equipment cabinet, with an area of 2.34 square metres and no more than 2 metres in height, is proposed below the antennas, to house solely the equipment associated with the telecommunication facility. The equipment cabinet is to be surrounded by a fence, to ensure the cabinet does not have an adverse visual impact on the stadium, and surrounding locality.

Ancillary equipment such as safety equipment, amplifiers, feeders and other associated infrastructure are also included. The applicant proposes to match the equipment shelter and antenna with the existing background colours.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Telecommunications Facilities Policy No. 3.5.6.	All telecommunications facilities are to be located at least 300 metres away from any residential building.	Approximately 75 metres from residential buildings.
Officer Comments:		
Supported – see 'Comments' section below.		

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

Consultation	
In Support	12
Objections	34
Neither	1
Comments Received	Officer Comments
The proposed facility is too close to residential properties.	Not Supported – The proposed location is considered the most appropriate location on the site as it is in proximity to the least number of residential buildings.

Consultation	
There are serious health concerns for people occupying buildings adjacent to the proposed facility.	Not Supported – The Electromagnetic Energy (EME) exposure levels are within the allowable limits set by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).
The palm tree design will not alleviate any of the harmful electrical/radio waves that will impact the surrounding area.	Noted – See “Comments”.
Possible damage to old trees on the site.	Not Supported – The proposed telecommunications facility is not considered to have any impact on the existing vegetation.
The facility will negatively impact adjacent property values.	Not Supported – This is not a planning consideration.
What scientific data is there to support that 75 metres, 4 times less than 300 metres, is safe for human exposure?	Noted – See “Comments”.
Question the need to install the tower, given that there are existing towers in North Perth off Walcott Street.	Noted – See report in Appendix 9.1.3.
Coverage for Optus is fine so no need for another tower.	Noted – See report in Appendix 9.1.3.
Proposal should be to the north-east of nib Stadium towards Bulwer Street	Not Supported – Relocating the facility would result in a greater number of residential buildings being in closer proximity to the facility.
Advertising	The advertising was carried out as per the City’s Policy No. 3.5.6 relating to Telecommunication Facilities.

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

COMMENTS:

The proposed location for the monopole is considered to be the most appropriate location on the Loton Park site, as this location is the furthest from the greatest number of residential properties, given the predominantly commercial nature of Lord Street. The applicant proposed a number of design options to the City; the proposed design was considered the least obtrusive as it is considered to integrate into the surroundings of the stadium. Furthermore, the Heritage Council of WA supports the proposal to erect a monopole within *nib* Stadium.

Strategic Planning

The proposal has been assessed in accordance with the City’s Policy No. 3.5.6 relating to Telecommunication Facilities. The following is noted in relation to this Policy:

- The proposed facility is non-compliant in relation to the 300 metre exclusion zone from a residential building; and
- Clause 2 of the Policy requires the facility to be co-located with existing or proposed facilities, where appropriate, unless the applicant is able to justify otherwise to the City.

Notwithstanding the above, the Strategic Planning Services support the following measures undertaken by the applicant:

- The applicant has met the requirements to consider co-location with existing facilities within the City; however, have been unable to identify alternative opportunities that would adequately meet service requirements;
- Attempts to reduce the visual impact of the proposed facility have been investigated and innovative measures have been taken to conceal the facility within the palm tree structure; and
- The proposed location on the site has been selected on the basis of existing mature plantings that will aid in screening the proposed facility from surrounding residential and commercial properties.

While the City's Strategic Planning Services is not generally supportive of non low-impact tower structures, particularly within close proximity to residential uses, it is understood that the proposed site and design option has been selected following extensive collaboration between *Optus*, *Aurecon*, the Heritage Council and the City's Officers. In light of this, the City's Strategic Planning Services have no objection to the proposed facility at No. 310 Pier Street, Perth, on the following grounds:

- The estimated Radiofrequency EME readings meet the requirements under the ARPANSA standards;
- Opportunities to co-locate the facility have been investigated by the Carrier and deemed unsuitable due to service provision requirements;
- The proposed facility provides for future co-location of facilities by additional Carriers;
- The tower and associated equipment shelter is designed and sited to blend into the surrounding area in such a manner as to have minimal impact on the streetscape and amenity of the surrounding area; and
- The proposed area was identified as having a shortfall in service delivery in the City's draft Telecommunication Strategy in 2002 and has been earmarked as requiring infrastructure upgrades.

In light of the above, the City's Officers consider the proposed low impact telecommunications facility on a regional recreational reserve and on a significant road, is supportable in this instance.

At 8.25pm the Presiding Member, Mayor Nick Catania called an adjournment of the meeting for 10 minutes.

The Meeting resumed at 8.35pm, 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
Anita Radici	Executive Assistant (Minutes Secretary)

9.1.4 No. 103 (Lot 10; D/P: 56012) Harold Street, corner of Stirling Street, Highgate – Demolition of Existing Motel and Associated Office and Storage Facilities

Ward:	South	Date:	15 September 2011
Precinct:	Forrest; P14	File Ref:	PRO0308; 5.2011.445.1
Attachments:	001 – Heritage Assessment		
Reporting Officer:	H Au, Heritage Officer		
Responsible Officer:	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 Peter Tyrrell of Milnett Pty Ltd on behalf of the owner Gregory Robert John Pennells and Ross Joseph Begley for Proposed Demolition of Existing Motel and Associated Office and Storage Facilities, at No. 103 (Lot 10; D/P: 56012) Harold Street, corner of Stirling Street, Highgate, and as shown on plans stamp-dated 7 September 2011, subject to the following conditions:

1. A Demolition Licence shall be obtained from the City prior to commencement of any demolition work on the site;
2. Support of the demolition application shall not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;
3. Any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the City of Vincent Town Planning Scheme No. 1 and associated Policies;
4. No street verge tree(s) shall be removed. The street verge tree/s shall be retained and protected from any damage including unauthorized pruning;

5. Prior to the issue of a Demolition Licence, the following shall be submitted to and approved by the City:

5.1 Demolition Management Plan

A Demolition Management Plan, detailing how the demolition of the development will be managed to minimise the impact on the surrounding area, addressing the following issues:

- 5.1.1 public safety, amenity and site security;
- 5.1.2 contact details of essential site personnel;
- 5.1.3 construction/demolition operating hours;
- 5.1.4 noise control and vibration management;
- 5.1.5 Dilapidation Reports of nearby properties;
- 5.1.6 air and dust management;
- 5.1.7 stormwater and sediment control;
- 5.1.8 soil excavation method and de-watering (if applicable);
- 5.1.9 waste management and materials re-use;
- 5.1.10 traffic, access management, including heavy vehicle access;
- 5.1.11 parking arrangements for contractors and subcontractors;
- 5.1.12 Notification Plan of nearby properties; and
- 5.1.13 any other matters deemed appropriate by the City, including photographs of the precondition of existing City infrastructure such as footpaths, verge and street trees; and

6. A detailed Vacant Lot Management Plan, prepared in consultation with the City's Health, Parks and Planning Services for the site at No. 103 (Lot 10; D/P: 56012) Harold Street, corner Stirling Street, Highgate shall be submitted and approved prior to the issue of a Demolition Licence. The City encourages property owners to appropriately maintain vacant land in a safe, secure and tidy manner in the interest of the community. The management plan shall include details of the proposed treatment of the vacant site which covers fencing, maintenance, rubbish collection, weed control, and the like. The vacant lot shall be maintained in accordance with the management plan, until redevelopment works are carried out on site.

Moved Cr Topelberg, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Topelberg

That Clause 6 be deleted and a new clause 5.2 be inserted to read as follows:

- "5.2 The owner entering into a Legal Agreement with the City (prepared by the City at the owner's expense), prior to the issue of a Demolition Licence to:

- 5.2.1 provide a detailed Landscaping and Lighting Plan, prepared in consultation with the City's Parks Services and Technical Services for the site at No. 103 (Lot 10; D/P: 56012) Harold Street, corner of Stirling Street, Highgate. The approved Landscaping and Lighting Plan works shall be undertaken and completed within three (3) months from the issue of the Demolition Licence and maintained thereafter by the owner(s)/occupier(s);

- 5.2.2 a bond of \$8,500 being paid by the owners, prior to a Demolition Licence being issued, to ensure the Landscape Plan is implemented within the time period and thereafter maintained to the satisfaction of the Chief Executive Officer. In the event that the bond is drawn upon, such bond shall be maintained at a level of \$8,500 dollars until the redevelopment works are commenced;
- 5.2.3 a bond of up to \$10,000 being negotiated and paid by the owners, prior to a Demolition Licence being issued, to ensure the Lighting Plan is implemented within the time period and thereafter maintained to the satisfaction of the Chief Executive Officer;
- 5.2.4 the City being able to carry out the Landscape Plan works and thereafter maintain it to an appropriate appearance and standard, and draw on the bond as required in the absolute discretion of the City's Chief Executive Officer, in the event of non-compliance by the owners;
- 5.2.5 such Legal Agreement to remain in effect until redevelopment works commence; and
- 5.2.6 indemnify the City against any claims whatsoever that may arise as a result of this matter."

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (9-0)

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

COUNCIL DECISION ITEM 9.1.4

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 Peter Tyrrell of Milnett Pty Ltd on behalf of the owner Gregory Robert John Pennells and Ross Joseph Begley for Proposed Demolition of Existing Motel and Associated Office and Storage Facilities, at No. 103 (Lot 10; D/P: 56012) Harold Street, corner of Stirling Street, Highgate, and as shown on plans stamp-dated 7 September 2011, subject to the following conditions:

1. A Demolition Licence shall be obtained from the City prior to commencement of any demolition work on the site;
2. Support of the demolition application shall not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;
3. Any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the City of Vincent Town Planning Scheme No. 1 and associated Policies;
4. No street verge tree(s) shall be removed. The street verge tree/s shall be retained and protected from any damage including unauthorized pruning; and

5. Prior to the issue of a Demolition Licence, the following shall be submitted to and approved by the City:

5.1 Demolition Management Plan

A Demolition Management Plan, detailing how the demolition of the development will be managed to minimise the impact on the surrounding area, addressing the following issues:

- 5.1.1 public safety, amenity and site security;
- 5.1.2 contact details of essential site personnel;
- 5.1.3 construction/demolition operating hours;
- 5.1.4 noise control and vibration management;
- 5.1.5 Dilapidation Reports of nearby properties;
- 5.1.6 air and dust management;
- 5.1.7 stormwater and sediment control;
- 5.1.8 soil excavation method and de-watering (if applicable);
- 5.1.9 waste management and materials re-use;
- 5.1.10 traffic, access management, including heavy vehicle access;
- 5.1.11 parking arrangements for contractors and subcontractors;
- 5.1.12 Notification Plan of nearby properties; and
- 5.1.13 any other matters deemed appropriate by the City, including photographs of the precondition of existing City infrastructure such as footpaths, verge and street trees; and

5.2 The owner entering into a Legal Agreement with the City (prepared by the City at the owner's expense), prior to the issue of a Demolition Licence to:

- 5.2.1 provide a detailed Landscaping and Lighting Plan, prepared in consultation with the City's Parks Services and Technical Services for the site at No. 103 (Lot 10; D/P: 56012) Harold Street, corner of Stirling Street, Highgate. The approved Landscaping and Lighting Plan works shall be undertaken and completed within three (3) months from the issue of the Demolition Licence and maintained thereafter by the owner(s)/occupier(s);
- 5.2.2 a bond of \$8,500 being paid by the owners, prior to a Demolition Licence being issued, to ensure the Landscape Plan is implemented within the time period and thereafter maintained to the satisfaction of the Chief Executive Officer. In the event that the bond is drawn upon, such bond shall be maintained at a level of \$8,500 dollars until the redevelopment works are commenced;
- 5.2.3 a bond of up to \$10,000 being negotiated and paid by the owners, prior to a Demolition Licence being issued, to ensure the Lighting Plan is implemented within the time period and thereafter maintained to the satisfaction of the Chief Executive Officer;
- 5.2.4 the City being able to carry out the Landscape Plan works and thereafter maintain it to an appropriate appearance and standard, and draw on the bond as required in the absolute discretion of the City's Chief Executive Officer, in the event of non-compliance by the owners;
- 5.2.5 such Legal Agreement to remain in effect until redevelopment works commence; and
- 5.2.6 indemnify the City against any claims whatsoever that may arise as a result of this matter.

ADDITIONAL INFORMATION:

Community Consultation for the application closed on Thursday, 22 September 2011. Two submissions were received in support of the proposal as follows:

Consultation	
In Support	2
Objections	Nil
Neither support or object	Nil
Comments Received	Officer Comments
Concerned over the height of future development, preferable not higher than four storeys.	Noted - Any proposed redevelopment would need to be in accordance with the City's Town Planning Scheme No. 1 and associated Policies.
Advertising	The advertising was carried out as per the City's Policy No. 4.1.5 - relating to Community Consultation.

ADDITIONAL OFFICER COMMENT:

It is noted that the owner of No. 441 William Street, Perth did not proceed with the demolition of the subject place, as approved at the Ordinary Meeting of Council held on 24 July 2007, as the owner considered that the Landscaping and Lighting Plan and Bond were unachievable and too onerous. Therefore, the neglected building remained for a number of years, until the City required it to be demolished, by way of enforcement of a statutory notice. Therefore, the City was unable to enforce such requirements as a Landscaping and Lighting Plan on that site.

The City's Officers consider that the previous clause 6 – which requires a Vacant Lot Management Plan to be submitted and approved, prior to the issue of the Demolition Licence, allows for matters such as fencing, maintenance, rubbish collection, weed control, and the like, to be adequately addressed by the City.

Landowner:	Gregory Robert John Pennells and Ross Joseph Begley
Applicant:	Peter Tyrrell of Milnett Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1: Residential R80
Existing Land Use:	Motel (vacant building)
Use Class:	Not applicable
Use Classification:	Not applicable
Lot Area:	2478 square metres
Right of Way:	Not applicable

PURPOSE OF REPORT:

The applicant proposes to demolish the existing motel and associated office and storage facilities and requests demolition approval without the standard condition for the submission of redevelopment plans. The proposal requires referral to the Council for determination.

BACKGROUND:

- 11 August 1997 The Council at its Ordinary Meeting conditionally approved refurbishment of the motel and the addition of a new foyer and change of use of a reception centre to office, staff facilities and warehouse/storage.
- 2 December 2003 The Council at its Ordinary Meeting conditionally approved proposed alterations and additions to existing motel and the change of use from motel to twenty-two (22) multiple dwellings and three (3) single bedroom multiple dwellings.

- 17 January 2006 The Council at its Ordinary Meeting conditionally approved alterations and additions to existing motel.
- 12 September 2006 The Council at its Ordinary Meeting refused a proposed change of use from Motel to Motel and Office and Associated Alterations and Relocation of Swimming Pool for the following reasons:
- “1. *The development is not consistent with the orderly and proper planning of the area.*
 2. *The application is not consistent with the Brigatti Locality.*
 3. *The proposed development is considered to be an intrusion of commercial components into the residential area.”*
- 6 October 2006 The applicant lodged a review application with the State Administrative Tribunal (SAT) in relation to the refusal issued by the Council at its Ordinary Meeting held on 12 September 2006.
- 19 December 2006 The Council at its Ordinary Meeting refused proposed change of use from Motel to Motel and Office and Associated Alterations and Relocation of Swimming Pool (State Administrative Tribunal- Review Matter No. DR 378 of 2006-Directions Hearing) for the following reasons:
- “1. *The development is not consistent with the orderly and proper planning of the area.*
 2. *The application is not consistent with the Brigatti Locality.*
 3. *The proposed development is considered to be an intrusion of commercial components into the residential area.*
 4. *The extent of the commercial component is considered excessive.*
 5. *Insufficient documentary evidence that the condition of the existing building is acceptable for the office use in terms of the building and health requirements.*
 6. *Insufficient documentary evidence that the office use and space approved in 1997 actually commenced and operated on-site in accordance with that approval.”*
- 13 February 2007 The Council at its Ordinary Meeting considered “without prejudice” conditions to the SAT for the proposed change of use from Motel to Motel and Office and Associated Alterations and Relocation of Swimming Pool (State Administrative Tribunal- Review Matter No. DR 378 of 2006).
- 5 June 2007 The State Administrative Tribunal ordered that the application for review is allowed and planning approval is granted for a change of use from Motel and Associated Office and Storage Facilities to Motel and Office, Associated Alterations, and the Relocation of Swimming Pool, subject to standard conditions.
- 24 March 2009 The Council at its Ordinary Meeting noted that the Chief Executive Officer would take action under Delegated Authority for a “Renovation Notice” to be served on No. 103 Harold Street, Highgate (Pacific Motel) (owner: GR Pennells & RJ Begley).
- 6 April 2009 The City issued a “Renovation Notice” to the owners of No. 103 Harold Street, Highgate.
- 28 April 2009 At the applicant’s request, the report for Proposed Change of Use from Motel and associated Office and Storage Facilities to Four Storey Mixed Use Development Comprising Sixteen (16) Offices and Twelve (12) Multiple Dwellings and associated Alterations and Additions was removed from the Council’s Agenda.

- 8 September 2009 The Council at its Ordinary Meeting conditionally approved a change of use from Motel and associated Office and Storage Facilities to Four Storey building consisting of Twenty-Seven (27) Multiple Dwellings-Short Term Accommodation (Unlisted Use) and associated Alterations and Additions.
- 30 March 2011 The Renovation Notice issued on 6 April 2009 was withdrawn and the City issued a new Notice under the Local Government (Miscellaneous Provisions) Act 1960, Section 409(1) in relation to the appearance of the property. The Renovation Notice requires the neglected and dilapidated appearance of the property to be in conformity with the general appearance of buildings in the locality; that is, removal of graffiti, reinstatement of glazing, doors, guttering and fittings to the building. The matter has been referred to the City's Solicitors for legal action for non-compliance with the Notice.
- 24 May 2011 The City's Solicitor wrote to the owners of the subject property outlining the City's position in respect of the Notice and its intention to have the matter dealt with by a Magistrates Court.
- 26 May 2011 The owner's representative met with the City's Officers to discuss the position of the City and the company he is representing with a view to a way forward. The owners are keen to develop the site and acknowledge the site's continued dilapidated state. A legal agreement is currently being sought from the property owners to ensure the dilapidated property is rectified. Failure to obtain the Agreement will result in the City seeking an Order in a Magistrates Court.
- 23 June 2011 An Agreement to undertake the following items within the stated timeframes was made:
- Site Clean Up Works:
Remove all graffiti from the site;
Remove all debris and weeds from the site (includes any rubbish, disused items, building materials, etc);
Board up any doors and windows that are not intact; and
Maintain the status and appearance of the perimeter fencing.
- These works are to be completed to the satisfaction of the City within 42 days of agreement.
- Security Patrols:
Engage a security firm to conduct regular patrols within 7 days of agreement.
- Lodgement of a Building Licence Application:
A complete Building Licence Application (with the exception of a nominated Builder), to be submitted to the City within 30 days of the issue of the Approval to Commence Development, Serial No. 5.2011.42.2. To be submitted by 8 August 2011. The City is to be advised in writing, of the nominated Builder, within 35 days of lodgement of the Building Licence Application.
- Commencement of Building Works:
The works associated with the approved Building Licence to be substantially commenced within 35 days of the issue of the Building Licence.

- 28 June 2011 The Council at its Ordinary Meeting conditionally approved a change of use from Motel and associated Office and Storage Facilities to Four Storey building comprising Twenty-Seven (27) Multiple Dwellings and associated Alterations and Additions.
- 8 September 2011 The applicant submitted an Application for Approval to Commence Development, proposed the Demolition of Existing Motel and Associated Office and Storage Facilities at the subject place.

DETAILS:

The proposal involves the Demolition of the Existing Motel and Associated Office and Storage Facilities.

The owner has not proceeded with the previous Council approval dated 28 June 2011. The following comments are provided by the applicant in this respect:

"The prohibitive cost of renovation coupled with unfavourable credit conditions and subdued buyer demand has meant the proposed project is no longer viable. As a result, our Clients have decided that demolition of the existing improvements with a view to selling the land is their preferred option. Subdivision of the parent lot is also being considered."

As such, the applicant has requested, in the event that the Council approves the proposed demolition of the subject place, that it omits the standard condition that requires a redevelopment proposal for the subject property to be submitted and approved by the City, prior to the issue of a Demolition Licence.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Density	N/A	N/A
Officer Comments:		
Noted.		
Plot Ratio	N/A	N/A
Officer Comments:		
Noted.		

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

Consultation
Note: Community Consultation closes Thursday 22 September 2011 – updated information will be provided thereafter.

Other Implications	
Legal/Policy	TPS No. 1 and associated Policies and Local Government (Miscellaneous Provisions) Act 1960
Strategic	Nil.
Sustainability	Nil.
Financial/Budget	Nil.

COMMENTS:**Heritage Services Comments**

A detailed Heritage Assessment is contained in the attachment to this report.

The subject three storey motel, which is known as the Pacific Motel, is an example of brick and tile motel constructed circa 1978 in the Late Twentieth Century Functionalist Style. The existing three storey building is aligned in an "L" shape to the northern and eastern boundaries, with a large car parking area to the south of the building. The exterior wall of the building was constructed from dark and blonde bricks. The roof of the subject place is hipped and covered with terracotta tiles.

The building is currently vacant and is unkempt in a poor condition. The exterior doors and windows have been boarded up, as requested by the City. The subject place is considered to be unfit for habitation due to the condition of disrepair.

A full Heritage Assessment was undertaken for No. 103 Harold Street, Highgate in September 2011, which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the City's Policy No. 3.6.2 relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the City's Municipal Heritage Inventory.

In light of the above, it is considered reasonable that the application for the demolition of the subject motel be approved.

Development Approval Condition

The applicant has requested that the condition, relating to the requirement for a redevelopment proposal, be removed by the City prior to the issue of a Demolition Licence. This above condition is a standard condition, as per Clause 41 of the Town Planning Scheme No. 1, which is applied to the approval of all demolition within the City and is intended to minimise parcels of land being left vacant over a lengthy period, and enables opportunity for the buildings to be retained. Whilst the request to remove the above condition is not generally supported, the City's Health, Planning and Building and Strategic Planning, Sustainability and Heritage Services have some serious concerns regarding the current condition of the subject buildings, which are so dilapidated that they are unfit for use or occupation.

In light of the above, it is considered that the subject buildings be approved for demolition, without the standard redevelopment requirement, rather with a condition in regards to a Vacant Lot Management Plan, as per the Officer Recommendation.

The City has previously issued legal notices requiring the landowner to improve the condition of the unkempt and dilapidated properties.

As the owners have failed to comply with the Agreement made on 23 June 2011, the City may pursue legal proceedings in accordance with the Notice issued on 30 March 2011 under the Local Government (Miscellaneous Provisions) Act 1960, Section 409(1), in relation to the appearance of the property. It is however considered that the City may not be successful in such proceedings, given the current application for demolition. It is therefore recommended that in the event the Council approves the application and the demolition is undertaken in a timely manner, the City will not pursue action in accordance with the Notice issued on 30 March 2011 under the Local Government (Miscellaneous Provisions) Act 1960.

The subject properties have been the subject of complaints from local residents over a number of years. The demolition of the buildings is therefore likely to be well received by the local residents.

9.1.5 No. 360 (Lots 71 & 73; D/P: 35384 & 35387) Stirling Street, Corner Broome Street, Highgate - Proposed Change of Use from Shop and Single House to Eating House (Take-Away Food Outlet) and Single House

Ward:	South	Date:	14 September 2011
Precinct:	Forrest; P14	File Ref:	PRO3436; 5.2011.215.2
Attachments:	001 - Property Information Report and Development Application Plans		
Tabled Items	Applicant's Submission and Associated Documentation		
Reporting Officer:	T Cappellucci, Planning Officer (Statutory)		
Responsible Officer:	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 C Giorgini on behalf of the owner C & K J Giorgini for proposed Change of Use from Shop and Single House to Eating House (Take-Away Food Outlet) and Single House at No. 360 (Lots 71 & 73, D/P 35384 & 35387) Stirling Street, corner Broome Street, Highgate, and as shown on plans stamp-dated 23 May 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 Stirling and Broome Streets;
- 1.2 Doors, windows and adjacent floor areas of the eating house facing Stirling and Broome Streets shall maintain active and interactive relationships with these streets;
- 1.3 The hours of operation of the eating house shall be limited to 5.00pm to 11.00pm Monday to Sunday inclusive; and
- 1.4 The floor plan layout and respective floor areas of the eating house shall be maintained in accordance with the Planning Approval plans. Any increase or change of use of the eating house (take-away food outlet) 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; and
- 2.3 One (1) car parking bay shall be allocated for the eating house (take-away food outlet);

3. **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;

4. **Fencing**

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

5. **Verge Trees**

No street verge tree(s) shall be removed unless written approval has been received from the City's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);

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

6.1 **Refuse and Recycling Management Plan**

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

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

7.1 **Management Plan**

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

7.2 **Bicycle Parking**

One (1) class three bicycle space for the eating house (take-away food outlet) component shall be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3.

COUNCIL DECISION ITEM 9.1.5

Moved Cr McGrath, Seconded Cr Topelberg

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

That Subclause 1.3 be amended to read as follows:

"1.3 The hours of operation of the eating house shall be limited to 5.00pm to ~~11.00pm~~ 10.00pm Monday Sunday to Sunday Thursday inclusive and 5.00pm to 11.00pm Friday and Saturday inclusive; and"

Debate ensued.

MOTION PUT AND LOST UNANIMOUSLY (0-9)

REASONS FOR REFUSAL:

1. Hours of operation in the evening are considered intrusive to the amenity of the area.
2. The intensification of the use is considered unacceptable, as it will impact on the nearby residents.
3. Premises is located in a residential area and the proposed use is incompatible in a residential area.
4. Consideration of objections received.

Landowner:	C & K J Giorgini
Applicant:	C Giorgini
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Shop and Single House
Use Class:	Eating House (Take-away food outlet) and Single House
Use Classification:	"SA" and "P"
Lot Area:	298 square metres
Right of Way:	N/A

PURPOSE OF REPORT:

This proposal requires referral to the Council for determination given eleven (11) objections have been received.

BACKGROUND:

14 April 2009 The Council at its Ordinary Meeting resolved to conditionally approve the proposed change of use from shop and single house to take-away food outlet and single house and associated additions and alterations. This Planning Approval was subsequently not taken up and has now expired which has resulted in this new development application being submitted.

DETAILS:

Approval is sought for the change of use from Shop and Single House to Eating House (Take-Away Food Outlet) and Single House. A portion of the dwelling is a disused corner shop building originally used as a butcher shop.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
City of Vincent Economic Development Strategy	No requirement to add new commercial precincts or nodes as all Vincent's residents live within 1 kilometre of a commercial centre.	Adaptive re-use of a corner shop in a residential zone.
Officer Comments:		
Supported – See 'Comments' section. The City's Economic Development Strategy notes that while each precinct is individual with its own set of unique characteristics, there are common values that are shared across all the City's precincts that require a City wide approach.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
One of these characteristics is the protection of niche local businesses considered critical to the vibrancy and uniqueness of the City's precincts, in addition to ensuring that diversity, vibrancy and uniqueness are sustained within each precinct to enhance the character and brand of the City. In this instance, the proposed re-use of a corner shop into a take-away pizza food outlet is seen as being consistent with the intended economic development action planning outlined for the City of Vincent.		
Bicycle Parking	One (1) Class Three bicycle parking space.	Nil.
Officer Comments:		
Not Supported – A condition has been placed that prior to the first occupation of the development, one (1) class three bicycle parking space is to be provided.		
Non-Residential Development Interface Policy	The Town may consider an application for a non-residential or mixed use (that is, residential and commercial) development on land immediately adjacent to residential areas where it is demonstrated that there is minimal impact on adjoining and nearby land uses.	Commercial development directly adjacent to residential properties. The proposed eating house (take-away food outlet) has always been existing as a commercial use on-site.
Officer Comments:		
Supported - The proposed take-away food outlet is proposed to replace a disused butcher shop. It is noted that the property is zoned residential; however, given the operation will be a family operated business with limited operating hours, 5.00pm to 11.00pm Monday to Sunday inclusive, it is deemed a relatively low intensity of use. In addition, as the site is approximately 150 metres to the east of Beaufort Street, which is zoned 'commercial', the premises will offer an alternative for local residents to seek a convenient dinner closer to home, if they so desire, while also potentially fostering a sense of community. As the proposed one (1) car bay for the proposed take-away food outlet results in no shortfall in car parking bays, and there is sufficient on-street parking along Broome and Stirling Streets, the proposed use will be able to cater for the anticipated number of patrons that it is expected to generate, without affecting the amenity of the adjoining residential properties.		

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

Consultation	
In Support:	Nil (0)
Comments Received	Officer Comments
<ul style="list-style-type: none"> Nil 	Noted.
Objections:	Ten (10)
Comments Received	Officer Comments
<ul style="list-style-type: none"> There does not need to be any extra food outlets in this area as the location is more than adequately covered by the Beaufort Street shopping strip. Only 100metres away from the Beaufort Street strip of restaurants and take away shops where the whole area is more than adequately supplied with an excellent range of food outlets. 	<p>Not Supported – The proposed take-away food outlet is acceptable in the location given its small scale nature, the proposed operating hours and minimal car parking required on-site due to the presence of significant on-street car parking along Broome and Stirling Streets.</p> <p>An identical application and landuse was lodged in 2009 for this site and was approved by the Council at its meeting held on the 14 April 2009. The approval lapsed as the owners were unable to proceed with the proposal within the two year time period. The proposal was supported by the Council having regard to the unique nature of the proposed use, its low intensity and scale of operation (gross floor area of 31.76 square metres and family staff</p>

Consultation	
<ul style="list-style-type: none"> • This is a residential area, the properties next door and opposite will be affected by late night trading. • There are already significant problems with parking in the area; any further commercial development will exacerbate the problem. • The property has not been a shop for the entire time I have lived in the area, approximately 7 years. I believe the rules for ToV are that any building not used for its 'registered usage' after 12 months loses the right and has to reapply for 'shop status'. Therefore, this should be rejected. • The impact on the residents will be parking problems, no doubt rubbish/waste management problems, late night noise in a residential area. 	<p>members), that the business caters to local residents, no seating is proposed on-site and would only be open in the evenings and will be for takeaway only. This application is essentially seeking a renewal of the previous planning approval.</p> <p>Not Supported – Given the small scale of the proposed use, it is deemed not to have an undue impact on the amenity of the adjoining residential properties while at the same time, providing an alternative dinner option for the neighbouring community.</p> <p>The scale of the development is such that it is unable to service a large number of customers at any one time. The proposed business cannot be compared to major pizza chain operations or full commercial use.</p> <p>Not Supported – Given the proposed hours of operation of the take-away food outlet are 5pm till 11pm on Monday to Sunday inclusive, and the location of on-street parking along Stirling and Broome Streets, in conjunction with being within close proximity to public transport, the one (1) car bay proposed for the commercial component is deemed acceptable. In addition, the proposal results in no car parking shortfall; therefore, is in accordance with the City's Parking and Access Policy.</p> <p>It is anticipated that most trade will be from the surrounding residential area and neighbours who live within walking distance. Drivers are more likely to attend premises in Beaufort Street rather than this isolated small pizza outlet.</p> <p>Not Supported – The site is not a Non-Conforming Use as the former local shop is a use which can be approved in a residential zone and not an 'X', not permitted use.</p> <p>Not Supported - As part of this application, the tenants will be required to maintain the premises. As such, a Refuse and Recycling Management Plan is required, as outlined in condition 6.2. In addition, prior to the first occupation of the site, a detailed management plan will be required to be submitted to address the control of noise, anti-social behaviour, traffic, car parking, disposal of rubbish and its collection and litter associated with the development.</p>

Consultation	
<ul style="list-style-type: none"> No information provided on trading hours proposed or what they are proposing for waste management No traffic impact study provided. Parking – Looking at the actual plans at the ToV, I saw only 2 parking places accessed via the rear of the property (and these are presumably for the owners or residents of the property) , so I dread to think what a take away trade would do to our already over stressed street parking. 	<p>Noted – The trading hours proposed for the take-away food outlet are 5pm till 11pm, Monday to Sunday inclusive. Waste Management will be addressed as part of the required Refuse and Recycling Management Plan, required as per condition 6.2.</p> <p>Noted – Given the small nature of the take-away food outlet proposed, a traffic impact study was deemed not required in this particular instance.</p> <p>Not Supported – As part of the plans, there are three (3) car parking bays proposed. Two (2) car parking bays are designated for the single house existing on-site while the other car bay (disabled car bay), is designated specifically for the take-away food outlet. Under the Building Code of Australia requirements under section D3.5 Carparking ‘Access and Egress’, the disabled car bay can be used as a normal car parking bay where there is a total of not more than five (5) car parking spaces, so as to not restrict the use of the car parking space only for people with disabilities.</p>
Advertising	Advertising for the proposal for a period of 21 days was carried out as per the City’s Policy 4.1.5 relating to Community Consultation.

Car Parking	
<p>Car parking requirement (nearest whole number)</p> <p>Proposed Take Away Food Outlet (1 space per 4.5 persons of seating area plus 1 space per 2.5 square metres of queuing area with a minimum of 4 spaces)</p> <p>Proposed queuing area = 10.436 square metres Parking Required = 4.1744 car bays</p> <p>Total car bays required = 4.1744 car bays</p>	<p>4 car bays (nearest whole number)</p>
<p>Apply the adjustment factors.</p> <ul style="list-style-type: none"> 0.85 (within 400 metres of a bus stop/station) 0.85 (within 800 metres of a rail station) 0.80 (contains a mix of uses, where at least 45 percent of the gross floor area is residential) 	<p>(0.578)</p> <p>2.312 car bays</p>
<p>Minus the car parking provided on-site</p>	<p>1 car bay</p>
<p>Minus the most recently approved on-site car parking shortfall (cash-in-lieu of last Planning Approval 5.2008.417.1, for 1.3 car bays has been paid in full).</p>	<p>1.3</p>
<p>Resultant shortfall</p>	<p>0.012 or (0) car bays</p>

Bicycle Parking		
Take Away Food Outlet	<ul style="list-style-type: none"> 1 space per 100 square metres (proposed 39 square metres) gross floor area (Class 1 or 2) (0.39 = Nil required) 1 space per 50 square metres (proposed 39 square metres) gross floor area (Class 3): (0.78 = 1 required) 	<p>Nil Provided.</p> <p>Nil Provided.</p>

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

COMMENTS:

The proposed use of a portion of the subject property as an eating house, 'take-away food outlet', is an "SA" use within a Residential zone. Within a Residential zone, an eating house use is generally not considered to be consistent with surrounding residential uses. However, the City's Economic Development Strategy, notes that while each precinct within the City is individual with its own set of unique characteristics, there are common values that are shared across all the City's precincts that require a City wide approach. Two of these are as follows:

- The protection of niche local businesses considered critical to the vibrancy of the Town's precincts; and
- Diversity, vibrancy and uniqueness are critical characteristics to sustain within each precinct and to enhance the character and brand of the Town.

With the subject site, the re-use of the corner shop as an eating house 'take-away food outlet', given its history as being a long existing commercial use, is deemed to satisfy the above-mentioned values outlined in the City's Economic Development Strategy in that it ensures the protection of a previously existing local business, as well as providing a diverse and unique use within a predominately residential area.

Given the unique nature of the proposed use, in that it is of a relatively low intensity and scale, that the business is intended to cater specifically for local residents, no seating is proposed on-site, would only be open in the evenings from 5pm to 11pm on Monday to Sundays, and will be for takeaway only, the proposal is deemed not to cause an undue impact on the surrounding residential properties. It is worth noting that the subject site has historically been used as a butcher shop for a substantial period of time before coming vacant. Therefore, the use of the site as a similar 'small nature' commercial development within a residential zone is considered acceptable as the impact on the local residential properties will be minimal.

The property is to be restored and upgraded which will improve the visual presence of the building within the streetscape. The only external changes to the existing building will be aesthetic (painting) and the reinstatement of the doors addressing the Broome Street/Stirling Street corner. The doors will be located in the original entry which would have serviced the old butcher shop. As a result of this, the residential amenity and character of the area will not be unduly compromised.

In addition, three (3) new car bays would be created on-site as a result of this development. Two (2) car bays will be provided for the existing residence and one (1) car bay provided for the commercial component. This is an improvement to the existing parking situation for the subject property, which currently relies upon on-street car parking.

In light of the above, the application has been recommended for approval, subject to standard and appropriate conditions to address the above matters.

9.1.9 Amendment No. 78 to Planning and Building Policy Manual – Draft Amended Policy No. 3.5.13 Relating to Percent for Public Art – Finalisation Report

Ward:	Both Wards	Date:	15 September 2011
Precinct:	All Precincts	File Ref:	PLA0198
Attachments:	001 – Draft Amended Planning and Building Policy No. 3.5.13, relating to Percent for Public Art; 002 – Draft Amended Percent for Public Art Guidelines; 003 – Summary of Submissions		
Tabled Items:	Nil		
Reporting Officers:	A Marriott, Project Officer – Sustainability R Gunning, Arts Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

1. **ADOPTS** the final amended version of the Policy No. 3.5.13 relating to Percent for Public Art, as shown in Appendix 9.1.9(a) in accordance with Clause 47(5)(b) of Town Planning Scheme No. 1;
2. **ENDORSES** the final amended version of the Percent for Public Art Guidelines, as shown in Appendix 9.1.9(b); and
3. **AUTHORISES** the Chief Executive Officer to advertise:
 - 3.1 the final amended version of the Policy No. 3.5.13 relating to Percent for Public Art, in accordance with Clause 47(6) of Town Planning Scheme No. 1; and
 - 3.2 the final amended version of the Percent for Public Art Guidelines.

COUNCIL DECISION ITEM 9.1.9

Moved Cr Buckels, **Seconded** Cr Topelberg

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Buckels, **Seconded** Cr McGrath

That Clause 1 be amended to read as follows:

“That the Council;

1. **ADOPTS** the final amended version of the Policy No. 3.5.13 relating to Percent for Public Art, as shown in Appendix 9.1.9(a) in accordance with Clause 47 (5) (b) of Town Planning Scheme No. 1, subject to the Policy being amended as follows:
 - 1.1 **Clause (1) of the Policy relating to Policy Intent being amended to read as follows:**

Proposals for commercial, non-residential, and mixed residential/commercial developments ~~over~~ between the value of \$1,000,000 - \$1,500,000 are to set aside a minimum of ~~one half a~~ per cent (1%) (0.5%) and for developments with a value over \$1,500,000 are to set aside a minimum of (1%) of the Total Project Cost for the development of Public Art which reflects the place, locality or community.

Where this Policy applies, this requirement will be stipulated in a condition of Planning Approval.

1.2 Clause (2) (ii) of the Policy relating to General Provisions being amended to read as follows:

In either case, costs associated with the production of Public Art which may be paid for from the minimum 0.5% or 1%, whichever is applicable, set aside include:"

Debate ensued.

AMENDMENT PUT AND LOST (1-8)

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

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

ADDITIONAL OFFICER COMMENT:

It is to be noted that the current contribution towards public art works well and results in good public artwork outcomes. The proposed amendment to reduce the contribution towards public art work will significantly reduce the quality of public artwork in the City, and will make it increasingly challenging for artists to prepare a meaningful and well designed public art work with less funds available.

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the outcomes of the formal advertising period for the *Draft Amended Policy No. 3.5.13 Relating to Percent for Public Art*, and seek final adoption of the Amended Policy.

BACKGROUND:

24 May 2011 At its Ordinary Meeting, the Council resolved to:

"That the Council;

(i) ADVERTISES:

(a) the Draft Amended Policy No. 3.5.13 relating to Percent for Public Art, as shown in Appendix 9.1.2(a), subject to:

(1) clause 1) of the Policy Statement be amended to delete the amount of \$1,500,000 and to retain the value of \$1,000,000; and

(b) the Draft Amended Percent for Public Art Guidelines, as shown in Appendix 9.1.2(b), subject to:

(1) Clause 2(ii)(b) (on page 2 of 14) being amended to read as follows:

*"(b) 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 Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount.;"
and"*

for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1; and

- (ii) *after the expiry of the period for submissions:*
- (a) *REVIEWS the Draft Amended Policy No. 3.5.13 relating to Percent for Public Art, and the Draft Amended Guidelines, having regard to any written submissions; and*
 - (b) *DETERMINES whether or not to proceed with the Draft Amended Policy No. 3.5.13 relating to Percent for Public Art and the Draft Amended Guidelines, with or without further amendment."*

DETAILS:

Submissions Received:

The Draft Amended Policy No. 3.5.15 relating to Percent for Public Art has been advertised as required by clause 47 of the City's Town Planning Scheme No. 1, commencing on 21 June 2011 and closing on 19 July 2011. Following the completion of the advertising period, the Policy was further considered in light of the submissions received, and where appropriate, the draft amended Policy has been further amended. A summary of the submissions received is outlined in Appendix 9.1.9(c).

The proposed key amendments to the draft Amended Policy No. 3.5.13 and the draft Amended Guidelines are outlined below. The justification for each of the amendments below is detailed in the Comments section of this report.

Amendments to Policy No. 3.5.13 relating to Percent for Public Art:

- Add The National Association for the Visual Arts' definition of the term 'Professional Artist' to the list of definitions;
- Insert the statement '*The art project may be an interpretation of cultural heritage*' into the paragraph ending clause 2) iii);
- Replace the word '*hardscaping*' with '*architectural*' in clause 2) iv) e); and
- Amend any reference to the 'Town of Vincent' to reflect its new designation as 'City of Vincent', as of 1 July 2011.

Amendments to Percent for Public Art Guidelines:

- Add the statement '*Included should be a contract between the developer and the artist, full working drawings (including an indication of where the art work is located) and a detailed budget*' to the second paragraph of clause 4; and
- Add the following two clauses to the *Application for Art Work Design Approval*:
 - '4. Contract between the Developer and Artist
Please attach three (3) copies of the contract between the Developer and the Artist.'
 - '5. Art Work Budget
Please attach three (3) copies of a detailed Art Work Budget.'
- Amend any reference to the 'Town of Vincent' to reflect its new designation as 'City of Vincent', as of 1 July 2011.

CONSULTATION/ADVERTISING:

The Draft Amended Policy was advertised for a period of 28 days, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1.

In total, five (5) written submissions were received, all supporting the amendments to the Policy and Guidelines.

The amendments made as a result of the submissions received, are outlined in the 'Details' section of this report, with Officer Justification included in the 'Comments' section.

A summary of the comments received in the submissions can be found in Appendix 9.1.9 (c).

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

- 1.1 *Improve and maintain the natural and built environment and infrastructure*
 - 1.1.2 *Enhance and maintain the character and heritage of the City.*
- 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 draft amended Policy is primarily aimed at further developing social and economic aspects of sustainability within the City. Objectives of the draft amended Policy include developing and promoting community identity within the City, improving the quality of the City's built environment, and increasing the social, cultural and economic value of the City.

FINANCIAL/BUDGET IMPLICATIONS:

Advertising of the amended Percent for Public Art Policy No. 3.5.15 will be funded from the "Town Planning Scheme Amendments and Policies" account, which is allocated \$40,000 in the current 2011/2012 Budget.

COMMENTS:

For improved clarity, the City's Officers consider it appropriate to include a definition of the term 'Professional Artist' in the definitions section of the Policy, and to specify the interpretation of cultural heritage is an acceptable form of public art.

The City's Officers also consider it appropriate in Clause 2) iv) e) of the Policy to remove the word "hardscaping", which is already covered by the word "landscaping" earlier in the same sentence, and replace it with the word "architectural", in order to rule out the substitution of architectural screening or similar existing structural elements for public art.

In light of the submissions received, the City's Officers consider it appropriate to add the requirement for copies of the contract between the Developer and the Artist as well as a detailed Art Work Budget, to the Application for Art Work Design and Approval form attached to the Guidelines. It is also considered appropriate to add the clarifying statement "*full working drawings (including an indication of where the art work is located)*" to clause 4 of Steps to Coordinate a Public Art Project, within the Guidelines.

The City's Officers consider that the additional proposed changes result in a clearer and more easily understood Policy No. 3.5.15 relating to Percent for Public Art and associated Percent for Public Art Guidelines.

In light of the above, it is recommended that the Council adopts the final amended version of the City's Policy No. 3.5.15 relating to Percent for Public Art, in line with the Officer Recommendation.

9.1.10 Amendment No. 83 to Planning and Building Policies – Appendix No. 20 Relating to Refunding and Waiving of Planning and Building Fees – Finalisation Report

Ward:	Both	Date:	15 September 2011
Precinct:	All	File Ref:	PLA0234
Attachments:	001 – Draft Appendix No. 20 relating to Refunding and Waiving of Planning and Building Fees 002 – Comments Table		
Reporting Officer:	E Lebbos, Strategic Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

1. **ADOPTS** the final amended version of Draft Appendix No. 20, relating to Refunding and Waiving of Planning and Building Fees, as shown in Appendix 9.1.10, in accordance with Clause 47 (5) (b) of the City’s Town Planning Scheme No. 1; and
2. **AUTHORISES** the Chief Executive Officer to advertise the final amended version of Draft Appendix No. 20, relating to Refunding and Waiving of Planning and Building Fees, as shown in Appendix 9.1.10, in accordance with Clause 47(6) of the City’s Town Planning Scheme No. 1.

Moved Cr Maier, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr McGrath

That the Clause 1 be amended to read as follows:

“1. **ADOPTS** the final amended version of Draft Appendix No. 20, relating to Refunding and Waiving of Planning and Building Fees, as shown in Appendix 9.1.10, in accordance with Clause 47 (5) (b) of the City’s Town Planning Scheme No. 1, subject to the Appendix being further amended as follows: ~~and~~

1.1 **Clause 4 (a) Partial or Full Waiver of Planning Fees** be amended to read as follows:

(a) Where the application relates to development of a property listed on the ~~Town’s~~ City’s Municipal Heritage Inventory (The Heritage List), owners may have fees waived in part or in full in the following instances:

(i) where the proposed development would not otherwise require the submission of an application for planning (development) approval under clause 33 of the Town Planning Scheme No. 1 (i.e. it would otherwise be “exempt” development); or

(ii) the sole purpose of the proposed development is to restore or conserve the heritage attributes of a significant building and/or site; or

- (iii) where the proposed development consists solely of the demolition of non-original fabric and which has no adverse impact on the heritage significance associated with the place; or
- (iv) development application involving a change of use of a heritage-listed place that does not involve any significant physical construction; or
- (v) development application involving alterations and additions which has no adverse affect on the heritage significance associated with the heritage listed place; or
- (vi) development application involving partial demolition which has no adverse affect on the heritage significance associated with the heritage listed place; or and
- ~~(vii) the value of the development is not more than \$2.5 million. The reduction fee is to be incremented based on the value of the development; ..."~~

Cr Burns suggested that the amendment Clause 1.1(a) be changed to incorporate the intent of Clause (vii) and read as follows:

“(a) Where the application relates to development of a property listed on the ~~Town’s~~ City’s Municipal Heritage Inventory (The Heritage List) and the value of the development is not more than \$2.5 million, owners may have fees waived (reduction fee is increment based on the value of the development) in part or in full in the following instances:”

The Mover, Cr Maier and the Seconder, Cr McGrath agreed.

AMENDMENT (as changed) PUT AND CARRIED UNANIMOUSLY (9-0)

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

COUNCIL DECISION ITEM 9.1.10

That the Council;

1. ADOPTS the final amended version of Draft Appendix No. 20, relating to Refunding and Waiving of Planning and Building Fees, as shown in Appendix 9.1.10, in accordance with Clause 47 (5) (b) of the City’s Town Planning Scheme No. 1, subject to the Appendix being further amended as follows:
 - 1.1 Clause 4 (a) Partial or Full Waiver of Planning Fees be amended to read as follows:
 - (a) Where the application relates to development of a property listed on the City’s Municipal Heritage Inventory (The Heritage List) and the value of the development is not more than \$2.5 million, owners may have fees waived (reduction fee is increment based on the value of the development) in part or in full in the following instances:
 - (i) where the proposed development would not otherwise require the submission of an application for planning (development) approval under clause 33 of the Town Planning Scheme No. 1 (i.e. it would otherwise be “exempt” development); or

- (ii) the sole purpose of the proposed development is to restore or conserve the heritage attributes of a significant building and/or site; or
 - (iii) where the proposed development consists solely of the demolition of non-original fabric and which has no adverse impact on the heritage significance associated with the place; or
 - (iv) development application involving a change of use of a heritage-listed place that does not involve any significant physical construction; or
 - (v) development application involving alterations and additions which has no adverse affect on the heritage significance associated with the heritage listed place; or
 - (vi) development application involving partial demolition which has no adverse affect on the heritage significance associated with the heritage listed place; and
2. **AUTHORISES** the Chief Executive Officer to advertise the final amended version of Draft Appendix No. 20, relating to Refunding and Waiving of Planning and Building Fees, as shown in Appendix 9.1.10, in accordance with Clause 47(6) of the City's Town Planning Scheme No. 1.

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of the outcomes of the formal advertising period for Draft Appendix No. 20, relating to Refunding and Waiving of Planning and Building Fees, to present to the Council the final amended version of Draft Appendix No. 20, and to seek final adoption of the Draft Appendix.

BACKGROUND:

- 28 June 2011 The Council considered a report relating to Draft Appendix No. 20, relating to Refunding and Waiving of Planning and Building Fees, and resolved to authorise the Draft Appendix to be advertised for public comment.
- 12 July 2011 The public consultation period commenced for Draft Appendix No. 20, relating to Refunding and Waiving of Planning and Building Fees.
- 8 August 2011 The public consultation period closed for Draft Appendix No. 20, relating to Refunding and Waiving of Planning and Building Fees.

DETAILS:

Draft Appendix No. 20 relating to Refunding and Waiving of Planning and Building Fees, has been advertised as required by Clause 47 of the City's Town Planning Scheme No. 1, commencing on 12 July 2011 and closing on 8 August 2011. Following the completion of the advertising period, the Draft Appendix was further considered in light of the submissions received, as well as proposed amendments by internal staff. Where appropriate, the Draft Appendix has been modified in light of these comments.

A summary of the proposed key amendments to Draft Appendix No. 20, relating to Refunding and Waiving of Planning and Building Fees, following the advertising period, are as follows:

- Define 'not-for-profit' in the context of clause 4 (b) of the Draft Appendix.

Officer Comments:

This definition was inserted in order to eradicate any ambiguity as to what organisations are considered to be 'not-for-profit', according to Draft Appendix No. 20, thereby allowing for the transparent application of clause 4 (b).

- Amend clause (4) by adding 'or' at the end of clause 4 (b) (i), as well as deleting the word 'and' at the end of clause 4 (b) (ii) and replacing it with 'or', so that one provision can occur without the other, as opposed to all three having to apply to a 'not-for-profit' organisation as currently stipulated.

Officer Comments:

This clause has been amended because it was not intended for a 'not-for-profit' organisation to comply with the provisions of clause 4 (b) (i), (ii) and (iii); rather these three criteria are to be mutually exclusive.

- Amend clauses 3 and 8, relating to Waiving of Building Fees, and Building Licence Fees respectively.

Officer Comments:

These clauses have been amended in order to accurately reflect the provisions of the Building Regulations 1989, relating to fees concerning the Building and Construction Industry Training Fund.

- Insert a new clause relating to the authority of the Chief Executive Officer and the Director Development Services to vary the extent of refunding and waiving of planning and building fees as outlined in the Draft Appendix.

Officer Comments:

This clause has been included in order to ensure that the Draft Appendix No. 20 aligns with the provisions set out in Part 6.17 of the City's Delegated Authority Register 2011-2012.

- Amend any reference to 'Manager Planning, Building and Heritage Services' to reflect the new title of 'Manager Planning and Building Services'.
- Amend any reference to the 'Town of Vincent', to reflect its new designation as 'City of Vincent', as of 1 July 2011.

The proposed amendments are considered appropriate and logical, and will serve to further enhance the transparency of the City's Appendix No. 20, relating to Refunding and Waiving of Planning and Building Fees.

Details of all proposed amendments are outlined in Appendix 9.1.10, and have been depicted via strikethrough and underline.

CONSULTATION/ADVERTISING:

The Draft Appendix was advertised for a period of 28 days, in accordance with Clause 47 of the City of Vincent's Town Planning Scheme No. 1. The formal advertising period commenced on 12 July 2011 and closed on 8 August 2011.

In total, three (3) submissions were received, two (2) of which stated no objection to the Draft Appendix, and one (1) of which stated neither, but commended the City on its practical approach to the issue of refunding and waiving of planning and building fees.

In addition to the above, it is noted that the City received verbal support for the Draft Appendix from the East Perth Redevelopment Authority. This has not been collated or considered as a formal submission; however, in line with clause 3.1 of the City's Community Consultation Policy No. 4.1.5, which states *'To enable the Council to properly consider submitters' comments, only written comments will be considered in arriving at decisions on Planning proposals. Verbal comments cannot be considered as they are not able to be conveyed verbatim to the Council nor recorded for future reference.'*

A summary of the comments received can be found in Appendix 9.1.10.

LEGAL/POLICY:

- Town Planning Scheme No. 1 and associated Policies;
- Planning and Development Regulations 2009; and
- Building Regulations 1989.

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 Environment and Infrastructure:

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

It is considered that these amendments will result in a comprehensive and transparent Appendix No. 20, relating to Refunding and Waiving of Planning and Building Fees, which will ensure that an equitable framework is in place to guide the circumstances where the refunding and waiving of planning and building fees apply.

In light of the above justification and the submissions received, it is recommended that the Council receives and adopts the final version of the Draft Appendix in accordance with the Officer Recommendation.

9.2.1 2011 Beaufort Street Festival – Temporary Closure of Beaufort Street between Walcott Street and Lincoln Street, and Associated Side Streets, Mount Lawley/Highgate

Ward:	South	Date:	16 September 2011
Precinct:	Forrest (14), Beaufort (13) & Hyde Park (12)	File Ref:	CMS0110
Attachments:	001 – Plans of Road Closures and Parking		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council:

1. APPROVES:

- 1.1 the proposed full closure of Beaufort Street (on a “once-off” trial basis only) to facilitate the 2011 Beaufort Street Festival (on a trial basis only), between Walcott Street and Lincoln Street and associated side streets, on Saturday, 12 November 2011, between 6.00am and 12 midnight, at the location/s as shown on attachment 9.2.1 subject to the event organiser/s complying with the following:**
- (a) engagement of a Main Roads WA accredited Traffic Management contractor to prepare the required Traffic Management Plan/s (TMPs) and associated requirements and to undertake the required road closures; within the location/s shown on attachment 9.2.1;**
 - (b) any conditions imposed by the Public Events section of the WA Police Main Roads WA including obtaining an application for an Order for a Road Closure in accordance with the Road Traffic Act 1974;**
 - (c) liaising closely with the Public Transport Authority (PTA) to ensure that the proposed road closure does not have an adverse impact on Bus services on the day of the event and agrees to fund any additional expenditure incurred by PTA on the day, estimated by PTA to be in the order of \$8,000 to \$10,000, from the event allocation or any profits made;**
 - (d) maintaining resident’s access to their properties within the closure area along Beaufort Street, and any other affected streets, and this requirement shall be incorporated in the approved TMP/s;**
 - (e) submitting the ‘draft’ TMPs to the City’s Technical Services Directorate, for final approval;**
 - (f) carrying out extensive media/publicity including the placement of an appropriate notice of road closure in a newspaper having statewide circulation and radio community announcements;**
 - (g) undertaking a letter drop to all affected residents/businesses along the locations of the festival event at least two (2) weekends prior to the event, advising of the road closures and parking restrictions and providing after hours contact details of the Event coordinator and the City; and**

- (h) including a 'warning' on all posters, flyers and information sheets distributed by the event organiser/s that Residential Parking Restrictions are in place as shown on the attached plan No. 2447-PP-3A on the day of the Festival, and that additional City's Rangers will be on duty to enforce the City's parking restrictions. Parking is available for Festival goers and nib Stadium users from 1.30pm at Forrest Park;
2. DOES NOT APPROVE extending the closure of Beaufort Street north of Walcott Street on the day of the event, i.e. the intersection of Walcott Street and Beaufort Street shall remain open to allow east/west traffic flow along Walcott Street and north/south traffic flow on Beaufort Street north of Walcott Street, as extending the closure of Beaufort Street north of Walcott Street would not only result in buses, and all other traffic, not being able to have direct access to streets south of Walcott Street, without causing considerable inconvenience and creating considerable delays and traffic congestion in adjoining streets, but this closure proposal is not supported by the Public Transport Authority;
3. NOTES that:
- 3.1 the cost of the proposed road closures will be sourced from the 2011/2012 Festivals budget allocation, to a maximum of \$10,000, conditional upon the applicant acknowledging the City of Vincent as a principal sponsor in all publicity for the festival; and
- 3.2 the proposed full closure of Beaufort Street, to facilitate the Beaufort Street festival (as detailed in Clause 1 above), if not well managed and widely publicised (as outlined in clauses 1.6,1.7 and 1.8 above) may result in 'high' risk implications with the potential to cause significant disruption to traffic and resident's amenity and create safety issues and resultant negative publicity against the City; and
4. APPROVES:
- 4.1 the 'one off' use of Forrest Park for parking from 1.30 pm onwards on the day of the event as the surrounding streets will be restricted for 'Resident Only Parking' from 2 pm onwards due to a soccer game to be held at nib Stadium; and
- 4.2 BY AN ABSOLUTE MAJORITY a 'flat rate' charge of \$10.00 per vehicle for vehicles wishing to park in Forrest Park, on the day of the festival.

Moved Cr McGrath, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr McGrath, Seconded Cr Maier

That Subclause 1.1(h) and Clause 4 be amended to read as follows:

"1.1(h) including a 'warning' on all posters, flyers and information sheets distributed by the event organiser/s that Residential Parking Restrictions are in place as shown on the attached plan No. 2447-PP-3A in all streets south of Harold Street and east of William Street on the day of the Festival, and that additional City's Rangers will be on duty to enforce the Residential Only City's parking restrictions. Parking is available for Festival goers and nib Stadium users from 1.30pm at Forrest Park; and"

"4. APPROVES BY AN ABSOLUTE MAJORITY:

- 4.1 the 'one off' use of Forrest Park for parking from 1.30 pm onwards on the day of the event, ~~as the surrounding streets will be restricted for 'Resident Only Parking' from 2 pm onwards due to both the Festival and a soccer game to be held at nib Stadium being held on the same day;~~
- 4.2 ~~BY AN ABSOLUTE MAJORITY~~ subject to Clause 4.1 above being approved, a 'flat rate' charge of ~~\$10.00~~ \$6.00 per vehicle for vehicles wishing to park on Forrest Park, on the day of the festival; and
- 4.3 the 'one off' temporary suspension of 'Resident Only Parking' restrictions in all of the streets bounded by William, Vincent, Harold and Lord Streets and north of, but not including Lincoln Street from 2.00 pm until 11.00pm on the day of the event, 12 November 2011, as shown on the attached plan No. 2447-PP-3A."

Debate ensued.

AMENDMENT NO 1 PUT AND CARRIED UNANIMOUSLY (9-0)

Debate ensued.

AMENDMENT NO 2

Moved Cr Topelberg, Seconded Cr Harvey

That a new Clause be inserted as follows:

"REQUESTS that the Chief Executive Officer writes to the Beaufort Street Network to recommend that future festivals be planned to be held on a Sunday."

Debate ensued.

AMENDMENT NO 2 PUT AND CARRIED UNANIMOUSLY (9-0)

Debate ensued.

AMENDMENT NO 3

Moved Cr Topelberg, Seconded Cr Burns

That a new Clause be inserted as follows:

"REQUESTS that the Chief Executive Officer convenes a meeting between the appropriate Stakeholders from Allia Venue Management, the Beaufort Street Network and WARP Group to deal with traffic issues."

AMENDMENT NO 3 PUT AND CARRIED UNANIMOUSLY (9-0)

Debate ensued.

AMENDMENT NO 4

Moved Cr Lake, Seconded Cr Burns

That a new Clause be inserted as follows:

"APPROVES BY AN ABSOLUTE MAJORITY to appoint Cr Warren McGrath and Cr Joshua Topelberg to represent the Council on the Beaufort Street Festival Community Committee."

AMENDMENT NO 4 PUT AND CARRIED UNANIMOUSLY (9-0)

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

OFFICER'S COMMENTS:

At its Ordinary Meeting held on 8 July 2008 the Council approved;

"... the implementation of the Residential Parking Zone, operating on various dates throughout the year, as shown on the erected signage..."

If this amendment is approved the existing signage within the recommended area will be "hooded" and therefore it is considered that this would be in line with the previous Council decision and no rescission motion is required.

COUNCIL DECISION ITEM 9.

That the Council:

1. APPROVES:

- 1.1 the proposed full closure of Beaufort Street (on a "once-off" trial basis only) to facilitate the 2011 Beaufort Street Festival (on a trial basis only), between Walcott Street and Lincoln Street and associated side streets, on Saturday, 12 November 2011, between 6.00am and 12 midnight, at the location/s as shown on attachment 9.2.1 subject to the event organiser/s complying with the following:**
- (a) engagement of a Main Roads WA accredited Traffic Management contractor to prepare the required Traffic Management Plan/s (TMPs) and associated requirements and to undertake the required road closures; within the location/s shown on attachment 9.2.1;**
 - (b) any conditions imposed by the Public Events section of the WA Police Main Roads WA including obtaining an application for an Order for a Road Closure in accordance with the Road Traffic Act 1974;**
 - (c) liaising closely with the Public Transport Authority (PTA) to ensure that the proposed road closure does not have an adverse impact on Bus services on the day of the event and agrees to fund any additional expenditure incurred by PTA on the day, estimated by PTA to be in the order of \$8,000 to \$10,000, from the event allocation or any profits made;**
 - (d) maintaining resident's access to their properties within the closure area along Beaufort Street, and any other affected streets, and this requirement shall be incorporated in the approved TMP/s;**
 - (e) submitting the 'draft' TMPs to the City's Technical Services Directorate, for final approval;**
 - (f) carrying out extensive media/publicity including the placement of an appropriate notice of road closure in a newspaper having statewide circulation and radio community announcements;**

- (g) undertaking a letter drop to all affected residents/businesses along the locations of the festival event at least two (2) weekends prior to the event, advising of the road closures and parking restrictions and providing after hours contact details of the Event coordinator and the City; and
 - (h) including a 'warning' on all posters, flyers and information sheets distributed by the event organiser/s that Residential Parking Restrictions are in place as shown on the attached plan No. 2447-PP-3A on the day of the Festival, and that additional City's Rangers will be on duty to enforce the City's parking restrictions. Parking is available for Festival goers and nib Stadium users from 1.30pm at Forrest Park;
- 2. **DOES NOT APPROVE** extending the closure of Beaufort Street north of Walcott Street on the day of the event, i.e. the intersection of Walcott Street and Beaufort Street shall remain open to allow east/west traffic flow along Walcott Street and north/south traffic flow on Beaufort Street north of Walcott Street, as extending the closure of Beaufort Street north of Walcott Street would not only result in buses, and all other traffic, not being able to have direct access to streets south of Walcott Street, without causing considerable inconvenience and creating considerable delays and traffic congestion in adjoining streets, but this closure proposal is not supported by the Public Transport Authority;
- 3. **NOTES that:**
 - 3.1 the cost of the proposed road closures will be sourced from the 2011/2012 Festivals budget allocation, to a maximum of \$10,000, conditional upon the applicant acknowledging the City of Vincent as a principal sponsor in all publicity for the festival; and
 - 3.2 the proposed full closure of Beaufort Street, to facilitate the Beaufort Street festival (as detailed in Clause 1 above), if not well managed and widely publicised (as outlined in clauses 1.6,1.7 and 1.8 above) may result in 'high' risk implications with the potential to cause significant disruption to traffic and resident's amenity and create safety issues and resultant negative publicity against the City;
- 4. **APPROVES BY AN ABSOLUTE MAJORITY:**
 - 4.1 the 'one off' use of Forrest Park for parking from 1.30 pm onwards on the day of the event, due to both the Festival and a soccer game at nib Stadium being held on the same day;
 - 4.2 subject to Clause 4.1 above being approved, a 'flat rate' charge of \$6.00 per vehicle for vehicles wishing to park on Forrest Park, on the day of the festival;
 - 4.3 the 'one off' temporary suspension of 'Resident Only Parking' restrictions in all of the streets bounded by William, Vincent, Harold and Lord Streets and north of, but not including Lincoln Street from 2.00 pm until 11.00pm on the day of the event, 12 November 2011, as shown on the attached plan No. 2447-PP-3A; and
 - 4.4 to appoint Cr Warren McGrath and Cr Joshua Topelberg to represent the Council on the Beaufort Street Festival Community Committee; and
- 5. **REQUESTS that the Chief Executive Officer:**
 - 5.1 writes to the Beaufort Street Network to recommend that future festivals be planned to be held on a Sunday; and
 - 5.2 convenes a meeting between the appropriate Stakeholders from Allia Venue Management, the Beaufort Street Network and WARP Group to deal with traffic issues.

PURPOSE OF REPORT:

The purpose of this report is to seek Council's approval to close Beaufort Street, between Bulwer and Walcott Streets, and sections of the surrounding road network from 6.00am to 12 midnight on Saturday, 12 November 2011, to facilitate the 2011 Beaufort Street Festival.

BACKGROUND:

At its Ordinary Meeting held on 23 August 2011, the following the following decision was made:

That the Council;

- "1. APPROVES the following festival events and funding as part of the Festivals programme for 2011/12:

<i>Event</i>	<i>Amount Allocated</i>	<i>Source</i>
<i>Angove Street – 2012</i>	<i>\$30,000</i>	<i>Festival Funding</i>
<i>Beaufort Street – November 2011</i>	<i>\$40,000</i>	<i>Festival Funding</i>
<i>Beaufort Street – November 2011</i>	<i>\$10,000</i>	<i>Festival Funding with road closure</i>
<i>William Street – March 2012</i>	<i>\$30,000</i>	<i>Festival Funding</i>
<i>William Street – March 2012</i>	<i>\$20,000</i>	<i>Festival Funding – Lotterywest Grant</i>
<i>William Street – March 2012</i>	<i>\$20,000</i>	<i>Harmony Festival Funding</i>

2. AUTHORIZES the Beaufort Street Network Inc. to organise the "Beaufort Street Festival" on 12 November 2011, from 12noon to 10pm and the Festival Bar until midnight, subject to;

- 2.1 a total sponsorship contribution of \$50,000 from the City of Vincent to assist with the costs of the event, as allocated in the 2011-2012 budget;

2.1.1 the \$50,000 consists of:

- \$40,000 Festival Funding
- \$10,000 Festival Funding in the event that the proposed road closure from Walcott St to Chatsworth Rd goes ahead. This additional funding would be made available to assist with the expenses associated with the road closure and also further shade requirements.

- 2.2 the sponsorship contribution to be paid on a reimbursement basis of expenditure incurred through the provision of tax invoices;

- 2.3 event fees of \$18,000 for the festival at Beaufort Street being waived;

- 2.4 a bond of \$3,000 being retained by the City as security for any damage to or clean-up of the Street;

- 2.5 a suitable traffic, risk management and event site plan being submitted to the City at least two (2) months prior to the event at the expense of the organisers;

- 2.6 the Beaufort Street Network Inc., as event organisers, are to full comply with conditions of use and fees being imposed including Environmental Health and other conditions;

- 2.7 *the Beaufort Street Network Inc., as event organisers, shall ensure full consultation with businesses along Beaufort Street (from Walcott Street to the end of St Alban's Avenue) to ensure that the festival is representative of and attuned to the local businesses;*
- 2.8 *the activities and programmes offered as part of the event be accessible, inclusive and targeted to a broad range of residents;*
- 2.9 *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; and*
- 2.10 *the funds received from the City to be acquitted along with a full evaluation report on the festival be provided no later than three (3) months after the event;*

to the satisfaction of the Chief Executive Officer; and

3. *REQUESTS the Chief Executive Officer to investigate the purchase of portable shade structures for use at City organised festivals and community events and report back to the Council. The report is to include cost of equipment, set up, storage and payback period."*

DETAILS:

2010 Festival:

The inaugural Beaufort Street Festival was held on Sunday 27 November 2010, from 10am to 7pm. During the duration of the 2010 festival the two (2) kerb side traffic lanes (north bound and south bound) in Beaufort Street were closed to traffic (between Walcott Street and St Albans Street) and appropriate Traffic Management was in place. The two (2) inner traffic lanes were still open to through and local traffic.

Proposed 2011 Festival:

The Beaufort Street Network have submitted a proposal for the Beaufort Street Festival to be held on Saturday, 12 November 2011. As a result of feedback from attendees and local business from last year's event, the organisers have requested approval to close the road from Walcott Street to Bulwer Street to create a main festival precinct for this year's festival.

Note: The main difference between the 2010 festival and the proposed 2011 festival is that the organizers have requested that Beaufort Street between Walcott Street and Saint Albans Street be fully closed to through traffic from 6.00am to midnight.

Traffic Management/Safety:

The WARP group were contracted to organiser traffic management and barriers for the 2010 event. The WARP group have recommended a full road closure as in their opinion, the set up at last year's event created a risky situation given that the barriers used can be easily moved and pedestrian traffic was difficult to control.

Outcome of recent discussions with the event organisers:

The City officers met with the festival organisers and a representative of the WARP group to discuss the proposal for the road closures. The organisers stated that a letter drop had already been organised to inform residents and businesses of the event and the intention to close Beaufort Street. The following issues arose as part of these discussions:

- A full road closure on a Saturday which is normal trading hours for businesses has a significant impact on the existing high traffic flow and customers visiting the area.

- There is an A-League soccer game at NIB stadium: Perth Glory Football Club are playing Sydney Football Club, so 'Residential Parking restrictions' will be in place, within the restricted zone, from 2:00pm to 11:00pm on the day. The Restricted Zone is (roughly) bounded by Newcastle Street, West Parade, Harold Street and William Street and any vehicles parking in this area are required to display a valid Parking Permit.
- While regular attendees at nib Stadium are already aware of the Residential Parking Restrictions, attendees to the Beaufort Street Festival may be unaware of the restrictions.
- The Town of Cambridge was severely criticised for issuing a substantial number of infringement notices to vehicles at the "City to Surf" charity event and it is likely that the City of Vincent would be similarly criticised for issuing infringement notices at this event.
- Some residential apartments only entry is from Beaufort Street.

The City's officers also offered alternative suggestions to alleviate negative impact on surrounding residents, businesses and visitors to the area such as:

- Possibly holding the event on a Sunday which has the least impact on the residential and business precinct.
- Organising a smaller scale road closure.
- Organising similar traffic management strategies as the previous year with additional qualified Traffic management staff to monitor pedestrian flow.

Officer Comments:

Following the meeting, the event organiser/s still wanted the event to occur on the Sunday regardless of the officer's suggestion that it would be more suitable for the event to be held on the Saturday. Should the closure be approved, the event organisers would need to engage a Main Roads WA accredited Traffic Management contractor to prepare the required Traffic Management Plans and associated requirements and to undertake the required road closures.

They would also need to contact the Public Events section of the WA Police Main Roads WA and completes an application for an Order for a Road Closure in accordance with the Road Traffic Act 1974. An appropriate notice of road closure would need to be placed in "The West Australian" newspaper and a letter drop to all affected residents/businesses along the locations of the festival would need to be undertaken event at least two (2) weekends prior to the event, advising of the road closures and parking restrictions and providing after hours contact details.

Given that that Residential Parking Restrictions will be in place streets south of Harold Street and east of William Street on the day of the Festival all posters, flyers and information sheets distributed by the event organiser/s should make mention that additional Rangers will be on duty to enforce the Residential Only parking restrictions on the day.

Request for comments from WA Police, PTA, St John Ambulance, MRWA and FESA:

On 7 September 2011 the Director Technical Services sent an email to the WA Police, PTA, St John Ambulance, Main Roads WA, and FESA seeking their urgent comments regarding the proposed closure of the section of Beaufort Street.

The organisations were advised that matter will be considered by the Council at its September 2011 meeting and therefore their comments and feedback regarding the proposed road closure would be appreciated by close of business on Wednesday 14 September 2011.

At the time of writing this report only one response was received.

Response from PTA's Ticketing and Performance Coordinator:

An extract from PTA's response is outlined below:

"Public Transport passengers and Transperth service provider, Path Transit will be significantly affected if the roads are closed as proposed.

Simply, the closure will effect a total of 132 service buses including services to NIB Stadium, that utilise Beaufort Street, a total of 8 stops will be missed. I have attached a breakdown of the total passenger boarding and alighting of passengers that utilised each stop within the event zone on the 27th November 2010. As a result of these closures these passengers will not afford the luxury of attending this event via public transport without an inconvenience or people going about their general business such as attending to their employment and alike. The projected deviation for Transperth services will result in services being deviated via Lord Street in both directions. This will require the necessary intervention of Main Roads staff to manipulate the traffic signals at the intersections of Beaufort & Walcott, Beaufort & Bulwer, Bulwer & Lord and Walcott & Lord Street to accommodate the change of traffic flows.

The current distance travelled on Beaufort Street between Walcott and Bulwer is 1km, however the extra distance for each service will have a financial impact with an extra 1km via Lord Street and 1.5km via William Street that also needs to be considered. The real impact is to the passengers and intending passengers not being able to catch a service for a long stretch of the normal route and the expected delay the deviation will place on every service. Typical closures such as this have caused delays of anything up to 30 mins as the same bus will traverse the deviation route more than once in a shift and with an hourly rate in excess of \$80.00 per hour this will soon mount up across the day. Below are the figures of all passenger movements at each of the stops with in the event zone."

			Boarding	Alighting
2010-11-27	Saturday	12135	10	35
2010-11-27	Saturday	12136	19	165
2010-11-27	Saturday	12137	37	309
2010-11-27	Saturday	12138	53	102
2010-11-27	Saturday	12139	120	144
2010-11-27	Saturday	12170	198	79
2010-11-27	Saturday	12171	176	33
2010-11-27	Saturday	12172	125	17

So the question is asked, does Transperth then add the cost of rostering extra buses and drivers at to minimise the expected delays to services in delivering a public service, caused by the event. Restitution will need to be sorted out for these costs.

Officer Comments:

It is clear from the above response that the most impact if the road were closed will be to buses. PTA have outlined the deviations required, the additional travel times, that MRWA will need to 'manipulate the traffic signals and that there will be an additional cost to PTA.

It is therefore considered that should the proposed road closure be supported by the Council, that the event organiser/s liaise closely with the Public Transport Authority (PTA) to ensure that the proposed road closure does not have an adverse impact on Bus services on the day of the event and agrees to fund any additional expenditure incurred by PTA on the day from the event allocation or any profits made.

Possible Use of Forrest Park for parking:

The council at its Ordinary Meeting held on 19 April decided not to approve *“the continued use of Forrest Park as an overflow parking area, when events are being held at nib Stadium, due to the low usage rate.”*

At the time the Council was advised that given that there had been no formal requests to use Forrest Park as an overflow facility and there did not appear to have been any major impact on the area, there was no need to continue to make use of Forrest Park as an overflow parking facility.

This reasoning was based on the premise that there had been a number of large events at nib Stadium however while Forrest Park had not been used to accommodate vehicle parking, there had been little difference in the number of complaints from residents about illegal parking etc.

On Saturday the 12 November, the whole of Forrest Park has been booked from 8am to 1pm by the Perth College Cricket Club, after 1pm the reserve is available.

Officers Comments:

While the previous position is understandable, as a ‘one off’ given the conflict between the possible Beaufort Street road closure, residential only parking from 1.30pm onwards due to the proposed soccer game at Nib stadium, parking on Forrest park on the day should be considered given the expected numbers of attendees to both the festival and the A-league game.

CONSULTATION/ADVERTISING:

The proposed road closures will need to be advertised in accordance with the requirements of the Road Traffic Act 1974. Further, the Festival organisers will be required to undertake a letter drop all the affected residents and businesses in the affected area and strongly encouraged to advertise the road closure (and its associated issues) via radio and print media.

LEGAL/POLICY:

The City is responsible to ensure that all road closures undertaken within its boundaries are in accordance with the relevant Australian Standards and Main Roads WA *Traffic Management of Events Code of Practice* and therefore a suitably qualified and Main Roads WA accredited Traffic Management Contractor will need to be engaged.

RISK MANAGEMENT IMPLICATIONS:

High: Significant risk implications are associated with the full closure of the large portion of Beaufort Street which is classified as a District Distributor A road. The potential of a large attendance at the festival together with an expected large attendance at the scheduled A-league game at Nib Stadium, if not managed in a professional manner could result in the following:

- considerable inconvenience to residents, motorists including severe traffic congestion and rat running in adjoining residential streets
- Difficulties for patrons attending the proposed A-league game at Nib Stadium
- The potential for negative publicity for the City of Vincent

The above should be noted and acknowledged by all involved in arranging, conducting and facilitating the festival event on 12 November 2011.

STRATEGIC IMPLICATIONS:

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

“Natural and Built Environment

Objective 3.1: Enhance and promote community development and wellbeing.

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

SUSTAINABILITY IMPLICATIONS:

Not Applicable

FINANCIAL/BUDGET IMPLICATIONS:

As mentioned above at its Ordinary Meeting held on 23 August 2011, the Council approved a total sponsorship contribution of \$50,000 from the City of Vincent to assist with the costs of the event, as allocated in the 2011-2012 budget with the \$50,000 consists of:

- \$40,000 Festival Funding
- \$10,000 Festival Funding in the event that the proposed road closure from Walcott St to Chatsworth Rd goes ahead. This additional funding would be made available to assist with the expenses associated with the road closure and also further shade requirements.
- the sponsorship contribution to be paid on a reimbursement basis of expenditure incurred through the provision of tax invoices;
- event fees of \$18,000 for the festival at Beaufort Street being waived;
- a bond of \$3,000 being retained by the City as security for any damage to or clean-up of the Street.

COMMENTS:

Traffic Management for large public events has over the past decade become a specialised field. An accredited Traffic Management contractor is required to provide the level of service required to comply with relevant Australian and Main Roads WA standards. The Traffic Management Contractor will be required to provide a comprehensive traffic management plan, all signage and barricades and traffic control personnel.

The Traffic management contractor will also be required to advise all emergency service providers etc and as mentioned above, PTA have outlined that there will be an additional cost to them should the closure as requested goes ahead on the day.

Therefore should the proposed road closure be supported the event organiser/s would be required liaise with the Public Transport Authority (PTA) to ensure that the proposed road closure does not have an adverse impact on bus services and be required to fund any additional expenditure incurred by PTA on the day from the event allocation or any profits made. This is considered a most reasonable requirement as the full closure has been requested by the event organisers and not the City. The City's officers are of the view that a partial closure, as occurred in 2010, if controlled by additional 'qualified' traffic management personnel, would be more desirable from a traffic point of view.

In addition, as mentioned in the report, the proposed event coincides with a soccer game at Nib Stadium. This will result in the resident only parking restrictions in streets south of Harold Street and east of William Street being in force on the day. Attendees to the festival will NOT be permitted to park in these streets. If they do they will attract an \$80 infringement. Therefore parking will be an issue. Resident's access to their properties within the closure area will need to be maintained somehow. This will need to be incorporated in the traffic management plan.

The full closure of Beaufort Street on Saturday 12 November 2011, will no doubt have its challenges, however if due process is followed and the matter is properly managed by the event organisers the proposal can be supported.

The Council should acknowledge that the requested road closure has high risk implications and could result in negative publicity and criticism if it is not professionally managed by the event organisers.

It is therefore recommended that the Council approve the temporary closure of streets as outlined in the main body of the report to accommodate the 2011 Beaufort Street Festival on 12 November 2011 (on a trial basis) subject to the event organiser/s agreeing to strictly adhere the various conditions as recommended.

The Chief Executive Officer advised that Mayor Catania and Cr Burns had declared a financial interest in Item 9.3.1. Mayor Catania and Cr Burns departed the Chamber at 9.14pm and did not speak or vote on this matter.

Deputy Mayor, Cr Sally Lake assumed the Chair at 9.14pm.

9.3.1 Investment Report as at 31 August 2011

Ward:	Both	Date:	16 September 2011
Precinct:	All	File Ref:	FIN0033
Attachments:	001 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	B C Tan, Manager Financial Services; N Makwana, Accounting Officer		
Responsible Officer:	M Rootsey, Director Corporate Services		

Disclosure of Financial Interest:

Mayor Nick Catania and Cr Anka Burns have disclosed a financial interest in this item.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Maier, Seconded Cr Buckels

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

(Mayor Catania and Cr Burns were absent from the Chamber and did not vote on this matter.)

Mayor Catania and Cr Burns returned to the Chamber at 9.15pm. Mayor Catania, assumed the Chair. The Chief Executive Officer advised that the item was carried.

OFFICER RECOMMENDATION:

That the Council **NOTES** the Investment Report for the month ended 31 August 2011 as detailed in Appendix 9.3.1.

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

DETAILS:

Total Investments for the period ended 31 August 2011 were \$24,011,000 compared with \$13,511,000 at 31 July 2011. At 31 August 2010, \$22,184,829 was invested.

Investment comparison table:

	2010-2011	2011-2012
July	\$11,109,646	\$13,511,000
August	\$22,184,829	\$24,011,000

Total accrued interest earned on Investments as at 31 August 2011:

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$567,000	\$52,000	\$66,577	11.74
Reserve	\$433,000	\$70,000	\$91,863	21.22

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

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

COMMENTS:

As the City performs only a custodial role in respect of monies held in Trust Fund Investments these monies cannot be used for Council purposes. As at 27 June 2011, key deposits, hall deposits, works bonds, planning bonds and unclaimed money were transferred into Trust Bank account as required by Local Government (Financial Management) Regulations 1996, Section 8 (1b).

Rates revenue has been received during this month as a result of the earlier distribution of the rate notices this year. This has resulted in surplus monies be available for investment.

The report comprises of:

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

9.3.3 Beaufort Street Enhancement Working Group – Progress Report No. 4

Ward:	South	Date:	16 September 2011
Precinct:	Beaufort P13	File Ref:	TES0067
Attachments:	-		
Tabled Items:	-		
Reporting Officers:	J Anthony, A/Director Corporate Services; R Lotznicker, Director Technical Services		
Responsible Officer:	J Anthony, A/Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES** that the Beaufort Street Enhancement Working Group:
 - 1.1 recently met on Friday 16 September 2011; and
 - 1.2 considered, amongst other things, that the \$30,000 listed in the 2011/2012 Budget for the Bus Shelter Grants Scheme be used for installing one or more 'artistic' bus shelters in Beaufort Street and that examples of street furniture, bike racks, street litter bins, and their proposed locations be further investigated and discussed by the group at its next meeting scheduled to occur in late September 2011; and
2. **RECEIVES** a further report (with examples of the proposed bus shelter/s street furniture, bike racks and street litter bins, including their proposed locations) by December 2011 following further consideration by the Beaufort Street Enhancement Working Group.

Cr Farrell departed the Chamber at 9.15pm.

Moved Cr McGrath, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr McGrath, Seconded Cr Harvey

That a new Clause 2 be inserted as follows and the remaining Clause renumbers:

- "2. **REQUESTS** that the Beaufort Street Enhancement Group provides advice on:
- 2.1 the agreed artists and works to allow the expenditure of the 2011/2012 budget for the Beaufort Street Commercial Precinct in the current financial year; and
 - 2.2 the proposed funding to be listed for the 2012/2013 budget to commission more substantial works for the project; and"

Debate ensued.

Cr Farrell returned to the Chamber at 9.16pm.

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (9-0)

Debate ensued.

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

COUNCIL DECISION ITEM 9.3.3

That the Council;

1. **NOTES** that the Beaufort Street Enhancement Working Group:
 - 1.1 recently met on Friday 16 September 2011; and
 - 1.2 considered, amongst other things, that the \$30,000 listed in the 2011/2012 Budget for the Bus Shelter Grants Scheme be used for installing one or more 'artistic' bus shelters in Beaufort Street and that examples of street furniture, bike racks, street litter bins, and their proposed locations be further investigated and discussed by the group at its next meeting scheduled to occur in late September 2011;
 2. **REQUESTS** that the Beaufort Street Enhancement Group provides advice on:
 - 2.1 the agreed artists and works to allow the expenditure of the 2011/2012 budget for the Beaufort Street Commercial Precinct in the current financial year; and
 - 2.2 the proposed funding to be listed for the 2012/2013 budget to commission more substantial works for the project; and
 3. **RECEIVES** a further report (with examples of the proposed bus shelter/s street furniture, bike racks and street litter bins, including their proposed locations) by December 2011 following further consideration by the Beaufort Street Enhancement Working Group.
-

PURPOSE OF REPORT:

The purpose of this report is to provide an update on the progress of the Beaufort Street Enhancement Working Group.

BACKGROUND:

Ordinary Meeting held on 8 June 2010:

The Council considered the formation of the Beaufort Street Enhancement Working Group, where the Council approved the establishment of a "Beaufort Street Enhancement" Working Group, comprising the City's officers and representatives of the Beaufort Street Business Community, to develop a long term Enhancement Program for Beaufort Street between Walcott Street and St Albans Avenue.

The Council also adopted the "Beaufort Street Enhancement Working Group - Terms of Reference" for the proposed Working Group.

Ordinary Meeting held on 14 September 2010:

The Council appointed representatives for the Beaufort Street Enhancement Working Group for a two year term as follows:

- three (3) Beaufort Street Network Representatives;
- two (2) Local Business Representatives;
- two (2) Local Resident Representatives;
- three (3) City of Vincent Officers.

Ordinary Meeting held on 22 March 2011:

The following decision was made:

"That the Council NOTES:

- (i) the indicative 'Draft Five (5) year Improvement Program for Beaufort Street Enhancements', estimated to cost in the order of \$882,000, to be considered in the context of subsequent annual budget deliberations;*
- (ii) that a total of \$160,000 has been allocated in the 2010/2011 budget for street litter bin replacement and Beaufort Street enhancement;*
- (iii) a further report (with examples of street furniture, bike racks and street litter bins, and their proposed locations) will be presented for consideration in April 2011 following further consideration by the Beaufort Street Enhancement Working Group; and*
- (iv) that prior to the expenditure of any funds in future years, further consultation will be carried out with the business and property owners along Beaufort Street and in the immediate area to ensure there is support for the Town's Working Group's recommended resources and enhancements."*

DETAILS:

30 March 2011:

The City's officers prepared an Artists' Request for Quotation (RFQ) for the purposes of seeking expressions of interest from artists and/or designers for the acquisition or commission of Public/Functional Art/Street Furniture for selected locations along the section of Beaufort Street (between Walcott Street to St Alban's Avenue).

It was indicated that the process would comprise the following:

- Brief advertised – suitable artists/other invited to submit;
- Short listed artist/s will be invited to meet with the group to gather information;
- Preferred artist/s will be selected by the group;
- Artist's to prepare concepts and present to the group;
- Group to reach consensus;
- Progress report to Council (with possible referral to the Art Advisory Group);
- Artist/s to prepare final works;
- Further consideration by the Group;
- Report to Council;
- Community Consultation;
- Final Council Decision;
- Design/documentation/fabrication/implementation.

The group also requested the following guiding principles (which were prepared by some members of the group) to be added to the brief to ensure that the submissions meet the requirements of the project:

GUIDING PRINCIPLES/VISION FOR BEAUFORT STREET

How do we see Beaufort Street?

Beaufort Street is one of Perth's most vibrant, eclectic and diverse cafe and retail strips. It's a fun and lively mix of old and new architecture, trendy shops immersed with traditional stores – which all adds to a real sense of street culture and community.

The street is home to Perth's independent music radio station RTR FM, alternative film and arts venue The Astor Theatre and a cool collection of independent boutique fashion, homewares and book stores.

It also has a growing and popular bar and restaurant scene, with a number of new small venues adding to the vibrancy of the street, while a diverse range of restaurants and cafes making it a must place for local and tourists to eat.

All these factors make people passionate about Beaufort Street - as a great place to work, live and play.

How should streetscape design reflect this?

Bike racks, rubbish bins, bus shelters, seating and public art – which make the streetscape - should reflect this vibrant and eclectic street culture of Beaufort Street.

Any additions to the streetscape should not work to enforce a particular historical theme, like for example, art deco or alternatively, work to just to a Town of Vincent brand.

The over arching design guidelines for streetscape improvements and additions should be contemporary and innovative in nature, with the key consideration given to:

- *Establishing a pace of intrigue;*
- *Being design conscious ;*
- *Collaborative with local business;*
- *Unique experience;*
- *Activates urban spaces and creates new place for people to meet; and*
- *Pedestrian friendly*

Features	What does this mean?
<i>A place of intrigue</i>	<p><i>We do not want predictability in the urban design and development of Beaufort St. We want the visitor to be able to stumble on surprising features and places, such as:</i></p> <ul style="list-style-type: none"> • <i>Design features that are up high, or around corners</i> • <i>Shops located up stairwells</i> • <i>Temporary artworks (including street art)</i> • <i>Textured shopfronts, bollards, bike racks, verandas and signs.</i>
<i>Design Conscious</i>	<p><i>The current 'percent for art' pieces installed in the street to this date have not proved to garner community interest. Design pieces should be:</i></p> <ul style="list-style-type: none"> • <i>Installed at a range of height levels, (pavement, and eye level, overhead) so pedestrians can interact with them.</i> • <i>Sympathetic to the history of the street, while embracing a contemporary look.</i> • <i>Created by Western Australia's best designers (not just the cheapest bidder for the developer) in order to increase the profile of our distinctive WA designer/makers.</i> • <i>Willing to embrace less-figurative, traditional forms. Alternative art styles such as pop art could be embraced.</i>
<i>Collaboration</i>	<p><i>More collaboration between designers and shopkeepers is needed. Privately-owned wall and spaces present an opportunity to increase the vibrancy of Beaufort.</i></p> <ul style="list-style-type: none"> • <i>How can we encourage the retailers to embrace the unique aesthetic of Beaufort St?</i> • <i>How can we encourage retailers to make temporary installations on their verandas and frontages, to increase Beaufort St's reputation as a place of change and intrigue?</i>

Features	What does this mean?
<i>Unique Experience</i>	<p><i>In order for Beaufort to be a 'destination street,' continue to promote a unique experience in both terms of streetscape design – and wider retail experience.</i></p> <ul style="list-style-type: none"> • <i>The bus stops are unimaginative.</i> • <i>Public seating should not follow the visual code for 'the Town of Vincent'. It should have the unique look and feel of Beaufort St.</i> • <i>Beaufort St offers many quirky and eclectic retailers, and this diverse mix should continue to be encouraged.</i> • <i>Do not wish to see one type of business predominating over others. Beaufort St should remain a mixed retail, cafe and bar precinct.</i>
<i>An activated urban space</i>	<p><i>City building expert Fred Kent has offered clues on what an activated urban space looks like. People can gather and relax in activated spaces- and the key indicator if you look at the space is 'people are touching each other.'</i></p> <ul style="list-style-type: none"> • <i>Beaufort St offers few spaces where people can gather. A worker in a shop doesn't have a place to stop and rest at lunchtime, unless they are a customer at a cafe.</i>
<i>Pedestrian Friendly</i>	<p><i>The most sustainable cities are pedestrian-friendly. Beaufort St has some barren stretches, which reduce the pedestrian experience.</i></p> <ul style="list-style-type: none"> • <i>Continue to work to slow traffic down.</i> • <i>More imaginative use of vegetation could help to provide shade and add visual interest.</i> • <i>Trees that are more sculptural, or trained/pruned to produce an 'arcade' feel will help the look an amenity of Beaufort St. For example, we could do more with the trees along the edge of the Barlee St Carpark.</i> • <i>Growing vegetation at height (from balconies or rooftops) should be encouraged, to help soften the street, and make it more pedestrian-friendly.</i>

19 April 2011:

The RFQ was advertised widely and distributed to various contact networks, agencies and also to the group to circulate to their respective contacts.

27 May 2011:

The submissions for the RFQ were to be submitted to the City by this date. Twenty (20) submissions were received.

22 June 2011:

The group met to assess and discuss the twenty (20) submissions to the RFQ. After in depth discussions, three (3) artists were shortlisted to provide further detailed concepts and submissions for the project.

13 July 2011:

The three (3) shortlisted artists were provided with a total of fifteen (15) minutes each to meet with the members of the group to submit any queries they may have about the requirements for the second submission. The meeting also provided the opportunity for the group members to articulate their vision and expectations for the project to the artist to ensure that their submissions would be appropriate to the project.

16 September 2011:

The members reviewed the further submissions by the three (3) shortlisted artists. After lengthy discussions, it was agreed that there were a couple of concepts and forms that required further alterations and re-design to ensure that they were suitable for the purposes of the project. Possible sources of funding was also discussed to allow for more substantial works to be commissioned for the project. The group had strong views that any work that was recommended to Council for implementation had to be substantial in making an impact in Beaufort Street. The original twenty (20) submissions were also reviewed to view other potential works that could be re-conceptualised to meet the vision set out by the group.

CONSULTATION/ADVERTISING:

In keeping with the City's policies, the Artists' Request for Quotation was widely advertised through Artsource, the City's artist database, agency networks and also to the group who passed on the information to their respective contacts in the relevant industries.

LEGAL/POLICY:

Beaufort Street is classified as a District Distributor A road under the care, control and management of the Town.

RISK MANAGEMENT IMPLICATIONS:

Low: Improvement to aesthetics and amenities only.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2011-2016:

- "1. *Natural and Built Environment*
 - 1.1 *Improve and maintain the natural and built environment and infrastructure*
 - 1.1.2 *Enhance and maintain the character and heritage of the City*
 - 1.1.6 *Enhance and maintain the City's parks, landscaping and the natural environment."*

SUSTAINABILITY IMPLICATIONS:

To improve the economic vibrancy of the area and make the area more sustainable for both business activity and by the type of infrastructure improvements to be proposed.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$132,000 has been listed in the 2011/2012 budget for the Beaufort Street Commercial Precinct (Walcott – St Albans) with an additional \$40,000 for the street litter bin replacement. Should the \$30,000 listed in the 2011/12 Budget for the Bus Shelter Grants Scheme also be expended in Beaufort Street, the potential budget available for enhancements in the street in 2011/2012 will be \$202,000.

COMMENTS:

The working group has met on a number of occasions and improvements have been identified and prioritised as previously reported. There is momentum gaining on the project with the Artists' submissions and the work taken to review, and discuss concepts and designs to meet with the vision set out by the group. It is therefore recommended that further discussions and consideration by the group be encouraged to ensure that the outcomes are worthwhile for the purposes of the project.

9.3.4 Artist in Residence/Resident Artist Programme Implementation Plan

Ward:	Both	Date:	14 September 2011
Precinct:	All	File Ref:	CMS0070
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	R Gunning, Arts Officer		
Responsible Officer:	J Anthony, A/Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **APPROVES** the recommendation of the Arts and Culture Advisory Group and proceeds with the implementation plan for the establishment of an Artist in Residence programme in the City.

COUNCIL DECISION ITEM 9.3.4

Moved Cr Topelberg, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

PURPOSE OF REPORT:

To obtain Council's approval of the implementation plan for the establishment of an Artist in Residence programme.

BACKGROUND:

At the Ordinary Meeting of Council 22 March 2011 a Notice of Motion was adopted regarding the investigation into the establishment of an Artist in Residence programme in the City, as follows:

"That the Council REQUESTS:

1. *The Chief Executive Officer to investigate the establishment of an Artist in Residence/Resident Artist program in the Town.*

The scope of the investigation should include liaison with the Town's Art Officer, the Art Advisory Group, local galleries and appropriate external agencies (e.g. Department of Culture & the Arts) for comment and suggestion, but not be limited to:

- 1.1 *potential scope & terms of reference for the program, including community engagement;*
 - 1.2 *possible integration with the Percent for Art Policy;*
 - 1.3 *examining similar programs in other local governments in Australia;*
 - 1.4 *potential work and/or exhibition space for an Artist in Residence/Resident Artist, including possible collaboration with local galleries;*
 - 1.5 *potential benefits being investigated; and*
 - 1.6 *budget implications; and*
2. *A report be submitted to the Council no later than June 2011, with a view to including funds for such a program in the Budget 2011-2012."*

A report was then presented to the Ordinary Meeting of Council 28 June 2011, where the following was resolved;

“That the Council;

1. *RECEIVES the outcome of the investigation into the establishment of an Artist in Residence programme in the Town of Vincent;*
2. *REFERS the information from the investigation to the Art Advisory Group for consideration on the preparation of an Implementation Plan for an Artist in Residence programme;*
3. *NOTES that:*
 - 3.1 *an amount of \$30,000 is listed on the 2011/2012 Budget for the establishment of an Artist in Residence; and*
 - 3.2 *a further report will be submitted to Council on an implementation plan for the establishment of an Artist in Residence in the Town.”*

DETAILS:

Following the above resolution, the Arts and Culture Advisory Group met on 7 September 2011 to consider the options outlined in the report and establish an implementation plan. The following points were agreed upon regarding the anticipated outcomes for such a programme:

- Engagement by the artist with a significant variety of City of Vincent community members. This would include the artist making him or herself available for community interaction through such activities as open studios sessions, talks, workshops and artistic collaborations;
- The creation of a tangible artistic product e.g. a performance, piece of writing or art object or objects that in some way relates to the City of Vincent or the artist's experience in the City and its community. The theme of the work is to be based on the concept of 'a day in the life of the City';
- If appropriate the artist is to adopt the role of mentor towards younger artists in the City of Vincent;
- A portion of the work made during the residency to become the property of The City of Vincent; and
- The artist would also make him or herself available for publicity during the period of the residency.

Implementation Plan

The implementation plan will encompass an artist's brief, a time-frame and a report back to Council.

It was decided the best way of appointing an artist would be to create an artist's brief based on these outcomes and call for submissions. The artist's brief would be advertised state-wide, nationally and internationally. The submissions would then be reviewed by the Arts and Culture Advisory Group; their recommendations would be submitted to Council for approval.

It was agreed that an appropriate time frame for the residency would be four (4) weeks (variations would be considered depending on the particular project).

Upon selection the artist would enter into an agreement with the City which would clearly describe the responsibilities of the artist based on the outcomes described above.

The agreement would also outline the City's responsibilities; these are to include the following:

- If needed, help finding appropriate accommodation and studio space for the artist;
- Identification, liaison and creation of access to a variety of the City's community members for the artist;
- Making available the City's facilities where practicable and appropriate; and
- Promotion of the residency throughout the City and to the broader community.

The following time frame was considered most appropriate:

October 2011	Artist's brief advertised
December 2011	Expressions of interest received
February 2012	Artist selected
May-June 2012	Residency takes place

The implementation plan can be stated in the artist's brief and follow the above stated time frame.

CONSULTATION/ADVERTISING:

The Artist in Residence programme will be advertised state-wide, nationally and internationally through such organisations as Artsource (The Artists Foundation of Western Australia) and its national and international counterparts.

A publicity campaign will also be created to promote the artist's residency to the residents of the City and to the broader community, this would include, flyers, posters, newspaper advertisements.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: The artist would be required during the term of the residency to have insurance for public liability for an amount of not less than \$10,000,000.

STRATEGIC IMPLICATIONS:

In keeping with the Strategic Plan 2011-2016

- 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:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$30,000 is listed in the 2011/2012 Budget for the establishment of the Artist in Residence programme.

COMMENTS:

The Artist in Residence programme is an initiative that is in keeping with the City's commitment to the arts while celebrating cultural and social diversity. It is the officer's recommendation that the implementation plan as described above is approved as the most efficient way of realising this innovative programme.

9.3.7 Men's Shed - Progress Report No. 2

Ward:	Both	Date:	16 September 2011
Precinct:	All	File Ref:	CMS0128
Attachments:	001 – Implementation Plan		
Tabled Items:	-		
Reporting Officer:	A McCormick, Community Development Officer		
Responsible Officer:	J Anthony, A/Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council:

1. **RECEIVES** the progress report No. 2 regarding the Men's Shed; and
2. **AUTHORISES** the Chief Executive Officer to obtain quotations and engage an architect to prepare drawings required for the planning application for the Men's Shed, to a maximum amount of \$5,000.

Moved Cr Topelberg, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Harvey

That a Clause 2 be deleted and a new Clause 2 be inserted as follows:

- "2. **REQUESTS** the Chief Executive Officer to provide a report to the Council by no later than November 2011, which defines the role of the City of Vincent in the Vincent Men's Shed project."

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (9-0)

Debate ensued.

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

COUNCIL DECISION ITEM 9.3.7

That the Council:

1. **RECEIVES** the progress report No. 2 regarding the Men's Shed; and
2. **REQUESTS** the Chief Executive Officer to provide further progress report to the Council by no later than November 2011, which defines the role of the City of Vincent in the Vincent Men's Shed project.

PURPOSE OF REPORT:

To provide a progress report to Council in relation to the establishment of a Men's Shed in the City of Vincent and authorise the Chief Executive Officer to engage an architect for the project.

BACKGROUND:

At the Ordinary Meeting of Council, held on 12 July 2011, the following resolution was adopted:

"That the Council;

1. *RECEIVES the progress report regarding the Men's Shed;*
2. *APPROVES IN PRINCIPLE the site at 10 Farmer Street North Perth as the preferred location for the Men's Shed; and*
3. *NOTES that:*
 - 3.1 *an amount of \$40,000 is listed on the 2011/2012 Budget for the establishment of a Men's Shed; and*
 - 3.2 *a further progress report will be submitted to Council in due course."*

DETAILS:

Planning Approval

On 20 July 2011 a meeting was facilitated between the Men's Shed Steering Committee and City of Vincent Planning Services, to discuss planning requirements for the proposed site at 10 Farmer Street, North Perth. It was agreed that the proposed Men's Shed is consistent with the purpose of the site i.e. recreational use. The committee were given advice on their building plans and advised to submit a planning application, which is currently underway.

In order to meet the requirements of the planning application the Steering Committee are currently sourcing 3 quotes for architect drawings. From initial investigations it is estimated that this will cost up to \$5,000. The committee would therefore request that Council consider releasing \$5,000 from the allocated amount of \$40,000 listed on the 2011/2012 Budget, to finance architect drawings.

Incorporation

Further to their application, the Vincent Men's Shed is incorporated as of 26 July 2011. The group will now proceed to establish specific roles within the Committee and create a bank account to manage funds.

Funding

A meeting has been arranged between the Steering Committee and a representative from Lotterywest on 21 September 2011, to discuss a grant application for additional funds.

Implementation Plan

The Implementation Plan has been updated and the estimation for final completion for the Shed is September 2012. Please refer to Appendix 9.3.8A for full details.

CONSULTATION/ADVERTISING:

The information in this report has been compiled through ongoing consultation with the Men's Shed Steering Committee. Community Development Officers continue to meet with the Steering Committee on a regular basis.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: The Steering Committee require funding to acquire architect drawings as necessitated by the City of Vincent planning application process.

STRATEGIC IMPLICATIONS:

The support of a Men's Shed is in keeping with the following objectives from the City of Vincent Strategic Plan 2011 -2016:

- 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:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$40,000 is listed in the 2011/2012 Budget for the establishment of a Men's Shed in the City. The Steering Committee are requesting that \$5000 is released to purchase architect drawings, as required by the pending planning application.

COMMENTS:

Further to initial community support in favour of the establishment of a Men's Shed in the City of Vincent, the project continues to progress.

The group is now incorporated and have produced a business plan outlining what the Men's Shed will achieve, how it will be funded, resourced and managed, and why it is a sound investment for stakeholders.

The Steering Committee are currently in the process of completing a planning application for the site at 10 Farmer Street North Perth, and would be grateful if consideration could be given to the request to release the appropriate funds (i.e. \$5000) to finance the necessary architect drawings.

9.4.1 Community Focus Groups 2011 – Report

Ward:	Both	Date:	23 September 2011
Precinct:	-	File Ref:	CVC0024
Attachments:	001 – Understanding Community Perceptions in the Town [City] of Vincent – June 2011 002 – Summary of Awards		
Tabled Items:	-		
Reporting Officer:	Various		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council:

1. **RECEIVES** the report *“Understanding Community Perceptions in the *City of Vincent – June 2011”* (the word “Town” has been changed to “City”, to reflect the current Local Government status), as shown in Appendix 9.4.1;
2. **NOTES** the comments relating to the various matters raised in the Consultant’s Report;
3. **CONSIDERS** the findings as part of its decision making and ongoing delivery of services to the Vincent community; and
4. **LISTS** for consideration an amount of \$30,000 in the Draft Budget 2012/2013 to conduct a Customer Satisfaction Survey.

COUNCIL DECISION ITEM 9.4.1

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued. The Seconder, Cr Maier spoke.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr Buckels

That a Clause 4 be amended to read as follows:

- “4. **LISTS** for consideration an amount of:
- 4.1** \$30,000 in the Draft Budget 2012/2013 to conduct a Customer Satisfaction Survey; and
 - 4.2** \$50,000 for consideration in the midyear Budget review to undertake an independent organisational review of the organisation or selected sections of the organisation.”

Debate ensued.

AMENDMENT NO 1 PUT AND CARRIED (5-4)

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

Debate ensued.

Cr Topelberg departed the Chamber at 9.45pm.

Debate ensued.

Cr Topelberg returned to the Chamber at 9.46pm.

Debate ensued.

PROCEDURAL MOTION – at 10.05pm

Moved Cr McGrath, **Seconded** Cr Topelberg

That Standing Orders be suspended to enable free and open discussion on the Item.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

Discussion ensued.

PROCEDURAL MOTION – at 10.15pm

Moved Cr Buckels, **Seconded** Cr Lake

That Standing Orders be resumed.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

Debate ensued.

PROCEDURAL MOTION

Moved Cr Maier, **Seconded** Cr Lake

That the Motion be now put.

PROCEDURAL MOTION PUT AND LOST (2-7)

For: Cr Lake, Cr Maier

Against: Mayor Catania, Cr Buckels, Cr Burns, Cr Farrell, Cr Harvey, Cr McGrath,
Cr Topelberg

Note:

The above Procedural Motion “That the Motion be now put” is contrary to Standing Orders Clause 14.4(2) which states: “*Any motion, amendment or action taken which is in breach of, or contrary to these Standing Order is invalid*”.

The Procedural Motion breaches Standing Orders Clause 7.4(5) which states: “*A motion, “that the motion under consideration be now put”, shall not be moved by a member who has already spoken on the motion*”.

Debate ensued.

AMENDMENT NO 2

Moved Cr Farrell, **Seconded** Cr Burns

That Clause 3 and Subclause 4.2 be deleted.

Debate ensued.

Cr Lake stated that she considered the deletion of the new Subclause 4.2 was a contravention of Subclause 5.12(c) of the Standing Orders.

The Chief Executive Officer read Clause 5.12 in full.

The Presiding Member, Mayor Nick Catania ruled that he would accept the amendment.

Debate ensued.

AMENDMENT NO 2 PUT AND LOST (3-5)

For: Mayor Catania, Cr Burns, Cr Farrell

Against: Cr Buckels, Cr Harvey, Cr Lake, Cr McGrath, Cr Maier, Cr Topelberg

MOTION AS AMENDED PUT AND LOST (4-5)

For: Cr Buckels, Cr Lake, Cr McGrath, Cr Maier

Against: Mayor Catania, Cr Burns, Cr Farrell, Cr Harvey, Cr Topelberg

REASONS FOR REFUSAL:

1. **The Council considers the report by Catalyse Pty Ltd – “Understanding Community Perceptions in the Town of Vincent – 2011”, to be inadequate.**

PURPOSE OF THE REPORT:

The purpose of the report is for the Council to receive the report, “*Understanding Community Perceptions in the City of Vincent – June 2011*”, which was the result of five focus groups conducted by an external consultant Catalyse Pty Ltd in mid 2011. * The word “Town” has been changed to “City”, to reflect the current Local Government status.

BACKGROUND:

At the Ordinary Meeting of Council held on 19 April 2011 the Council considered this matter and resolved as follows:

“That the Council:

- (i) *APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$20,000 plus GST for a Consultant to carry out Community Perception Focus Groups, as detailed in this report and for this to be funded a funding source to be determined by the Chief Executive Officer subject to the Mt Hawthorn and North Perth areas being treated as separate groups; and*
- (ii) *NOTES that*
 - (a) *various strategies and initiatives as outlined in the report are progressively being implemented; and*
 - (b) *from 1 January 2011 a follow-up survey form is being sent to all planning and building applicants following the completion of their planning approval process.”*

1. **Strategic Intent**

The strategic purpose of the Focus Groups was to understand the underlying drivers of dissatisfaction in the City of Vincent, and to obtain suggestions for improvement.

2. **Information Objectives**

The groups sought to explore:

- Overall perceptions of quality of life in the City of Vincent
- What contributes positively to quality of life
- What negatively affects quality of life
- Overall perceptions of the City of Vincent
- The City’s perceived strengths and weaknesses
- Reasons for dissatisfaction with high priority areas identified in the recent survey
- Level of support for various ideas and concepts proposed by the City of Vincent to address concerns

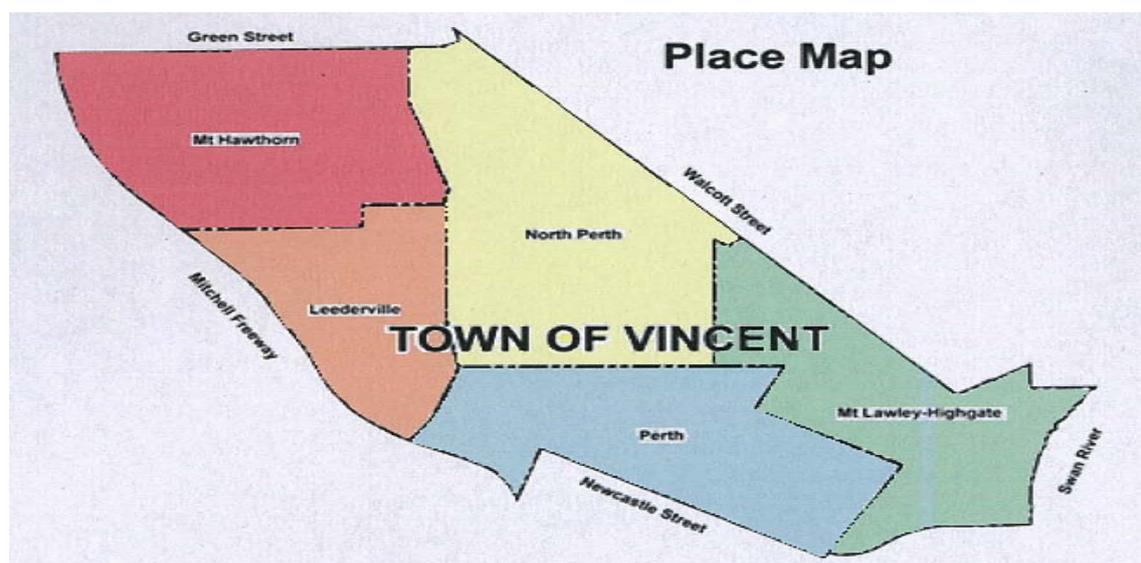
3. Research Approach

As the study was exploratory in nature, the Consultant sought to understand values, attitudes and behaviour and suggested the use of Focus Group as a research method.

3.1 Focus Group Size & Composition

The consultant conducted five focus groups with residents from the following areas:

- Group 1 – North Perth
- Group 2 – Mt Lawley and Highgate
- Group 3 – Leederville and West Perth
- Group 4 – Perth/Northbridge/East Perth
- Group 5 – Mt Hawthorn



The report stated as follows:

“Research Method

- *Five focus groups were conducted with residents from 30 May to 1 June 2011 at the City of Vincent Administration and Civic Centre.*
- *Participants were recruited by the Edith Cowan University Survey Research Centre, with quotas set by age, gender and life stage.*
- *40 residents participated in the focus groups. 22 participants were female and 18 were male. Many were long-term residents.*
- *The focus groups were 90 minutes in duration.*
- *Each focus group drew residents from a key area(s) – Mount Hawthorn; West Perth/Leederville, North Perth, Perth/Northbridge and Mount Lawley/Highgate, giving each focus group its own personality and identity.*
- *The structured discussion guide was developed in consultation with the City of Vincent. Participants were engaged in a series of open ended questions, hypotheticals, mapping exercises, whole group discussions and small group exercises.*
- *The focus groups explored:*
 - *Overall perceptions of quality of life in the City of Vincent*
 - *The City’s perceived strengths and weaknesses*
 - *Reasons for dissatisfaction with high priority areas identified in the Community Perceptions Survey*
 - *Suggestions for improvement.*
- *The focus groups were conducted to provide qualitative research (understanding and insight) to explain the quantitative research (statistical data).*

Connectivity

- *The key theme emerging from the focus group data is **connectivity**. Residents celebrate the connections they have with family, neighbours, local shop owners, schools, parks and playgroups.*
- *Connectivity is about all the ways in which people come together – informally (sharing produce/stories/history/tea with neighbours) and formally (Local Government fetes and fairs such as the Angove Street Festival and the native plant sale).*
- *Connectivity is supported by the local built environment – the architecture (especially front porches and verandahs), landscapes, parks and cafes. It's about how and where people connect.*

Strengths

1. *Small, compact and village-like*

Officer's Comments:

The City of Vincent is small in area, namely 11.3km².

2. *Near-city (not inner-city) living*

Officer's Comments:

The City of Vincent is only 3km's from the Capital City central business district of Perth.

3. *Convenient and location*

Officer's Comments:

Noted-Refer to comments for item 2.

4. *Character*

Officer's Comments:

The City's character is diverse and includes a wide range of character forms.

5. *Vibrant and lively (restaurants/cafes/entertainment)*

Officer's Comments:

The City restaurants/cafés are acknowledged as some of the most popular and best in Perth.

6. *Good access to facilities/amenities (lakes, parks, schools, TAFE)*

Officer's Comments:

The City contains a wide range of services, facilities and institutions.

7. *Cosmopolitan and charming (people, places and atmosphere)*

Officer's Comments:

The diversity of the City's population is acknowledged.

8. *Diversity – multicultural and multigenerational*

Officer's Comments:

This comment is acknowledged.

Citizenship

Australian Citizens	79.6%
Born in Australia	56.9%
Born overseas	32.6% (2.9% overseas visitors)
- England	6.3%
- Italy	4.5%
- New Zealand	2.2%
- Vietnam	1.9%
- Scotland	1.1%

Languages

English only	69.5%
Italian	6.6%
Vietnamese	1.9%
Cantonese	1.6%
Greek	1.5%
Macedonian	1.1%

N.B. Based on 2006 Census.

9. *Family-oriented*

Officer's Comments:

The City's demographics include the following:

Population	31,500 approx.
Aged – 0-4 years	5.5%
5-14 years	7.6%
(total under 15)	13.1%
15-24 years	13.6%
25-54 years	52.9%
(total 15-55)	66.5%
56-64 years	7.9%
65 years+	12.5%
(total over 55)	20.4%
Median Age	35 years
Marital Status – married	36.3%
never married	46.6%
separated/divorced	11.5%
widowed	5.5%
Family Characteristics – total families	6,167 (approx 23% of population)
couple families with children	36.8%
couple families without children	47.1%
one parent families	12.9%
other families	3.3%

N.B. Based on 2006 Census.

10. *Aspirational/up and coming/evolving/boutique*

Officer's Comments:

This comment is very subjective and is therefore difficult to make comments about.

11. *Eclectic*

Officer's Comments:

This comment is very subjective and is therefore difficult to make comments about.

12. *'Green' – mindset and natural environment*

Officer's Comments:

The City of Vincent employs a Sustainability Officer and a Project Officer – Environment. It also has a Sustainability Advisory Group. It is considered very proactive with "green" and Climate Change matters.

Weaknesses

1. *Council is small in size and thinking*

Officer's Comments:

The City is 11.3km². The comment about "*thinking*" is considered incorrect. The Council has been acknowledged at a State and National level for the various innovative programs and awards. A full list is shown at Attachment 002. These include:

1997 Heart Foundation – National Award for "The Best Indoor Recreation Centre in Australia" – Beatty Park Leisure Centre

1999 Sport and Recreation Industry – Award for "Facility Management" – Beatty Park Leisure Centre

2001 Western Australian Municipal Association – Best Practice "Innovation Award" – Archaeological and Ethnographic Survey of the Old Bottle Yard

2002 Security Industry and Crime Prevention Awards – "Local Government Innovation Award" – Backpacker Safety Kit (joint award with WA Police)

2002 Fire and Emergency Services Authority (FESA) – "Top Award" – Smoke Alarms installed in all Lodging Houses

2003 & 2004 Australian Local Government Association – National Award (Information Services) – Pool Watch Programme (Beatty Park Leisure Centre)

2003 Western Australian Local Government Association – Best Practice Award (Innovation) – Administration & Civic Centre and Depot

2003 Roadwise/Institute of Public Works Engineering Australia WA Division – "Local Government Excellence in Road Safety Major Award" (over \$50,000) – State Black Spot Improvement Project

2003 Heart Foundation – Local Government Award for Best Overall Project for Recreational Infrastructure and Facilities – Beatty Park Leisure Centre

2004 National Award – "Excellence and Leadership" Certificate – "Diversity at Work"

2005 Planning Institute Australia (WA Division) – Awards for Planning Excellence: Award for Excellence in Community Based Planning; WA President’s Award and WA Planning Minister’s Award – Vincent Vision 2024

2006 National Awards for Planning Excellence – “National Merit Award” – Vincent Vision 2024

2007 Heritage Council Awards – “Outstanding Contribution to Heritage in Western Australia by an Organisation” – Review of the MHI

2007 WA Rangers’ Association – “Ranger Team of the Year Award”

2007 WA Water Award– “Water Conversation and Efficiency - Small Organisation Award” – Beatty Park Leisure Centre

2008 ICLEI Oceania Award – Integrated Freshwater Resource Management

2009 Australian Institute of Engineers – Joint award with MRWA – “Innovation in Traffic Safety Management”

2010 National Award for Local Government – “Excellence in Alcohol Management Award” – Vincent Liquor Accord

2010 Pool Lifeguard Challenge – Overall State winner

2010 Swim Australia Annual Awards –“Outstanding Community Service” – Beatty Park Leisure Centre Swim School’s Angelfish Programme

2011 Heritage Council – High commendation – “Outstanding 2011 Heritage Practices by a Local Government”

2. *Relatively unknown area – affects external identity*

Officer’s Comments:

The City of Vincent was created on 1 July 1994 and hence is one of WA’s newest Local Governments. This comment is not entirely accepted, as the City of Vincent receives extensive exposure in the media.

Notwithstanding, the media exposure, the perception of the City being relatively unknown externally is not necessarily considered a weakness in the context of Local Government. If the City was a corporate business, a well developed identity would be of utmost importance in ensuring ongoing growth opportunities; in addition, to counteracting attrition effects on a business’s customer base.

However, from a Local Government perspective, a far reaching identity is unlikely to add any broad value to the organisation and may distract the City from its most fundamentally important commodity - its own community.

There will of course be circumstances where building external profile is highly beneficial to the City, however these circumstances/needs will be very limited in duration and will be targeted toward a specific outcome.

In view of the above factors it is important that the issue of identity and self promotion be treated in a very selective, targeted manner. An endeavour to increase the City’s profile beyond its borders in a broad sense may result in a wasteful and misdirected use of finite resources. Such not specific self promotion may also be poorly received by the City’s own community.

3. *Socio-economic diversity affects internal identity*

Officer’s Comments:

This comment is subjective and it is therefore difficult to provide a comment. Overcoming this perception may simply come down to how the City “sells” or promotes itself

4. *Unique character constantly threatened by change*

Officer's Comments:

Through the community visioning exercise *Vincent Vision 2024*, the City's unique character was recognised as a key asset to the City. For this reason, in the preparation of the City's Local Planning Strategy and new draft Town Planning Scheme No. 2 and associated Policies, the City's unique character both within the City's Town Centres and its residential areas have been considered as key elements in the planning of these areas in the future. In addition to this, the City's existing Policies, such as the City's Residential Design Elements Policy No. 3.2.1, together with the suite of heritage management policies, further serve to provide a sound framework to maintain the City's unique character, whilst balancing this with appropriate infill development.

5. *Narrow streets in some parts makes driving hazardous*

Officer's Comments:

It is acknowledged that there are some older areas in the City of Vincent that have narrower streets, however there is no scope to widen these streets. Narrow streets with vehicle parking provides good traffic calming and speeds on these streets are generally low.

6. *High traffic pockets*

Officer's Comments:

The City's location is only 3km from the Perth Central Business District and inevitably results in high traffic, as people from the outer metropolitan area travel through Vincent to the Central Business District.

The City is traversed by a large number of higher order roads. The number of registered motor vehicles in Western Australia are increasing (60,000+ per annum). This creates more congestion on through (and some local) roads especially during peak periods.

The State Government, through its Directions 31 document is looking at improving public transport in and around the City to encourage less reliance on the private motor vehicle. In addition the City, through its Integrated Traffic, Transport and Road Safety Working Group meeting to discuss and recommend measures/initiatives to ameliorate issues that are brought to the City's attention via a collaborative approach with affected residents.

7. *Uncertainty regarding pace of infill and development*

Officer's Comments:

The City's Local Planning Strategy and draft Town Planning Scheme No. 2 are being considered at the Ordinary Meeting of Council on 13 September 2011, to seek approval to forward to the Western Australian Planning Commission to seek consent to advertise. The Local Planning Strategy has been informed by the City's Community Visioning Project *Vincent Vision 2024* and has been prepared in accordance with the Department of Planning's Local Planning Strategy Manual. The Town Planning Scheme has been prepared in line with the Model Scheme Text, in accordance with the Town Planning Regulations 1967. The City has followed the direction and statutory framework set by the State Government to ensure consistency in the implementation of the Town Planning Scheme. The Local Planning Strategy and the City's new Town Planning Scheme have also been prepared with due regard to key State strategic documents, such as *Directions 2031*, the *Capital Cities Framework* and the *Public Transport Plan 2031*, as well as key demographic, dwelling potential and commercial development forecasting. This information has been used to provide the regional context to which the City has prepared its Local Planning Strategy and Town Planning Scheme No. 2, which will assist the City to have a sound planning framework to manage the forecast growth of 5,000 dwellings by 2031 and associated infrastructure, services and commercial floor space that will result from this.

8. *Some tree loss*

Officer's Comments:

This comment is not specific as to whether it applies to the City or to the trees or private properties.

Street Trees

Generally all street trees that are removed are replaced by the City's Parks and Property Section with "like" species within 12 months of the initial removal. The City has a Trees of Significance (Inventory) which will be further developed in the 2011/12 financial year.

Trees on Private Property

With the increasing loss of trees within private property as a result of development, protection of verge trees has been given high priority. Developers are required to design with preservation of verge trees wherever possible, and a significantly increased "Verge Tree Preservation Bond" has been introduced, for amounts up to \$5,000, depending on the age of the tree. There is no legislation to prevent a person from removing a tree on their property *unless it is listed specifically as a "tree of significance". Several local governments have attempted to introduce a local law, but have experienced strong opposition, as it is seen as an intrusion of a person's civil rights. The City could investigate actions to specifically deal with trees.

9. *Loss of corner shops*

Officer's Comments:

Small corner shops have been disappearing for many years, mainly because they are no longer financially viable. This is not unique to the City of Vincent.

Under the City's Town Planning Scheme No. 1, there is a dedicated zoning for 'Local Centre' to promote the retention of these small scale shops that provide a key service to the local community. This zoning is proposed to remain in the new Town Planning Scheme No. 2 to maintain this important land use in the City. There are also several corner shops on the City's Municipal Heritage Inventory (MHI), which by being heritage listed, will ensure their retention.

10. *Perception that property (and to a lesser extent personal) safety is under threat*

Officer's Comments:

Safety and security is a very common perception which ranks very predominantly in many Perception surveys and also at many other Local Governments and is therefore not unique to the City of Vincent.

"Rates of recorded crime in Vincent were lower across all selected offence categories in 2009-10 than in Central Metropolitan SSD and Western Australia".

While the statistics confirm that the City of Vincent remains a safe place to live, work and visit, it has proved difficult to overcome the community perception that the locality is unsafe. A number of projects that are scheduled to commence this year, may assist in changing the current perception.

The City's Planning Policies are very much streetscape-oriented and the City actively encourages design solutions which create and enhance interaction between private properties and the streetscape, in a bid to maintain passive surveillance and in-turn the perception of safety. The Western Australian Planning Commission's *Designing Out Crime Guidelines 2006*, which is based on the *State Designing Out Crime Strategy*, reiterates this by outlining the importance of using buildings to support surveillance of the public realm and the City has adopted the principles of these State documents in the development of the City's Local Planning Policies.

11. *Difficult to access via wheelchair*

Officer's Comments:

The City employs an officer who works with people with disabilities to address any access issues on areas owned and operated by the City. A Universal Access Advisory Group consisting of community representatives meets regularly to discuss issues relating to access and services for people with disabilities. Community members are encouraged to notify the City officer's of any access issues that can be rectified by the City. The You're Welcome Project identifies and provides detailed information on accessible facilities in the City including private premises such as restaurants and retail shops.

The City has an adopted program to ensure its buildings are accessible. All of the City's building are being progressively made universally accessible wherever possible.

The City is currently undertaking a comprehensive survey of all footpaths to determines where ramps etc are required. At the conclusion of the survey an implementation program will be developed.

Three Key Stakeholder Segments

Three Stakeholder groupings were identified and these are described below:

"Indifferents"

- *Town of Vincent is largely irrelevant to these stakeholders*
- *Are mostly satisfied with their experience of Local Government (although mildly annoyed by careless or wasteful policies and decisions)*
- *Have low expectation of Local Government*
- *Are more likely to be new comers and/or near-city residents*
- *Are highly mobile; highly social*
- *Have very few suggestions for improvement. The suggestions are specific and self-interested*

Indifferents Wishlist

1. *Maintenance (footpaths/street trees/lighting)*

Officer's Comments:

Footpaths

The City allocates \$400,000 to upgrade and replace its footpaths and \$180,000 for footpath maintenance.

In 1997 the Council adopted a long term footpath slab replacement program in the late 1990's. Since that time slab paths have been progressively been replaced with either cast insitu, brick paving and other materials, e.g. urban stone. The 2011/2012 financial year represents year 13 of the program. In addition a large number of streetscape improvements have been undertaken which have incorporated the upgrade of the footpath. Developers also have been responsible for funding the upgrade of the section of path adjoining the development with the City contributing where the existing path is already in poor condition.

The City also allocates annual funds for footpath maintenance to attend to matters such as replacement of foot path panels resulting from tree root damage and general footpath damage. The maintenance budget is also used when a contribution to upgrade a footpath is required as part of a development, public utility authority reinstatement etc.

With the numerous developments being undertaken within the City at any one time damage to footpaths during construction is an issue and a bond is normally held by the City, to ensure that any damage caused is rectified at the developer's expense. In addition public utility providers are forever digging up sections of footpath, both large and small, and often these sections are not reinstated immediately causing complaints to the City by residents. The City will not reinstate a path removed by a public utility provider unless an order number for the reinstatement is provided.

Many public utilities engage their own contractors to reinstate the footpath and this often results in substantive workmanship. This is an issue that the Director Technical Services and Manager Engineering Operations have been pursuing for some considerable time now with varying success.

This perception can be simply addressed by increasing the amount of funding allocated in the Annual Budget.

Street Lighting

The City allocates \$25,000 to street lighting maintenance per annum and \$565,000 for operating costs.

The majority of the street lighting in the City is maintained by Western Power. All faults are reported to them as soon as they are brought to our attention. In addition the City conducts two night audits annually to determine lights that are not operating.

Street Trees

The City allocates \$600,000 for street tree maintenance (includes pruning under powerlines, watering, removal). A further \$50,000 is used for amenity pruning of trees in parks. \$75,000 allocated for street tree replacement.

This perception may be addressed by increasing the amount of funding allocated in the Annual Budget.

2. Underground power

Officer's Comments:

The undergrounding of power is a State Government responsibility.

The power network is owned and operated by Western Power. The State Government, through the Office of Energy, has been running the State Underground Power Program SUPP since the early 1990's with the aim of 50% of the metro area having underground power by 2010. However this figure includes all the new suburbs where underground power has been installed as a condition of subdivision, introduced about the same time.

There are no immediate plans to underground Power in large areas in the City at present. The City has contributed funding to the Office of Energy and Western Power through the SUPP for the Highgate East project, however the Office of Energy has given no indication whether this program will continue in the future.

When SUPP submissions are called Local Governments are invited to be included in the program. In accordance with previous Council decisions, should submissions be called the City would submit the whole municipality for consideration divided into 12 or so areas. The Office of Energy and Western Power would then make the final decision as to which areas to include, based on reliability, age of their assets etc.

It should also be noted that funding for the program is usually limited and the City has to compete with many other Local Governments.

The City could further investigate this matter and could introduce a special rate/levy to increase the pace of the undergrounding of power, however this would result in additional cost the ratepayers-which may not be well received.

3. *Universal recycling collection*

Officer's Comments:

The City rolled out 240L "yellow lid" Mobile Recycling Bins (MRBs) in September 2008. The City now provides a fortnightly kerbside recycling collection service, weekly domestic waste collection service and one general junk and two green's only verge collections per financial year.

The City also facilitates the collection and disposal of used printer toner cartridges, used mobile phones and batteries. The City's waste management section also works with residents and schools to encourage/promote other sustainable waste management practices such as worm farms, back yard composting.

4. *Surfacing of laneways in Harley Street, Highgate*

Officer's Comments:

The City has a long term Right of Way (ROW) acquisition and upgrade program. All ROWs have been assessed and prioritised accordingly. This ROW is currently scheduled for upgrade in 2013/14.

The upgrade program may change from time to time depending on ROW that are purchased, or are offered to the City. This ROW was recently purchased, therefore it may be upgraded ahead of schedule. This will be determined once the program has been revised and reported to the Council.

5. *Fix traffic lights at the Walcott/Beaufort Street*

Officer's Comments:

This is an ongoing issue with no 'quick fix' solution. The City's of Vincent, Stirling and main Roads WA have been exploring options for this intersection for a number of years now. Given that there is no scope to widen the road to provide dedicated turn lanes the options are limited.

6. *Clearer and more consistent guidelines around special event parking (Claisebrook Street)*

Officer's Comments:

Claisebrook Street, which is primarily non-residential does not currently form part of the nib Stadium Exclusion Zone. This street and those surrounding it, were formerly part of the City of Perth and were transferred to the then Town of Vincent in 2007. Prior to the transfer, the streets were not restricted for events at nib Stadium, so it was not considered necessary to change the restrictions, when the effect of patron parking was likely to be minimal. As a result, the area is available to patrons for parking in close proximity to nib Stadium.

In the past few years, there have been very few complaints about parking congestion, caused by an event being held in nib Stadium, so it has not been identified as a problem area. If occupiers (business or residential) have concerns about parking congestion, during such events, they should contact 9273 6022 during normal business hours and 9273 6061 outside normal business hours. Rangers are on duty from 7am every day and the last shift finishes at midnight from Wednesday to Sunday.

7. *Removal of weeds from footpaths that puncture wheelchair tires*

Officer's Comments:

The City's footpath and kerbline weed spraying program has recently been reviewed and now again being undertaken twice per year. For the past three (3) years the program was reduced to one application per year and weed growth has steadily increased which has probably contributed to the above issue.

The spraying is undertaken in November and May of each year and adjacent owner/occupiers can apply for an exemption as long as they agree to keep the footpath and kerbline adjacent to their property weed free.

"Aspirational"

This grouping of people:

- *Seek connection with a leadership from Local Government*
- *Would like to be connected with the Town of Vincent but currently feeling lost and insignificant*
- *Have low to medium expectations*
- *Dream of a progressive and innovative local council but realistic/cynical*
- *Consider value for money from rates is important to this stakeholder group*
- *Are very directive and specific list of suggestions for improvement related to community and capacity building*

1. *Community market (like Fremantle or Subiaco's farmers market)*

Officer's Comments:

The City has investigated the concept of farmer's markets in its locality. The Oxford Street Markets operated over the last couple of years with limited success. There are a number of community markets close to the City that operate successfully such as the Subiaco Farmer's Market, Claremont Farmer's Market and City Farm markets which operate on Saturday mornings. The operator of the Subiaco Farmer's market has met with the City's officers recently to investigate the viability of holding a similar set up in the City.

2. *Community gardens (especially around train stations)*

Officer's Comments:

The City has recently organised community consultation workshops and bus tour for the purposes of developing a Community Garden for the residents. These were well attended and participants will continue to be involved in the development of the project. The City has also assisted the development of a sensory garden for culturally and linguistically diverse seniors in the community.

3. *Parking solutions for residents (other than a blanket paid parking policy)*

Officer's Comments:

Being an inner city Local Government, parking is acknowledged as one of the main issues, along with traffic.

The current parking regime was primarily driven by the adoption of the City of Vincent Car Parking Policy on 9 March 2011, which resulted from the engagement of a consultant to provide a holistic report of parking within our boundaries. The basis for the recommendation was that ticket machines would improve the "churn" of vehicles and result in better availability of parking spaces.

It has been determined that paid parking is much more effective in creating a regular turnover of vacant spaces, than time restrictions. There are a number of reasons for this, but it primarily relates to the fact that, with time restrictions, a vehicle can be moved (even a short distance) before the expiry of the limit. This results in, ostensibly, the same vehicles creating the congestion, but it removes the ability of Rangers to deal with vehicles that overstay the limit in the street.

Residents can still apply for Residential and Visitor Parking Permits, in ticket machine zones and the eligibility criteria has not changed. If a resident was eligible, under the time restricted area, he/she will be equally eligible under a paid parking regime.

In addition to the above, the City's Car Parking Strategy and associated Precinct Parking Management Plans, provide a holistic and integrated approach to car parking management, with introducing additional paid parking being just one element. Improved signage, education and promoting the principle of travel demand management, introducing parking benefit districts and amending the City's Parking and Access Policy No. 3.7.1 are just a few of the initiatives being considered. Through the appointment of a dedicated Sustainability Officer, the City is also pursuing various methods to improve the City's approach to travel management, both within the organisation and externally.

4. *Community bores*

Officer's Comments:

Community bores are difficult to set up, particularly when trying to implement a system in an established area and connecting to private reticulation systems with aging infrastructure.

Issues with differing pressures, pipe diameters and sprinkler types would have to be identified and standardised if and when any community bore proposal was seriously investigated.

5. *More community events (community arts program and/or street art)*

Officer's Comments:

An artist in residence programme is currently being developed for the purposes of delivering community arts for residents. (refer to report included in this Agenda). Community and urban art projects have previously been delivered as part of the City's banner programme and youth activities.

There is a programme of community events throughout the year organised by the City and more work will be done to ensure that other community events in the locality is well-publicised and promoted for residents.

6. *Community shuttle bus/CAT service around shopping precincts*

Officer's Comments:

A community bus is available for hire by the community and currently is utilised by the City to transport seniors to various activities. A shopper's service is available for residents who meet the criteria set out by the Home and Community Care programme which is State funded. The City has tried on various occasions to extend the current CAT bus routes – but has been unsuccessful.

7. *Community piazza that contains a family-friendly, non-alcohol precinct*

Officer's Comments:

Through *Vincent Vision 2024* and the preparation of the City's Local Planning Strategy, creating and enhancing the City's community spaces is considered a key objective, particularly within the City's Activity Centres. This is being explored further through the Leederville Masterplan and the North Perth Masterplan, which will provide the conceptual vision for the development of these areas in the future.

The City has a strong awareness of the negative social and wellbeing issues associated with Australia's 'drinking culture' and is highly proactive in minimising the negative effects of alcohol misuse, through the Vincent Accord and the City's Alcohol Management Policy.

A dedicated open space area where alcohol use is limited (permitted at cafe's/small bars only) and where businesses with a primary alcohol focus are excluded (pubs and liquor stores) would create a broad appeal and promote non-alcohol related business opportunities. A piazza area that encourages family focussed eateries, such as cafe's, themed restaurants, ice cream and fruit juice stores, plus recreational activities like mini golf, water playgrounds, expansive outdoor play equipment and opportunities for organised recreational events would likely provide sustainable business opportunities along with a multitude of community health and wellbeing benefits.

The Leederville Masterplan proposes a piazza for the southern end of Oxford Street.

Of course the amount of public open space available within the City is limited. However, with careful planning, creativity and sufficient community demand and support, the delivery of a non-alcohol focussed piazza/precinct would provide broad benefits and appeal. Such an area may also help to underpin new public transport routes and/or forms of transport; and provide opportunities for other areas of community need such as local art spaces, fairs and festivals.

The above aspirational concept would assist in further building on the City's strengths as detailed in 'Aspirational' Item Nos. 5, 6, 7, 9,10,11 & 12 of the report.

8. *Policies and plans to make Vincent a world leading walkable and cyclable precinct*

Officer's Comments:

The City has developed a Local Bicycle Network plan and over the years minor infrastructure improvement have been undertaken to facilitate bike use along the routes in the plan. This plan will be reviewed in 2011/2012.

In addition the City has been progressively constructing the Wetlands Heritage Trail/Greenway. This forms a dual use path network linking the City's former wetlands, where ever possible, and will ultimately link the Swan River with Lake Monger.

Extensive funds have been expended since the Town/City's inception in upgrading/maintaining the footpath infrastructure. Streetscapes have been improved and public place a drinking fountain program is currently being implemented..

9. *Community weekend market-place*

Officer's Comments:

The City has investigated the concept of farmer's markets in its locality. The Oxford Street Markets operated over the last couple of years with limited success. There are a number of community markets close to the City that operate successfully such as the Subiaco Farmer's Market, Claremont Farmer's Market and City Farm markets which operate on Saturday mornings. The operator of the Subiaco Farmer's market has met with the City's officers recently to investigate the viability of holding a similar set up in the City.

10. *Recycling education (including promotion of the Earth Carer's course)*

Officer's Comments:

The City promotes the Earth Carers course on its website with links to Mindarie Regional Council website for updated information. Newspaper articles are often published in both the Voice and Guardian promoting these courses.

In an effort to be more sustainable, the City is trying to redirect people to its updated website when seeking information.

11. *Innovative community capacity building plans*

Officer's Comments:

In the preparation of the all of the City's key strategic documents, such as the Leederville Masterplan and the North Perth Masterplan, community engagement is a key aspect at all stages of the preparation and implementation of these strategies. The community visioning exercise *Vincent Vision 2024*, focussed strongly on community capacity building, that has largely informed the City's Local Planning Strategy, which is the precursor to the City's proposed Town Planning Scheme No. 2. Once consent is received to advertise the City's Local Planning Strategy and Town Planning Scheme No. 2 further community engagement through various mediums will be undertaken.

12. *Weekly (not fortnightly) recycle bins*

Officer's Comments:

The City wants everybody to increase their recycling and divert as much waste from landfill as possible, but it also wants to educate people on purchasing items with less or no packaging and reducing the complete volume of both waste and recycling materials.

Increased recycling collections may encourage consumerism, with people feeling their behaviour is warranted if they dispose of their recyclable products in the correct recycling bin, rather than focusing on reducing waste and recyclable products all together.

To encourage "towards zero waste", the City of Vincent offers residents a reduced garbage bin size of 140L as opposed to the standard 240L size.

All this said, the City has not discounted the possibility of weekly recycling collections however this would need to be further considered in the context of the overall waste management operation. In addition a cost benefit analysis would need to be undertaken to determine whether the additional cost of a weekly recycling collection could be justified. It would be justified if the result was an increase in recycling volume with a corresponding reduction in domestic waste. If the volumes remained constant there would be no benefit.

"Community Builders"

This group of people:

- *Highly mobile; highly social community builders*
- *These are residents that are both connected and connectors*
- *Have high expectations of Local Government*
- *Highly critical of the Town of Vincent – Currently they are feeling angry and aggrieved*
- *Laundry list of suggestions for improvement*

1. *Fundamental changes in the way the Town of Vincent conducts community consultation*

Officer's Comments:

The City's Community Consultation was comprehensively reviewed over a period of 12 months and was adopted by the Council on 22 March 2011.

Interestingly, no submissions were received from the community, including the Precinct Groups.

2. *More responsive graffiti removal*

Officer's Comments:

This perception is not accepted. The City employs a dedicated Officer to solely remove graffiti on a full time basis. This service receives many positive letters of appreciation.

The City's graffiti removal policy states that graffiti removal is to be undertaken within 48 hours and there are very few instances when this does not occur, The problem usually lies with utility agencies that provide their own graffiti removal service or private business owners who do not want the City's graffiti officer to remove any graffiti on or within their property.

3. *Replacement of "Berlin Wall" – divider between Stirling and Vincent along freeway*

Officer's Comments:

This is a Main Roads WA matter, not the City's responsibility.

The noise barrier was erected to maintain amenity for residents adjoining the freeway. It was a trial at the time (undertaken by Main Roads WA) and affected residents would like the barrier extended and not removed. Therefore this perception is not accepted.

4. *Greater lighting and security around train stations*

Officer's Comments:

The City of Vincent has three train stations within (or near) its boundaries – Leederville Station, Glendalough Station and East Perth Railway Complex.

Leederville

The Leederville Station is situated between the east and west bound carriageways of the Mitchell Freeway, with an overhead footpath to the south end of Oxford Street Leederville. It is considered that the lighting for this area is good and, because of its proximity to the Leederville entertainment hub, it is regularly patrolled by WA Police and Rangers. As a result the community security in this area is considered to be appropriate.

Glendalough

The Glendalough Station is situated at the extreme north west of the City's boundary and the lighting in the surrounding area is considered to be adequate. Because it is situated on Scarborough Beach Road, which is a busy road at all times, there are regular passing patrols from WA Police and occasional patrols by the City of Vincent Rangers. There has been only one (1) issue reported to the City in the past 12 months, relating to anti-social behaviour in the vicinity of the station and this was dealt with by police, who were in the vicinity.

East Perth

East Perth Railway Complex is situated in Summer Street/West Parade, which is predominantly a residential area. The station, which is well illuminated at night, is at its busiest during the working day and is seldom used during the hours of darkness. While the lighting in surrounding streets may be less effective than it is, close to the other stations, it has been designed to suit a residential area, where there are few train passengers walking through. Rangers patrol the area only occasionally, but since almost no complaints are received from this area, it has not warranted additional attention.

As with all concerns about criminal behaviour, and personal safety and security, the WA Police should be the first port of call. For more general concerns about area security, the Co-ordinator Safer Vincent should be contacted on 9273 6032.

In addition to the above, the City strongly supports the State Government direction on Transit Orientated Development. For this reason, the City's strategic vision and planning for development within close proximity to the City's train stations, such as Leederville, Glendalough and Claisebrook, is to promote a mix of day and night uses within these areas, which in turn will serve to assist in the security around these key locations.

5. *Upgrading of cycleways, especially from Mount Hawthorn to Perth*

Officer's Comments:

This is a State Government responsibility.

The existing Cycleways were constructed by Main Roads WA and are maintained by them. The City recently requested that they undertake more maintenance of this infrastructure.

6. *A traffic management solution (perhaps a roundabout and/or speedhumps) on the corner of Scarborough Beach Road and Coogee Street*

Officer's Comments:

The City through its Integrated Traffic, Transport and Road Safety Working Group discuss and recommend measures/initiatives to ameliorate issues that are brought to the City's attention via a collaborative approach with affected residents.

This 'specific' matter will be further investigated.

7. *Native tree policy*

Officer's Comments:

The City's Strategic Plan outlines a number of objectives which promote the use of native vegetation. The City also undertakes a number of initiatives that promote the use and benefits of planting local native vegetation including the local plant sales for residents that are held twice per year.

Where practicable native trees are planted in streetscape upgrades and within parks & reserves, however some areas such as Hyde Park already have an established European theme and planting of native trees throughout this reserve would not be considered appropriate.

In addition to the this, the City has had in place a Significant Tree Inventory since 1999. The 2011/2012 budget has allocated funding for this Inventory to be reviewed. The review will comprise an audit of the existing trees and consideration of additional trees to be included on the Inventory to be afforded protection. The review will also investigate incentives, bonuses and general education and promotion on the benefits of retaining remnant native vegetation and planting native trees within the City, particularly as the residential density and infill of the City is forecast to increase in the future.

The Significant Tree Inventory is valuable in assessing and determining Development Applications as the type and location of Significant Trees impacts the development of the site as the City's Officers encourage the retention of any Significant Trees. Furthermore, if any native trees, whether on the City's Significant Tree Inventory or not, are at risk of being affected by a proposed development, the City's Planning Officers liaise with Parks Services to propose solutions to allow the tree(s) to be retained, whilst still allowing development of the site.

8. *Upgrade of Oxford Street precinct*

Officer's Comments:

The Leederville Masterplan endorsed by Council in 2007 provides the overarching vision for the development of Leederville into the future. More recently detailed planning work has been undertaken to provide a more detailed framework for the development of both private property and the public realm within this area. Once this planning has been finalised, likely to be in the form of an Activity Centre Plan in accordance with State Planning Policy No. 4.2 - relating to Activity Centres, implementation and development of the City's owned land within this precinct can be progressed.

9. *Recycling education*

Officer's Comments:

In an effort to reduce printed media publications and become more sustainable, the City is trying to redirect people to its updated website when seeking information on waste and recycling.

The City still distributes the following printed publications to all residential properties:

- Annual Waste and Recycling Calendar
- Annual General Junk only Bulk Verge Flyer
Bi-annual Green Waste only Flyer.

Newspaper advertisements in both the Voice and Guardian with articles relating to bulk verge, recycling, MobileMuster, Earth Carers etc are also done.

The 2011/2012 "Recycling Promotions" budget has been significantly increased compared to last financial year. Currently the City is focusing on ways to promote and educate people with recycling at all city run events.

10. *Consistency in the implementation of the TPS*

Officer's Comments:

The City's Local Planning Strategy and draft Town Planning Scheme No. 2 was considered at the Ordinary Meeting of Council on 13 September 2011, to seek approval to forward to the Western Australian Planning Commission to seek consent to advertise. The Local Planning Strategy has been informed by the City's Community Visioning Project *Vincent Vision 2024* and has been prepared in accordance with the Department of Planning's Local Planning Strategy Manual. The Town Planning Scheme has been prepared in line with the Model Scheme Text, in accordance with the Town Planning Regulations 1967. The City has followed the direction and statutory framework set by the State Government to ensure consistency in the implementation of the Town Planning Scheme.

It is envisaged that the new Scheme and associated Planning Policies will provide a more updated document in line with State planning direction and will improve the consistency in the implementation of the Scheme.

The City's Planning Officers consistently assess all Development Applications against the City's Policies and Town Planning Scheme. Where a development proposes a variation to the City's Policies, the matter is reported to Council, where the Officer's do not have the delegated authority to determine the application. The community is also given the opportunity to provide input throughout the Planning process, and any input is given due regard in determining development applications, which allows for innovative and appropriate development of the City of Vincent.

11. *Reduction in the height of speed humps on Fitzgerald Street (near Angove Street)*

Officer's Comments:

This is a trial being conducted by Main Roads WA, in conjunction with the City. At the conclusion of the trial the future of the devices will be determined. The City receives few complaints regarding the speed cushions in Fitzgerald Street.

12. *Reprioritisation of street cleanliness and maintenance*

Officer's Comments:

The City owns and operates one large road broom and several years ago established a precinct cleaning unit. The street sweeper together with the cleaning unit undertake regular cleaning in precinct areas and streets in the City on a prioritise basis. High use commercial strip are high pressure water cleansed on a number of times each year.

There is a large number of un-caring persons that continually litter the City, be they youths frequenting nightspots, bars and cafes and business proprietors who do not take ownership of ensuring the frontage of their premises is clean.

The City is proactive with its cleaning regime however general fights a losing battle with the mentality of those who continually litter and mess up the area.

Also many builders and their trade people are also responsible for leaving rubbish, blocking gullies and depositing sand and debris in the public realm.

13. *Reprioritisation of "welcome packs" for new residents*

Officer's Comments:

Unfortunately there was no indication as to what the priorities of the Welcome Packs should be. However the Welcome Packs have been revised in the last 12 months to reduce the amount of printed information being sent (now focussing on key information) and directing traffic to the website to ensure that the recipients get the most up-to-date information about what is happening in Vincent. Positive feedback is regularly received about the City's "Welcome Packs", which are posted to all new residents who relocate into the City.

14. *Redesign and redevelopment of the Town of Vincent's website (including a Town of Vincent blog)*

Officer's Comments:

This matter has already been actioned, as the City of Vincent website was redesigned and re-launched on the 1st of June 2011. The re-design included a complete overhaul of the user interface with the emphasis on end useability.

Extremely positive feedback received from members of the media, public and internal staff. The new website is driven by a powerful backend Content Management System. This system allows officers to easily update their areas content with ease therefore ensuring the currency of information available on the site. The newly developed site is a on-going project. Functionalities and enhancements such as blogs are being investigated and implemented as required.

15. *Children's playground equipment to be updated, including age-specific areas*

Officer's Comments:

The City will complete the revised Council approved six (6) year Playground Upgrade program within the 2011/12 financial year and the majority of all playgrounds are now less than ten (10) years of age and installed in accordance with the most recent Australian Standards.

16. *Introduction of public seating along main pedestrian areas*

Officer's Comments:

This is in progress in line with the upgrade of streetscapes in all major shopping precincts. Additional seating areas are being planned as part of future artwork proposals being investigated within streetscapes and park & reserves.

17. *Introduce speed humps on Britannia Road to slow down the soccer hooligans*

Officer's Comments:

The City through its Integrated Traffic, Transport and Road Safety Working Group discuss and recommend measures/initiatives to ameliorate issues that are brought to the City's attention via a collaborative approach with affected residents.

This specific matter will be further investigated.

18. *Promotion of heritage trail events*

Officer's Comments:

The City has a dedicated Heritage Strategic Plan 2006 - 2012. Key Result Area 1 – *Community and Heritage – Educating, Promoting and Celebrating Vincent Heritage*, provides the framework to develop and implement various community initiatives, including heritage trail events. The next heritage walk is scheduled for 13 November 2011, at 2.30pm, commencing at Weld Square for a walk through Northbridge. The City's heritage projects are widely publicised through the City's website, quarterly newsletter, dedicated Heritage Newsletter, local newspaper and the City's dedicated heritage website. The City's Local History and Heritage Advisory Group, also provides the forum for community involvement in heritage at the City.

19. *Council to be more approachable, especially the planning department*

Officer's Comments:

The City's Administration endeavours to provide a high level of customer service in all areas, in accordance with its adopted Customer Service Charter. The Development Approval process within the City is considered complex and cumbersome. The complexity of the Town Planning Scheme and numerous policies further adds to the complexity and process.

20. *More local interactive activity-based programs (like City of Fremantle)*

Officer's Comments:

The City organises a number of programmes with the goal of engaging the local community such as seniors outings, photography and creative arts workshops and walking tours. Other programmes in the locality will also be actively sourced and marketed through the website so that the community are more aware of what is available in their area.

21. *Free mulch*

Officer's Comments:

Free mulch is available upon request and when available (seasonal availability only).

22. *Permanent water solution at Hyde Park*

Officer's Comments:

The Council recently reconsidered the Hyde Park Lakes Restoration proposal and has now resolved to consider an alternative restoration Option 2B – Modified “Ornamental” unlined lakes water solution. The project is currently in the investigation/design/documentation phase. Funds are allocated in the 2011/2012 budget for the project.

23. *Council to give full support to Precinct groups and adopt the Precinct System of Open Participatory Government*

Officer's Comments:

The City supports its Precinct Groups in accordance with its adopted Policy.

24. *Introduction of CCTV in crime hotspot areas*

Officer's Comments:

The City of Vincent has now installed a number of CCTV Cameras in the Leederville area, which enables effective monitoring of the “hot-spots”. The images are not monitored in real time, due to the cost, but the recordings are securely stored for up to 1 month, in case needed. The recorded footage is available for use by WA Police, in the event that a crime is committed.

The City has made a further application to the Office of Crime Prevention, for continued support in providing grant funding to purchase and install additional cameras, for use in other identified hotspots. Should this application be successful, it is expected that parts of the Mount Lawley area and some areas of Perth would have CCTV cameras installed.

25. *Permanent solution to kerb crawling in and around Stirling Street*

Officer's Comments:

This is a Police responsibility.

While street prostitution is a concern, the City of Vincent does not have any legislation to deal with kerb-crawlers, this responsibility rests solely with the WA Police. The City is a partner to the “*Eyes on the Street*” Programme, so Rangers and other staff can provide information to the Police, so that they can effectively target problem areas.

Among a number of other problems, the issue of street prostitution is regularly discussed at the Safer Vincent Crime Prevention Partnership Meetings, where stakeholders include local WA Police, Office of Crime Prevention, Nyoongar Patrol and a number of community representatives. This makes all stakeholders aware of current strategies and allows for other community safety and security programmes to be tailored to enhance the effectiveness of the WA Police actions.

However, while the City of Vincent is unable to take direct action, the Co-ordinator Safer Vincent plays an active role as a conduit for information from the community to be passed to the relevant Agencies. The community is encouraged to report all suspicious activities to Police, on 131 444 and/or to the City of Vincent on 9273 6032.

26. *Local Government amalgamations*

Officer's Comments:

This comment is vague and not specific.

The City has participated and co-operated with the State Government's Structural Reform process and receive a No. 1 Ranking.

The State Government has recently formed a committee to review the structure of Local Governments in the Perth Metropolitan area and is to provide a report by 30 June 2012. No doubt change will occur sometime in the future, however, any impact on the City of Vincent would be purely conjecture at this stage.

27. *Reinstatement of Vincent Vision 2024*

Officer's Comments:

Vincent Vision 2024 remains a key visioning document for the City and has a dedicated website. The Local Planning Strategy, which is the precursor to the City's Town Planning Scheme No. 2, has been largely informed by the vision statements within *Vincent Vision 2024*. The Local Planning Strategy and new Town Planning Scheme No. 2 will be advertised to the community, once consent is provided by the Western Australian Planning Commission.

28. *Comprehensive area transport plan that includes cycling*

Officer's Comments:

Refer comments point 8 above.

The City recognises that travel management is imperative to accommodate the forecasted growth of 5,000 additional dwellings in the City by 2031. The City's Sustainable Environment Strategy 2011 – 2016 includes a number of key actions, that are currently being incorporated into an Implementation Plan, including; the development of a Vincent Bicycle Strategy; advocating for improved public transport links within and to the City; and promoting public transport within and to the City through community education and incentive initiatives.

29. *Promotion of green canopies, like Money Street, to provide shade and greenery*

Officer's Comments:

This objective is undertaken as part of the City's annual Street Tree enhancement program.

“Executive Summary

- *In June 2010, CATALYSE® conducted the Community Perceptions Survey to measure overall satisfaction with the Town of Vincent. The Survey evaluated perceptions of local services, infrastructure and facilities; identified performance gaps; and benchmarked the Town against other WA Local Governments.*
- *A rigorous and reliable method was used to survey households and weight the data by age according to the ABS Census. The result is a valid dataset, with a sampling precision +/- 4.5% at the 95% confidence interval.*
- *The survey data revealed that overall satisfaction among residents was moderate but had decreased significantly compared to previous surveys undertaken in 2004 and 1998.*
- *There were many areas of concern emerging from the survey data, including: graffiti, vandalism and anti-social behaviour; planning and building approvals; footpaths and cycleways; area's character and identify; traffic management; and parking. Moreover, the data indicated the presence of an overall feeling of discontentment across the community rather than a few select stand-out issues.*

- *The purpose of this study was to understand the underlying drivers of discontentment and dissatisfaction among residents within the Town of Vincent and to obtain feedback regarding suggestions for improving the Town's performance, both real and perceived.*
- *One of the critical themes emerging from the focus groups is the significant role that connectivity plays within the lives of the Town's residents. Residents live in the Town of Vincent because of the connectivity it fosters and facilitates – the connection they have to family, to people, to neighbours, to places, to history, to the atmosphere... It's all about connectivity.*
- *The one thing that residents are not currently connecting to is the City of Vincent. This sense of disconnection is not driven by a lack of knowledge or apathy; it is a conscious and considered mindset – and one that needs to be urgently addressed.*
- *The disconnection with Local Government is significant because it contradicts the very essence of what it means to live in the Town of Vincent."*

CONSULTATION/ADVERTISING:

Not applicable. The Focus Groups only involved 40 residents out of approximately 31,500 residents. One could therefore question the validity of findings of the Focus Group outcomes as being representative of the overall City's population.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: Monitoring levels of ratepayer/residents perceptions and satisfaction with services provided by the City is considered beneficial as it provides feedback to the City's Administration and the Council.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Plan 2011-2016, Key Result Area 4.1.2 – *"Manage the organisation in a responsible, efficient and accountable manner"*.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The five Focus Groups costs \$20,000.

There are no further funds on the 2011/2012 Budget to carry out any further surveys or focus groups.

COMMENT:

It should be acknowledged that the comments expressed in the Focus Groups was made by only 40 out of the City's 31,500 residents and refers to a person's perception. In some cases, the perceptions do not correlate to the real situation.

Notwithstanding, feedback from the Focus Groups has provided information which is beneficial to the City and Council. Comments have been provided to the various issues raised in Focus Groups.

At 10.25pm (approximately) the Presiding Member, Mayor Nick Catania stated a motion was needed to be moved to extend of meeting time, as the Council's Policy relating to Council meetings requires meetings to cease by 10.00pm.

PROCEDURAL MOTION

Moved Cr Burns, Seconded Cr Buckels

That the meeting be extended for 15 minutes.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

9.4.3 Sustainability Advisory Group – Amendment of Terms of Reference

Ward:	Both	Date:	15 September 2011
Precinct:	All	File Ref:	ORG0079
Attachments:	001 – Amended Sustainability Advisory Group Terms of Reference		
Reporting Officer:	A Marriott, Project Officer – Sustainability		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **APPROVES BY AN ABSOLUTE MAJORITY** to amend the Sustainability Advisory Group - Terms of Reference as shown in Appendix 9.4.3.

COUNCIL DECISION ITEM 9.4.3

Moved Cr Topelberg, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

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

PURPOSE OF REPORT:

The purpose of this report is to present a review of the Sustainability Advisory Group Terms of Reference as requested by the Council at its Ordinary Meeting held on 14 June 2011, and for the Council to approve the amended Terms of Reference.

BACKGROUND:

- 8 February 2011 At its Ordinary Meeting, the Council resolved to authorise the Chief Executive Officer to review the City's Advisory Groups and their Terms of Reference, and provide a report to the Council.
- 14 June 2011 At its Ordinary Meeting, the Council received the Chief Executive Officer's amended Terms of Reference for the City's Advisory Groups and requested that the Terms of Reference be reviewed by each of the Advisory Groups with the intention of reporting back to Council prior to October 2011.
- 28 July 2011 The Chief Executive Officer's amended Terms of Reference for the Sustainability Advisory Group (SAG) were sent to SAG members via email by the City's Project Officer – Sustainability and requested to review these amended Terms of Reference prior to 15 August meeting of the SAG.

- 15 August 2011 The amended SAG Terms of Reference were reviewed at the SAG Meeting held on 15 August 2011. No objections were raised to existing amendments, and no recommendations were made for further amendments. Due to time constraints, a vote on the matter was deferred with a view to SAG members continuing to review and provide feedback by the following SAG Meeting.
- 18 August 2011 Due to the next SAG Meeting being scheduled later than the October deadline for reporting on this matter, the City's Project Officer – Sustainability requested via email that SAG members proceed to complete their review and provide any additional comments in time for a report to be submitted to the Ordinary Meeting of Council to be held on 27 September 2011.

DETAILS:

The current membership of the SAG conducted a thorough and in-depth review of its Terms of Reference in 2010. The amendments that resulted from this review were unanimously accepted and adopted by the Council at its Ordinary Meeting held on 13 July 2010. With regard to clause 2.2.3 of the Terms of Reference, relating to matters on which the SAG is to provide advice and make recommendations, the following items were agreed upon:

“These may include, but are not limited to:

- (i) Climate Change;*
- (ii) Environmental Issues (including Sustainable Environment Plan 2007-2012);*
- (iii) Sustainable Building Design;*
- (iv) Energy Efficiency;*
- (v) Sustainable Transport;*
- (vi) Biodiversity;*
- (vii) Waste Management;*
- (viii) Water Sensitive Urban Design; and*
- (ix) Strategic Social and Economic Development Matters.”*

Following the Chief Executive Officer's review in 2011, there were three (3) relatively minor amendments recommended:

1. *“Sustainable Environment Plan 2007-2012”* was replaced with *“Sustainable Environment Strategy 2011-2016”* in line with the adoption of this new document;
2. *“Natural and Built Environment”* were specified as matters on which the Sustainability Advisory Group is to provide advice in clause 2.1; and
3. *“Sustainable Transport”* and *“Strategic Social and Economic Development”* were removed from clauses 2.2.3 (v) and 2.2.3 (ix) respectively, with a view that these matters be dealt with by other relevant Advisory Groups in future.

As the statement *“These may include, but are not limited to”* remains in clause 2.2.3, the above change No. 3 would not preclude the SAG from providing advice on particular matters relating to Sustainable Transport or Strategic Social and Economic Development if the Group deemed it appropriate to do so. As such, the SAG has no objection to the removal of *“Sustainable Transport”* from clause 2.2.3 (v) and *“Strategic Social and Economic Development”* from clause 2.2.3 (ix) of its Terms of Reference.

Further Amendments to the Sustainability Advisory Group Terms of Reference

The following amendments are recommended in addition to those recommended by the Chief Executive Officer in his report to the Council on 14 June 2011:

- Add the word 'Energy' before the word 'efficiency' to clarify the type of efficiency being dealt with in clause 2.2.3 iv); and
- Change the title of 'Co-ordinator Strategic Planning' to 'Manager Strategic Planning, Sustainability and Heritage Services' in clause 3.3, in keeping with the changed role and title of that position.

CONSULTATION/ADVERTISING

An advertisement was placed in the *Guardian Express* on Tuesday, 13 September 2011 calling for nominations to the City's Advisory Groups from community representatives for the 2011-2013 term. A letter is also being sent to the existing community representatives on each Group asking if they would like to re-nominate.

LEGAL/POLICY:

Advisory Groups do not have any legal status under the Local Government Act 1995. The Advisory Groups fulfil a role by providing advice to the Council on matters referred to the Group by the Council.

RISK MANAGEMENT IMPLICATIONS:

Low: Advisory Groups play an advisory role, and do not have any legal status under the Local Government Act 1995.

STRATEGIC IMPLICATIONS:

The City's *Strategic Plan 2011-2016*, Objective 1.1 states:

"Natural and Built Environment

- 1.1 *Improve and maintain the environment and infrastructure;*
 - 1.1.3 *Take action to reduce the City's environmental impacts and provide leadership on environmental matters;*
 - 1.1.4 *Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, healthy, sustainable and functional environment".*

SUSTAINABILITY IMPLICATIONS:

The City's Sustainability Advisory Group plays an instrumental role in the promotion of sustainability in the City. By having a sound Terms of Reference for the Group, ensures that the Group can work effectively and provide a positive contribution to sustainability both within the organisation and the wider community.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

The City's Sustainability Advisory Group plays an instrumental role in the promotion of sustainability in the City. The amended Terms of Reference for the Group provides a sound framework for the Group to work effectively and provide a positive contribution to sustainability both within the organisation and the wider community. In light of this, it is recommended that the Council approves the amended Sustainability Advisory Group – Terms of Reference.

9.4.4 Implementation of Tablet Computers for Council Meetings

Ward:	All	Date:	16 September 2011
Precinct:	Both	File Ref:	-
Attachments:	001 – Current Costings Estimate; 002 – Proposed Costings Estimate		
Tabled Items:	Nil		
Reporting Officer:	H Kek, Manager Information Technology		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the report on the investigation into the use of tablet computers for Council Meeting Agendas and Minutes;
2. **APPROVES IN PRINCIPLE** the implementation of the tablet computers for Council Meeting Agendas and Minutes for a trial period of six (6) months commencing in early 2012;
3. **APPROVES BY AN ABSOLUTE MAJORITY to AUTHORISE** the Chief Executive Officer to purchase thirteen (13) tablet computers, at the appropriate time, which are to be funded from the Electronic Equipment Reserve; and
4. **REQUESTS** the Chief Executive Officer to:
 - 4.1 further investigate the training and implementation aspects of the electronic version of the Council Meeting system, with the aim to commence from the first Council Meeting in 2012; and
 - 4.2 provide a further report to the Council at the end of the trail period.

COUNCIL DECISION ITEM 9.4.4

Moved Cr Topelberg, **Seconded** Cr Farrell

That the recommendation be adopted.

Debate ensued.

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

PURPOSE OF REPORT:

The purpose of this report is to provide Council with information relating to the possible implementation of a tablet solution for Council Members, Directors and the Chief Executive Officer for the reading of the Council Agendas and Minutes.

BACKGROUND:

At the Ordinary Meeting of Council, 28 June 2011 the following Notice of Motion submitted by Cr Topelberg was adopted.

“That the Council REQUESTS:

- (i) the Chief Executive Officer to investigate the purchase of tablet computers for Executive Officers, Development Services (shared) and Elected Members to provide an alternative to hard copy documentation, meeting agendas, and minutes. The investigation should include but not be limited to:

 - (a) examining the advantages and disadvantages associated with this technology;*
 - (b) analysis of the potential impact on paper, printing and photocopying costs;*
 - (c) examining adoption of similar technologies in other local governments;*
 - (d) cost of purchase, configuration and maintenance; and**
- (ii) a report be submitted to the Council no later than September 2011, with a view to implementing the program immediately after the October election if approved.”*

DETAILS:

A “tablet” is essentially a small personal computer which runs adapted operating systems such as Windows, Android or iOS (Apple).

The Apple iPad is the most popular tablet solution available in the market today. The iPad has reinvigorated the tablet (market) with its useability and simplicity.

Tablet solutions, in particular the iPad, have become very popular in the consumer market and more recently in the business market.

Due to the popularity of the Apple iPad, other manufacturers have developed and released their own tablet solution. These include the Samsung Galaxy Tab, Acer Iconia and the Motorola Xoom.

The advantages and disadvantages of a tablet solution

Advantages	Disadvantages
Cost savings (toner, paper, administration)	Initial purchase cost of Tablet
Reduced administration (photocopying time)	3G Internet cost per device
Reduced paper usage	Cost of PDF specific software
Green sustainability implications	Users will need time to adapt to the technology and/or be trained.
Remove the requirement for the delivery of the Council Agenda to Council Members	-

Analysis of the impact on paper, printing and photocopying costs

Below is the current number of copies of the Agenda and Minutes required for each Council Meeting:

- Thirty one (31) copies of the Agenda are produced for each Council Meeting;
- Fifteen (15) copies of the Minutes are produced for each Council Meeting;
- Twenty six (26) Council Meetings are held each year (including special); and
- It is estimated that 319,800 sheets are copied per annum.

The estimated total cost to the Council for the preparation of the Council Minutes and Agenda is \$13,693 per annum.

Proposed Costs:

With the implementation of a tablet solution, the need for hard copy Agendas/Minutes would be significantly reduced.

The figures below are based on implementing thirteen (13) iPads. The table below compares the current and proposed number of copies required for each meeting cycle:

	Current copies per meeting cycle		Proposed copies per meeting cycle	
	Agenda	31	Agenda	18
	Minutes	15	Minutes	6
Total Cost	\$13,693		\$7,947	

Based on the reduced figures above, the estimated cost savings is \$ 5,746 per annum. This figure includes the reduction in administrative costs.

Eighteen (18) copies of the Council Agenda and six (6) copies of the Council Minutes are still required to be produced even with the implementation of the 13 iPads.

The recipients for each are as listed:

Agenda	
1 x Library	1 x Manager Strategic, Sustainability and Heritage Services
1 x Front Counter	2 x Media
1 x The West Australian	1 x Executive Assistant
1 x Manager Planning and Building	10 x Public Gallery
Total = 18	

Minutes	
1 x Library	1 x Chief Executive Officer
1 x Front Counter	1 x Executive Assistant
1 x Director Development Services	1 x Records
Total = 6	

For a more detailed breakdown please refer to the Appendix 9.3.3.

Adoption of similar technologies in other Local Governments

Officers have researched the use of the iPad tablet solution at other Council's.

iPad tablet solutions for reading the Council Agenda and Minutes have been implemented at the following local governments:

- City of Perth;
- City of Bunbury; and
- Town of Kwinana.

The City of Gosnells and City of Nedlands are other local authorities currently actively investigating the iPad tablet solution.

Each council differs slightly in the manner in which the Agenda/Minutes are distributed to the devices, however all have the same end result.

Preliminary evaluations have been performed to investigate how the devices would be implemented at the City of Vincent.

This included the Information Technology Officers uploading a City of Vincent Agenda onto an iPad to test how it would operate.

The result was that the iPad was easy to use for the reading of both the Agenda and Minutes. In addition, the download of the Agenda/Minutes onto the devices was simple to initiate.

As a result of the experience from other Councils, it is recommended that a specialised PDF reader is used, the application is PDFexpert. The application allows the user to download the latest meeting Agenda/Minutes. The application will also provide the functionality to the user to highlight text, makes notes within the document, bookmark pages and move to a specific page with ease.

To ensure a successful implementation of the iPad tablet solution at the City of Vincent, a number of process changes may need to be addressed, these include bookmarking of pages to allow Council Members to go direct to Council items.

Purchase cost, configuration and maintenance

The distribution of Council Agenda/Minutes via electronic means will potentially provide cost savings of up to \$5,746 annually.

The estimated cost for the implementation and purchase of the necessary equipment and software is listed below:

- \$729 x 13 = \$9,477 Cost of 3G enabled iPad x 13 (8 Council members, Mayor, CEO and 3 Directors);
- \$10 x 13 = \$130 Purchase of PDF expert software application (once off); and
- \$20 x 13 = \$260 3G plan (Internet/Data plan – required for each device, monthly).

Initial cost:

Hardware iPads	\$9,477
Software PDFexpert	<u>\$ 130</u>
Total Cost:	\$9,607

Operating cost/savings:

- 3G Internet cost, \$260 per month - \$3,120 per annum

Cost Savings reduced printing + administration - \$5,746 per annum

Total savings: \$5,746 – \$3,120 = \$2,626 per annum

Use

At this stage, it is recommended that the use of the iPad devices be restricted to the Council Members and Senior Management to evaluate the performance, before consideration be given to the distribution to other service areas such as Development Services.

Implementation

Following the Council elections in October 2011, there will be four (4) new Councillors and a new Mayor. Previous experience has revealed that the “learning curve” with the indication of new Councillors means that there is a huge amount of information to be absorbed by the individuals over a short time period.

It usually takes a number of Council Meetings for a Councillor to become proficient with the Standing Orders and conduct a Council Meeting and it is considered the introduction of an electronic Agenda at the same time will cause considerable unnecessary pressure and stress. This can be avoided by allowing the usual Induction Program to be carried out and introducing the computer tablet, including training, as part of the Induction Program.

The computer proficiency of the new Councillors is unknown and each individual will usually have varying skill levels.

Accordingly, the Chief Executive Officer recommends that the training and implementation of the electronic version of the Council Agendas and minutes from October 211 until January 2012, with the new system to commence, effective from the first Council Meeting in 2012.

CONSULTATION/ADVERTISING:

Not Applicable.

LEGAL/POLICY:

Not Applicable.

RISK MANAGEMENT IMPLICATIONS:

Not Applicable.

STRATEGIC IMPLICATIONS:

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

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

(a) Regularly review, update and implement the Sustainable Environment Strategy 2011-2016 and ensure the City acts in an environmentally sustainable manner in all of its operations.

4.3.1 Enhance knowledge management and promote technology opportunities to improve the City's business communications, security and sustainability"

SUSTAINABILITY IMPLICATIONS:

By implementing the tablet viewing solution there will be a reduction in the paper used in the preparation of the Agenda and Minutes.

FINANCIAL/BUDGET IMPLICATIONS:

There is no budget allocation on the 2011/12 Annual Budget for the purchase of iPad for this project. However, it is recommended that this purchase be approved by an Absolute Majority of the Council and funded from the Electronic Equipment Reserve Fund.

COMMENTS:

There is value in implementing this solution at the City of Vincent. Apart from the positive sustainability implications, there are also the cost savings to the City.

This form of technology has been adopted at other Local Authorities and reports indicate that the iPad/tablet solution operates effectively.

It is recommended that the iPad solution be implemented for use by all Council Members, the Chief Executive Officer and Directors effective from the first Council Meeting in 2012, with the view to purchase further iPads for use by Development Services Officers after the initial implementation has been assessed.

9.4.5 Tamala Park Regional Council – Power of Attorney to Sell/Dispose Land within Tamala Park

Ward:	-	Date:	16 September 2011
Precinct:	-	File Ref:	PRO0739
Attachments:	-		
Tabled Items:	Power of Attorney Documentation and TPRC Legal Advice		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council:

1. **APPROVES BY AN ABSOLUTE MAJORITY to authorise the Tamala Park Regional Council the Power of Attorney to act on behalf of the City of Vincent to sell/dispose of land within Lot 118 Mindarie, including the:**
 - 1.1 execution of the Transfer document;
 - 1.2 decision to sell, including decisions about the terms and conditions of sale;
 - 1.3 execution of the Contract of Sale documentation;
 - 1.4 execution of any remaining subdivisional documentation, including applications for new titles; and
 - 1.5 management and allocation of the proceeds of sale in accordance with the Establishment Agreement; and
2. **AUTHORISES the Mayor and Chief Executive Officer to sign the Power of Attorney document and affix the Council's Common Seal.**

COUNCIL DECISION ITEM 9.4.5

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

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

PURPOSE OF REPORT:

For the Council to authorise the Tamala Park Regional Council (TPRC) the Power of Attorney to sell/dispose of land within Tamala Park.

BACKGROUND:

The City of Vincent is a Member of the TPRC along with the Cities of Perth, Stirling, Joondalup, Wanneroo and the Towns of Cambridge and Victoria Park. The TPRC recently wrote to all of its Member Council's requesting a Power of Attorney to act on their behalf.

Establishment Agreement

The TPRC is a Regional Council which has been set up for the regional purpose, via an Establishment Agreement to:

- “4(a) undertake in accordance with the Council’s objectives, the rezoning, subdivision, development, marketing and sale of land; and*
- 4(b) carry out and do all other acts and things which are reasonably necessary for the bringing into effect the matters referred to in paragraph (a).”*

TPRC Objectives

The objectives of the TPRC referred to in Clause 4(a) and (b) above is as follows, to:

- “5(i) develop and improve the value of the land;*
- 5(ii) maximise, within prudent risk parameters, the financial return to the Participants (Member Councils);*
- 5(iii) balance economic, social and environmental issues; and*
- 5(iv) produce a quality development demonstrating the best urban design and development practice.”*

The land referred to in Clauses 4 and 5 above is Lot 118 Mindarie.

Power of Attorney

The Power of Attorney will give the TPRC powers in relation to the Tamala Park land that includes the:

- (a) execution of the Transfer document;
- (b) decision to sell, including decisions about the terms and conditions of sale;
- (c) execution of the Contract of Sale documentation;
- (d) execution of any remaining subdivisional documentation, including applications for new titles; and
- (e) management and allocation of the proceeds of sale in accordance with the Establishment Agreement.

The TPRC has now progressed the land development to a stage whereby it will require land dealings with various lots in the proposed subdivision development. The signing of any legal documents relating to the sale/dispose of TPRC land would normally require each of the Member Councils to sign and affix their respective Common Seal. As can be appreciated, this would become a cumbersome and time consuming process.

The TPRC has obtained legal advice which recommends that each of the Member Councils gives Power of Attorney to the TPRC to effect the sale/dispose of land.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Section 3.61(1) of the *Local Government Act 1995* allows for two or more Local Governments to establish a Regional Council.

Section 5.38 of the *Local Government Act 1995* prescribes the requirements for the disposal of land.

The TPRC Establishment Agreement prescribes the objectives of the Regional Council.

RISK MANAGEMENT IMPLICATIONS:

Low: The TPRC is required to comply with all the legal requirements of the *Local Government Act 1995* and also act in the best interest of its Member Councils.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Plan 2011-2016, Key Result Area 4.1.2 – *“Manage the organisation in a responsible, efficient and accountable manner”*.

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Nil, however, the Power of Attorney will result in considerable Officer and Administration time savings.

COMMENTS:

Each of the Member Councils has been requested to sign the Power of Attorney in which is considered to be a relatively routine administrative matter for the sale/disposal of land.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“BEHIND CLOSED DOORS”)

Nil.

15. CLOSURE

There being no further business, the Presiding Member, Mayor Nick Catania, declared the meeting closed at 10.38pm 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
Anita Radici	Executive Assistant (Minutes Secretary)

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 27 September 2011.

Signed:Presiding Member
Mayor Nick Catania

Dated this day of 2011