



CITY OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

12 FEBRUARY 2013

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Minutes of the Ordinary Meeting of Council of the City of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 12 February 2013, commencing at 6.04pm.

1. (a) DECLARATION OF OPENING

The Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting open at 6.04pm and read the following Acknowledgement of Country Statement:

(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT

"Today we meet on the lands of the Nyoongar people and we honour them as the traditional custodians of this land".

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

- 2.1 Cr Dudley Maier – for personal reasons; and
- 2.2 Rick Lotznicker – Director Technical Services – on leave

(b) Members on Approved Leave of Absence:

Nil.

(c) Present:

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath (<i>Deputy Mayor</i>)	South Ward
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward (until 10.40pm)
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Community Services
Carlie Eldridge	Director Planning Services
Craig Wilson	Acting Director Technical Services
Mike Rootsey	Director Corporate Services
Jeremy Van Den Bok	Manager Parks and Property Services (until 8.20pm)
Jerilee Highfield	Executive Assistant (Minutes Secretary until 10.25pm)

Employee of the Month Recipient

Nil.

Media

Lauren Stringer	Journalist – <i>"The Guardian Express"</i> (until approximately 10.05pm)
David Bell	Journalist – <i>"The Perth Voice"</i> (from 6.07pm until approximately 10.25pm)
Yolanda Zaw	Journalist – <i>"West Australian"</i> (until approximately 10.25pm)

Approximately 34 Members of the Public

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

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

1. Judith Burrows of 70 Auckland Street, North Perth – Item 9.1.11 Stated the following:
 - She asked for the Council to support Amendment No. 34. The whole R20 matter started in 2001 due to a development within the area, which at the time would not go ahead.
 - She advised that they had a wonderful community since 2001 with young families and this is very evident from the Hobart Street Park and would like this to continue.
 - She asked the Council when the new Scheme Review will be formally advertised.

The presiding Member Mayor Hon. Alannah MacTiernan advised Ms Burrows that the City had submitted this towards the end of 2011 and it has been with the Department of Planning for a year, and had been approved by the WAPC and awaiting Ministerial sign off.

2. David Devita of 19 Vine Street, North Perth – Item 9.1.13 Stated the following:
 - He thanked the Council for allowing residents to have a say on the structural plan for the Leederville Town Centre. He advised that there can be a few improvements made, which could include a piazza. He submitted a list of suggestions.
3. Brad Bairstow of 49 Norfolk Street, North Perth – Item 9.1.2 Stated the following:
 - He advised that at the previous Council meeting held on 18 December 2012, his plans were deferred citing some potential issues regarding over development of the site, slightly larger than what the R-Codes allowed.
 - Since then he had worked with the City's Planning Officer and came up with a new plan that have met the R-Code requirements. He requested Council to approve the plans.
4. Mathew Brbich of 5/104 Scarborough Beach Road, Mount Hawthorn – Item 9.1.3 Stated the following:
 - He advised that there have been a number of proposals that had been presented to the Council since 2009 and the majority of the residents in the area are keen to get the property developed.
 - He thanked the Council for considering the issues that had been raised.
 - He advised that the first storey should be setback from the eastern wall, as it would decrease the negative impact on their properties and would be more responsive to the adjoining residential development.
5. Michael Georgiardi of 1/172 Main Street, Osborne Park – Item 9.1.1 Stated the following:
 - He spoke on behalf of the applicants at 287 Walcott Street, North Perth. The application had been submitted to the City's Design Advisory Committee in June 2012 for consideration and notable comments had been received. All comments were addressed and proceeded to issue for development approval.
 - During the advertising period a lot of feedback had been received by surrounding neighbours and there were considerable planning issues regarding to plot ratio, setbacks and heights. The proposal had been amended considerable so none of the implications would be imposed on the adjoining neighbours.
 - He advised that the revised proposal had far less impact on the adjoining neighbours and had hoped to have addressed all concerns.
6. Ken Austen of 72 Sydney Street, North Perth – Item 9.1.11 Stated the following:
 - He advised that he supported Amendment No. 34.

7. Vanessa Hua of 43 Carr Street, West Perth – Item 9.1.5 Stated the following:
 - She is one of the owners for the properties in William Street, Highgate. She advised that there are five (5) points listed as reasons to refuse the application. They fall into two (2) main categories which related to parking and the consistencies with the objectives of the Town Planning Scheme.
 - She advised that regarding the parking, they had not been made aware that there was a cash-in-lieu Policy for the property and asked if she could have additional time to amend to ensure the requirements are met.
8. Garry Marocchi of 518-516 William Street, Highgate – Item 9.1.5 Stated the following:
 - He advised that the house had always been a residential property and the owners that bought the property wanted it to be a lodging house - an application should have been made prior to purchasing the property.
 - He asked for the Council to not support the proposal.
9. Cozi Schirippa of Auckland Street, North Perth – Item 9.1.11 Stated the following:
 - He provided the Council with some historical information regarding the area. In 2000/2001 on recommendation from Mayor Nick Catania at the time, a door knock process had been carried out in the Eaton locality and from that a 92-93% support rate was received.
 - Thirteen (13) years later the support had not dropped and it is still consistent and are in favour of the down zoning.
 - He asked when the new scheme review would be completed.

The Presiding Member Mayor Hon. Alannah MacTiernan advised that this question had been addressed earlier in Public Question Time, prior to his arrival.

10. Danae Watkins of 9 Barlee Street, Mount Lawley – Item 9.2.4 Stated the following:
 - She asked if the Council could support Option 2, as Option 3 currently does not work. She advised that she was involved in the Open Forum that was held on 14 July 2008.
 - There is still conflict, no resolution, no multi-use of the park and no equity of access to a park. There needs to be a very clear barrier so that a safe area for all users to utilise.
11. Marianne Steines of Harold Street, Mount Lawley – Item 9.2.4 Stated the following:
 - She asked if the Council could support Option 3. When the Soccer Club utilise the park, barriers could be created in other ways. The park should be left open and available to all users.

Cr Carey departed the Chamber at 6.31pm.

12. Michelle Cross of Harold Street, Mount Lawley – Item 9.2.4 Stated the following:
 - She asked if the Council could support Option 2 as there needed to be change at the park. The majority of the people who voted for Option 3 did not reside around Forrest Park and were from Mount Hawthorn and Scarborough Beach Road.

Cr Carey returned to the Chamber at 6.33pm.

13. Stewart Lofthouse of 123 Oxford Street, Leederville – Item 9.4.7 Stated the following:
 - He asked if all Council members had viewed the public interest assessment from the Hotel as it had only just been placed on the website for Liquor Licensing earlier in the day.
 - He asked if the Officer Recommendation had been completed as they had not been listed and asked for the matter to be deferred. He had spoken to the City's Health Services Section a few days ago and had not received the public submission statement at that point.

The Presiding Member Mayor Hon. Alannah MacTiernan advised that the City will report regarding the submission and the Officer Report had been completed and provided to the Council and will report when the Item is up for discussion.

- He asked if Council members had read the public assessment from the hotel as it would be pointless if he stated his comments.
- Any granting for extending the trading permit is a true disregard to the Community, they are a licensed tavern and not a nightclub.

The Presiding Member Mayor Hon. Alannah MacTiernan advised Mr Lofthouse that his three (3) minutes had expired and she would allow a 30 second extension to complete his comments. Mr Lofthouse spoke for another 30 seconds.

- He advised that on a Wednesday night last week there had been a man who had been injured as the hotel staff stood there and watched.
- He asked if the Council could not support the extending of the trading permit.

The Chief Executive Officer advised that regarding the item that Mr Lofthouse referred to is 9.4.7. It had been included with the report that was distributed last week, due to the Department of Racing, Gaming and Liquor who requested a submission by 19 February 2013 and if this matter is to be deferred it would be considered at the next Ordinary Meeting of Council to be held on 26 February 2013, however this is after the close of deadline for objections.

Under the City's Consultation Policy the matter is required to be reported to the Council. Consultation had been carried out from the 4 February 2013 – 11 February 2013 and on the previous day the Officers completed a report which had been circulated to the Council on this day. The Recommendation from the Officer's is that the City lodge an objection to the application for the extension of trading hours.

14. Debbie Saunders of 150 Oxford Street, Leederville – Item 9.4.7 Stated the following:
 - As the Chief Executive Officer had just advised that the Council had only been advised on 1 February 2013. She asked why it is all been rushed through now when the application was put through on 19 December 2012?
 - She asked why there had been a discrepancy in public interest responses and the City's recordings of the complaints?

The Presiding Member Mayor Hon. Alannah MacTiernan stated that this information is included in the Agenda Report.

15. Geoff Cooper of 3 Glebeg Street, North Perth – Item 9.1.14 Stated the following:
 - He advised regarding the North Perth Masterplan he had made a written submission. He referred to page 107 "Risk Management Implications'. The Masterplan had been updated to include how to use the document which should have reduced the risk of confusion for the Community and Stakeholders.
16. Donnell Phillips of 16 Barlee Street, Mount Lawley – Item 9.2.4 Stated the following:
 - She asked if the Council could support Option 2 as ratepayers of the area it was felt that they should be allowed to use the park freely and to not be taken over by a definite group.

There being no further speakers, Public Question Time closed at approx. 6.45pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

3.1 Mr Ross Povey from 5 Monger Street, Perth relating to Item 9.2.8 - Money and Monger Streets, Perth – Street Verge Trees.

3.2 Mr Mathew Brbich from 5/104 Scarborough Beach Road, Mount Hawthorn relating to Item 9.1.6 - No. 110 (Lot 442; D/P 2334) Scarborough Beach Road, Mount Hawthorn – Proposed Construction of Three-Storey Office Building Comprising Four (4) Offices and Associated Parking.

4. APPLICATIONS FOR LEAVE OF ABSENCE

- 4.1 Cr Julia Wilcox requested leave of absence from 16 March 2013 to 14 April 2013 (inclusive) for personal reasons.
- 4.2 Cr Warren McGrath requested leave of absence from 17 February 2013 to 20 February 2013 (inclusive) for work reasons.
- 4.3 Cr Warren McGrath for leave of absence from 1 March 2013 to 4 March 2013 (inclusive) for personal reasons

Moved Cr Pintabona Seconded Cr Harley

That Cr Julia Wilcox and Cr Warren McGrath's request for leave of absence be approved.

CARRIED UNANIMOUSLY (8-0)

(Cr Maier was an apology for the Meeting.)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

- 5.1 Petition received from Ms C. Keane of Lawler Street, North Perth along with 106 signatures, including a letter of support from John Hyde MLA, Member for Perth, requesting that the Council approve the proposed Kyilla Community Farmers Market to be held weekly from 8.30am to 11.30am on Saturdays at Kyilla Park; strongly supporting this proposal and looking forward to all of the benefits it will bring to the community.

The Chief Executive Officer recommended that this petition be received and referred to the Chief Executive Officer for investigation and further report.

Moved Cr Pintabona Seconded Cr Buckels

That the petition be received as recommended.

CARRIED UNANIMOUSLY (8-0)

(Cr Maier was an apology for the Meeting.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

- 6.1 Minutes of the Ordinary Meeting of Council held on 18 December 2012

Moved Cr Pintabona Seconded Cr Buckels

That the Minutes of the Ordinary Meeting of Council held 18 December 2012 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (8-0)

(Cr Maier was an apology for the Meeting.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Presiding Member Mayor Hon. Alannah MacTiernan read the following;

7.1 Local Government Property Local Law

It is advised that the City of Vincent proposes to amend its Local Government Property Local Law.

The purpose of the amendment is to introduce a Clause prohibiting persons from camping on or occupying any vehicle at night for the purpose of sleeping in a public place.

Once approved by the Council, this amendment will be advertised for a statutory six week period on a state-wide basis seeking submissions.

7.2 Withdrawal of Item 9.1.4

It is announced that the applicant has requested that Item 9.1.4 on tonight's Agenda relating to a development application at 268 Newcastle Street for proposed additions and alterations to an existing lodging house be WITHDRAWN.

As the applicant has previously withdrawn two similar applications on 14 August and 18 December 2012, the Chief Executive Officer has withdrawn the item and if the applicant wishes to re-submit plans at a time in the future, he will be required to pay the prescribed fees and comply with the requirements of the City's development approval process.

7.3 Withdrawal of Item 9.2.7

It is announced that the applicant has requested that Item 9.2.7 on tonight's Agenda relating to William Street, Perth – Request to remove and Prune London Plane Trees be WITHDRAWN. The applicant may re-submit a proposal at a later date.

8. DECLARATIONS OF INTERESTS

8.1 Mayor Hon. Alannah MacTiernan declared an Proximity interest in Item 9.2.4 – Forrest Park, Mt Lawley – Consideration of Submissions for Proposed Improvement Options – Progress Report No. 3. The extent of her interest being that she owns property and resides in Harold Street opposite Forrest Park.

8.2 Mayor Hon. Alannah MacTiernan declared an Proximity interest in Item 9.4.4 – Residents Only Parking Restrictions Surrounding nib Stadium – Assessment of Continued Need. The extent of her interest being that she owns property and resides in Harold Street, which is in the NIB parking zone, under review.

She requested Council approval to participate in the debate and vote on both items and that the Deputy Mayor Warren McGrath preside on the item.

The Presiding Member Mayor Hon. Alannah MacTiernan departed the Chamber at 6.51 pm – to allow the Council to consider her request to participate in the debate and vote on Item 9.2.1. Deputy Mayor Cr Warren McGrath assumed the chair.

Deputy Mayor Cr Warren McGrath advised that voting will be carried out in two (2) parts, as follows:

PROCEDURAL MOTION:

Moved Cr Harley, Seconded Cr Pintabona

That Mayor Hon. Alannah MacTiernan's request to participate in the debate and vote on item 9.2.4, be approved.

CARRIED UNANIMOUSLY (7-0)

(Mayor Hon. Alannah MacTiernan was out of the Council Chamber and did not vote.)
(Cr Maier was an apology for the Meeting.)

PROCEDURAL MOTION:

Moved Cr Harley, Seconded Cr Pintabona

That Mayor Hon. Alannah MacTiernan's request to participate in the debate and vote on item 9.4.4, be approved.

CARRIED UNANIMOUSLY (7-0)

(Mayor Hon. Alannah MacTiernan was out of the Council Chamber and did not vote.)
(Cr Maier was an apology for the Meeting.)

Mayor Hon. Alannah MacTiernan returned to the Chamber at 6.53pm and assumed the Chair.

The Chief Executive Officer informed Mayor Hon. Alannah MacTiernan that her request had been approved, with Deputy Mayor Cr Warren McGrath to preside for the Items.

8.3 Cr McGrath declared an Proximity interest in Item 9.2.8 – Palmerston Street between Randall Street and Stuart Street, Perth - Proposed Extension of Perth Bicycle Network, On Road Cycle Lanes, and other improvements – Progress Report No 3. The extent of his interest being that he resides in a property on Palmerston Street which is subject to the sections of the proposed works. He requested Council approval to participate in the debate

8.4 Cr McGrath declared an Impartiality interest in Item 9.2.7 – William Street, Perth – Request to Remove and Prune London Plane Trees – this item has been withdrawn.

The Deputy Mayor Cr Warren McGrath departed the Chamber at 6.54 pm – to allow the Council to consider his request to participate in the debate.

PROCEDURAL MOTION:

Moved Cr Harley, Seconded Cr Pintabona

That Deputy Mayor Cr Warren McGrath's request to participate in the debate on item 9.2.8, be approved.

CARRIED UNANIMOUSLY (7-0)

(Deputy Mayor Cr Warren McGrath was out of the Council Chamber and did not vote.)
(Cr Maier was an apology for the Meeting.)

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

- 8.5 Cr Carey declared an Impartiality interest in Item 9.2.2 – Waste Management/Cleaning Services Expenditure for Festivals and Events – Approval of funds – The extent of his interest being that he is a former Chair of the Beaufort Street Festival for 2010, 2011 and 2012. He disclosed as a consequence they maybe a perception his impartiality maybe affected and will consider this matter on its merits and will vote accordingly.
- 8.6 Cr Topelberg declared an Impartiality interest in Item 9.2.7 – William Street, Perth – Request to remove and Prune London Plane Trees – this item has been withdrawn.
- 8.7 Chief Executive Officer, John Giorgi declared an Financial interest in Item 14.1 – CONFIDENTIAL REPORT: Review of Chief Executive Officer's Key Performance Indicators – Appointment of Consultant – The extent of his interest being that this relates to his contract of employment.
- 8.8 Chief Executive Officer, John Giorgi declared an Impartiality interest in Item 9.2.4 – Forrest Park, Mt Lawley – Consideration of Submissions for Proposed Improvement Options – Progress Report No. 3 – The extent of his interest being that he is an accredited Soccer Referee with Football Federation Australia and as such maybe allocated to referee junior soccer games at Forrest Park at some time in the future. He disclosed that he did not have any involvement in the preparation of this agenda report other than the normal vetting of the items as part of the compilation of the agenda.

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

Nil.

10. REPORTS

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

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

Items 9.1.1, 9.1.2, 9.1.3, 9.1.5, 9.1.11, 9.1.13, 9.1.14, 9.2.4 & 9.4.7

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

Items 9.1.15, 9.2.1, 9.2.2, 9.5.3, 9.5.4 & 9.5.5

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

Items 9.2.4, 9.2.8 & 9.4.4

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

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

COUNCIL MEMBER	ITEMS TO BE DISCUSSED
Mayor Hon. MacTiernan	9.2.8
Cr Buckels	Nil
Cr Carey	9.1.6, 9.1.8, 9.4.2 & 9.4.5
Cr Harley	Nil
Cr Maier	Nil
Cr McGrath	Nil
Cr Pintabona	Nil
Cr Topelberg	9.1.7 & 9.3.5
Cr Wilcox	Nil

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

- 10.5 **Unopposed items which will be moved “En Bloc” and the following was advised:**

Items 9.1.9, 9.1.10, 9.1.12, 9.2.3, 9.2.5, 9.2.6, 9.2.9, 9.2.10, 9.2.11, 9.2.12, 9.2.13, 9.3.1, 9.3.2, 9.3.3, 9.3.4, 9.4.1, 9.4.3, 9.4.6, 9.5.1, 9.5.2, 9.5.6 & 9.5.7

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

Item 14.1 & 14.2

New Order of Business:

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

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

Items 9.1.9, 9.1.10, 9.1.12, 9.2.3, 9.2.5, 9.2.6, 9.2.9, 9.2.10, 9.2.11, 9.2.12, 9.2.13, 9.3.1, 9.3.2, 9.3.3, 9.3.4, 9.4.1, 9.4.3, 9.4.6, 9.5.1, 9.5.2, 9.5.6 & 9.5.7

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

Items 9.1.1, 9.1.2, 9.1.3, 9.1.5, 9.1.11, 9.1.13, 9.1.14, 9.2.4 & 9.4.7

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

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

- (d) **Confidential Items – to be considered (“Behind Closed Doors”).**

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

ITEMS APPROVED “EN BLOC”:

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

Moved Cr Wilcox Seconded Cr Pintabona

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

Items 9.1.9, 9.1.10, 9.1.12, 9.2.3, 9.2.5, 9.2.6, 9.2.9, 9.2.10, 9.2.11, 9.2.12, 9.2.13, 9.3.1, 9.3.2, 9.3.3, 9.3.4, 9.4.1, 9.4.3, 9.4.6, 9.5.1, 9.5.2, 9.5.6 & 9.5.7

CARRIED UNANIMOUSLY (8-0)

(Cr Maier was an apology for the Meeting.)

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

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

Ward:	South	Date:	1 February 2013
Precinct:	Beaufort; P13	File Ref:	PRO0028; 5.2012.231.2
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicant’s Justification dated 15 May 2012 003 – Applicant’s Justification dated 31 July 2012		
Tabled Items:	Nil		
Reporting Officer:	S Radosevich, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by McDonald Jones Architects on behalf of the owners, Jalwest Pty Ltd, for Proposed Additions and Alterations to Existing Lodging House at No. 268 (Lot 101; D/P 99005) Newcastle Street, corner of Lake Street, Perth, and as shown on plans stamp-dated 29 May 2012, for the following reasons:

1. Non-compliance with the City’s Policy No. 3.4.3 relating to Non-Residential/Residential Development Interface, with respect to:
 - 1.1 Clause 3 “Setbacks” relating to side setbacks between non-residential and residential buildings;
2. Non-compliance with the Acceptable Development and Performance Criteria provisions of the Residential Design Codes of Western Australia 2010, with respect to:
 - 2.1 Clause 7.1.4 “Side and Rear Boundary Setback” relating to the north-eastern side setback;
3. The proposed development does not comply with the following objectives of the City’s Policy No. 3.7.1 relating to Parking and Access:
 - 3.1 To ensure the adequate provision of parking for various services, facilities and residential developments and to efficiently manage parking supply and demand; and
 - 3.2 To ensure that the environmental and amenity objectives of the City of Vincent Town Planning Scheme No. 1 are not prejudiced;
4. The proposed development does not comply with the following objectives of the City of Vincent Town Planning Scheme No. 1:
 - 4.1 To protect and enhance the health, safety and general welfare of the City’s inhabitants and the social, physical and cultural environment; and
 - 4.2 To ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which –
 - 4.2.1 Recognises the individual character and needs of localities within the Scheme zone area; and
 - 4.2.2 Can respond readily to change; and

5. **The proposed additions and alterations to the existing lodging house would create an undesirable precedent and have a significant impact on the amenity of surrounding lots, which is not in the interests of orderly and proper planning for the locality.**

PURPOSE OF REPORT:

The application is referred to Council for determination given that the development comprises more than two (2) storeys and it is a 'SA' use where more than five (5) objections have been received.

BACKGROUND:

History:

Date	Comment
13 June 2000	Council at its Ordinary Meeting conditionally approved a development application for proposed alterations and three-storey plus ground level parking additions to the existing lodging house (hostel).
22 May 2001	Council at its Ordinary Meeting conditionally approved a development application for proposed alterations and three-storey plus ground level parking additions to the existing lodging house (hostel). This application reduced the number of beds previously approved from 224 to 200 and on-site parking from 8 to 7 bays.
20 December 2011	Council at its Ordinary Meeting conditionally approved a development application for proposed additions and alterations to the existing lodging house (hostel). This application proposed an additional floor to the corner of the site, which increased the number of beds from 200 to 229.

Previous Reports to Council:

An application for additions and alterations to the existing lodging house (hostel) was approved by Council at its Ordinary Meeting held on 20 December 2011. The proposal increased the number of beds from 200 beds to 229 beds. The proposed additions included an additional storey that would not alter the existing facade to both Newcastle and Lake Street, with it predominantly being contained within the roof space. The proposed increase in the number of beds also resulted in a shortfall of 5.67 car parking bays being approved.

A Heritage Impact Statement was undertaken on 2 November 2011, as the additions were to the building listed on the City's Municipal Heritage Inventory as Management Category of B - Conservation Recommended. The Heritage Impact Statement indicated that the proposed additions and alterations will not detract from the prominence and character of the existing heritage building and will ensure the continued use of the subject property.

On 29 May 2012, the City received a development application which comprised further additions and alterations to the existing lodging house (hostel). The proposal was to be presented to Council at its Ordinary Meeting held on 14 August 2012; however the application was withdrawn by the Chief Executive Officer at the request of the applicant.

The applicant requested that the item be withdrawn for the following reason:

"Please accept our request to postpone the 268 Newcastle Street Development Application from going before Council Tuesday, August 14. My client was not expecting the 'recommendation for refusal' from the planning department and would like time to coordinate justifications from an operational and existing precedent standpoint. We would also like time to meet with the Mayor and Councillors to discuss the project and fully understand any concerns they may have before we resubmit."

The City sought confirmation from the applicant as to their intention with the development application and if they would be providing additional information. As no additional information had been provided the proposal was to be presented to Council at its Ordinary Meeting held on 18 December 2012; however the application was again withdrawn by the Chief Executive Officer at the request of the applicant.

The applicant requested that the item be withdrawn for the following reason:

"My client would like to withdraw from this meeting to further evaluate his options. We met with the Mayor and were advised we would need to re-evaluate the parking shortfall before resubmitting. We have also been investigating setbacks and bed numbers.

The planner responsible for this application did seek advice regarding whether we were ready to resubmit to council. I immediately sort advice from my client who has unfortunately not been contactable until today and has promptly advised he is not confident at submitting to council at this stage.

Please advise the CEO of my clients wishes to withdrawal from this upcoming council meeting."

On 21 December 2012, the City sent a letter to the applicant and owner advising that all additional information is to be submitted to and received by the City within 28 days (i.e. by 18 January 2013), as the application has passed the 60 day statutory timeframe and no additional information has been submitted to the City since the application was withdrawn from the Ordinary Meeting of Council held on 14 August 2012.

The City's records indicate that no additional information has been submitted since the applicants request to withdraw the application from the Ordinary Meeting of Council held on 14 August 2012.

DETAILS:

The application proposes additions and alterations to the existing lodging house (hostel). There are currently 229 beds approved, with the additions and alterations proposing to add an additional 25 beds to the lodging house (hostel).

The subject site is listed on the City's Municipal Heritage Inventory as Management Category of B - Conservation Recommended.

The subject site comprises two buildings. The building fronting both Newcastle and Lake Streets is identified as having cultural heritage significance; whereas the building fronting Lake Street was approved in 2000 and is not identified to be of significance.

The proposed additions and alterations comprise the construction of a third floor to the north-eastern building fronting Lake Street.

Landowner:	Jalwest Pty Ltd
Applicant:	McDonald Jones Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial and Residential R80/Commercial
Existing Land Use:	Lodging House
Use Class:	Lodging House
Use Classification:	"SA" Note: The lot has two zonings however the proposal is only over the portion zoned Residential R80/Commercial.
Lot Area:	972 square metres
Right of Way:	N/A

ASSESSMENT:

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

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

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

Issue/Design Element:	Land Use Mix
Requirement:	Beaufort Precinct Policy No. 3.1.13 Clause 2.4.3 A building cannot be used solely for commercial purposes unless it facilitates the retention of an original building along Brisbane, Edward, Parry (north side), Brewer, Pier and Lacey Streets.
Applicants Proposal:	The building is used solely for commercial purposes.
Performance Criteria:	Not applicable.
Applicant justification summary:	No justification received.
Officer technical comment:	The proposal comprises additions and alterations to an existing lodging house. As the proposal comprises an existing use, where the building is currently being used solely for commercial purposes, it is considered in this instance that the use is an appropriate use for the locality.
Issue/Design Element:	Building Setbacks
Requirement:	Residential Design Codes Clause 7.1.4 A4.2 <i>North-eastern boundary</i> Third Floor: 4 metres
Applicants Proposal:	<i>North-eastern boundary</i> Fourth Floor: 1.96 metres
Performance Criteria:	Residential Design Codes Clause 7.1.4 P4.1 Buildings set back from boundaries or adjacent buildings so as to: <ul style="list-style-type: none"> • ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; • moderate the visual impact of building bulk on a neighbouring property; • ensure access to daylight and direct sun for adjoining properties; and • assist with the protection of privacy between adjoining properties.
Applicant justification summary:	No justification received.

Issue/Design Element:	Building Setbacks
Officer technical comment:	<p>The proposal does not comply with the Performance Criteria provisions in this instance as the proposed setback to the north-eastern boundary does not moderate the visual impact of building bulk on the adjoining residential properties.</p> <p>The proposed setback does not assist with protecting privacy between the subject site and adjoining residential properties; however this may be overcome with screening up to 1.6 metres above the finish floor level.</p>

Issue/Design Element:	Building Height/Building Storeys
Requirement:	<p>Beaufort Precinct Policy No. 3.1.13 Clause 2.4.4 A maximum of three storeys, to a maximum height of 12 metres (including loft), can be considered, provided that the amenity of any adjacent residential area is protected in terms of privacy, scale and bulk.</p> <p>The City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations allows for an additional floor to be applied for where the application meets the Essential Criteria, in addition to at least one Additional Requirement (e.g. Design excellence, sustainability).</p>
Applicants Proposal:	<p>4 storeys Top of external wall (concealed roof): 13.5 metres</p>
Performance Criteria:	<p>Exercise of Discretion for Development Variations Policy No. 3.5.11 EC 1.1, EC1.2 and AR1.1-1.4</p> <p>The variation will not be detrimental to the amenity of the locality, nor will it result in development that would adversely affect the significance of any heritage place or area; and</p> <p>The site is zoned Residential R60 and above, Residential/Commercial, District Centre, Local Centre or Commercial.</p> <p>The development must meet one (1) or more of the following additional requirements:</p> <ul style="list-style-type: none"> • The natural ground level of the site is sloping downwards from the primary street and the proposed development has the appearance of a two-storey development from the primary street; or • The proposed development conserves, enhances or adaptive re-uses an existing building worthy of retention, including, but not limited to any place on the City's Municipal Heritage List; or • The proposed development incorporates exemplary design excellence and has the positive recommendation of the City's Design Advisory Committee; or • The proposed development incorporates sustainable design features which would qualify the development to receive a rating which significantly exceeds that required under the statutory minimum as assessed by an Organisation recognised by the Council.
Applicant justification summary:	No justification received.

Issue/Design Element:	Building Height/Building Storeys
Officer technical comment:	<p>The proposal does not comply with the City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations which allows the property to apply for a variation comprising one additional storey.</p> <p>As the proposal will result in a detrimental impact on the amenity of the locality, specifically in relation to the adjoining residential properties, it does not comply with the relevant Essential Criteria of the City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations.</p>
Issue/Design Element:	Privacy
Requirement:	<p>Residential Design Codes Clause 7.4.1 A1 Major openings to active habitable spaces or their equivalent which have a floor level more than 0.5 m above natural ground level and positioned so as to overlook any part of any other residential property behind its street setback line, to comply with at least one of the following:</p> <p>i. are set back, in direct line of sight within the cone of vision, from the boundary of an adjoining property coded up to R60, a minimum of:</p> <ul style="list-style-type: none"> • 4.5 m in the case of bedrooms; • 6.0 m in the case of habitable rooms other than bedrooms; and • 7.5 m in the case of unenclosed outdoor active habitable spaces (balconies, decks, verandahs and the like). <p>Or</p> <p>ii. are provided with permanent vertical screening to a height of 1.6m to restrict views from any major opening of an active habitable space.</p>
Applicants Proposal:	<p><u>Bedrooms</u> Third Floor: 1.96 metres</p>
Performance Criteria:	<p>Residential Design Codes Clause 7.4.1 P1 Direct overlooking of active habitable spaces and outdoor living areas of other dwellings is minimised by building layout, location and design of major openings and outdoor active habitable spaces, screening devices and landscape, or remoteness.</p>
Applicant justification summary:	<p><i>Steel screens are fixed to the windows on the northern side which obscures views in and out of the rooms. Current planning codes would not allow large unobscured windows on an adjoining building (being 117 Lake Street) this close to the boundary.</i></p> <p><i>Our client is prepared to fix the windows on the northern facade and at great expense mechanically ventilate the rooms to obviate concerns of the neighbouring residents.</i></p>
Officer technical comment:	<p>The third floor bedroom windows do not comply with the Performance Criteria of the R-Codes, as they look directly into the outdoor living areas of the adjoining residential properties. The applicant has advised that they are willing to screen the bedroom windows, therefore if they are to be screened up to 1.6 metres above the finish floor level they will comply with the Acceptable Development provisions.</p>

Car Parking	
Car parking requirement (nearest whole number) • Lodging House – 1 space per bedroom or 1 space per 3 beds provided, whichever is the greater 254 beds = 84.67 car bays = 85 car bays	= 85 car bays
Apply the adjustment factors. • 0.85 (The proposed development is within 800 metres of a rail station) • 0.85 (The proposed development is within 400 metres of a bus stop/station) • 0.85 (The proposed development is within 400 metres of one or more existing public car parking place(s) with in excess of a total of 75 car parking spaces)	(0.6141) = 52.1985 car bays
Minus the car parking provided on-site	7 car bays
Minus the most recently approved on-site car parking shortfalls	39.665 car bays
Resultant shortfall	5.5335 car bays

The applicant has provided justification which states the following:

“Seven car spaces are currently available on site. The site coverage and age of the building does not leave any scope for further bays within the fabric of the existing building. The clientele are predominantly transient international backpackers and rarely use private vehicles. The accommodation for this facility is not marketed as having car spaces and generally staff use the bays. In this urban location, the main means of transport is public, being trains and buses. The blue cat bus operates along Aberdeen Street, which is 200 metres away. This links in with major transport hubs of the Perth Train Station and the Esplanade Busport. The main city train station is within 800 metre walk from the building.

All street parking in the area is timed or prepaid which prevents bays from being occupied permanently.”

As the subject site is located within close proximity to public transport, this is taken into consideration when applying the relevant adjustment factors to the car parking requirements. It is also noted that Council at its Ordinary Meeting held on 20 December 2011, approved a shortfall of 8.65 car parking spaces. The applicant has advised that they intend to proceed with the development application which was approved by Council at its Ordinary Meeting held on 20 December 2011; therefore this is to be taken into consideration as it affects the impact of the subject site on the locality, as both the previously approved development application and the current proposal have a car parking shortfall.

There is a previously approved shortfall of 39.67 spaces, being the original shortfall of 31.015 car parking bays combined with the shortfall of 8.65 car parking bays approved by Council on 20 December 2011. A further shortfall of 5.53 car parking bays would bring the overall shortfall up to 45.2 car parking bays. During the community consultation period, there was a number of objections pertaining to the current car parking issue along Lake Street and the potential traffic impact that may result from approving a further shortfall of car parking at the subject site.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Comments Period:	20 June 2012 to 11 July 2012
Comments Received:	Twelve (12) objections

Summary of Comments Received:	Officers Technical Comment:
Issue: On-site Parking	Supported. The proposal is not in keeping with the objectives of the City's Parking and

Summary of Comments Received:	Officers Technical Comment:
<ul style="list-style-type: none"> • The proposed development will incur a further shortfall of an additional 5.53 bays, taking the total shortfall to 45.2 bays. • Cash-in-lieu will do nothing to alleviate the added pressure on the current parking situation by the additional shortfall. • The current street parking is fully used, day and night. • The proposed shortfall could potentially cause traffic congestion in the neighbourhood. • Parking arrangement does not comply to Council policy and requirements. • Inadequate parking bays from this development would set a wrong precedent to any new development. • The 7 on-site parking bays are in the main used by staff. 6 bays are used by vehicles and the seventh bay is used to store bins. • The area is relatively unsafe at night. There are safety concerns particularly where surrounding property owners and occupiers have to walk some distance to their cars last at night along dark streets. • Paid metre parking is now in Newcastle Street, with the result that all or any parking requirements are being sought in Lake Street. Perhaps the provisions of parking metres in Lake Street would assist in alleviating the parking problems caused by backpacker patrons. As an alternative, regular and constant policing by one of your Rangers and/or Parking Inspectors would act as a deterrent. 	<p>Access Policy No. 3.7.1 and the City of Vincent Town Planning Scheme No. 1.</p> <p>With respect to cash-in-lieu, Officers/Council is to be mindful of any additional impact this may have on the current parking situations that cannot be alleviated through the use of cash in lieu.</p> <p>Dismissed. This is not a planning related objection.</p> <p>Dismissed. Rangers regularly patrol and monitor car parking in the City.</p>
<p>Issue: Privacy</p> <ul style="list-style-type: none"> • The windows on the addition will intrude upon the privacy of the adjoining properties, as there is already a lack of privacy with the existing structure. • Inadequate privacy between adjoining properties, backpackers at bedroom are always visible from street level. 	<p>Supported. The proposed cone-of-vision setback does not comply with the Acceptable Development provisions of Clause 7.4.1 "Visual Privacy" of the R-Codes. The applicant has advised that they will screen the windows on the northern side of the building. The windows would be required to be screened up to 1.6 metres above the finished floor level in accordance with Clause 7.4.1 of the R-Codes.</p>
<ul style="list-style-type: none"> • Windows on the northern side of the existing addition look directly into the adjoining properties, where insulting 	

Summary of Comments Received:	Officers Technical Comment:
<p>comments are emanated from the backpackers.</p> <ul style="list-style-type: none"> The privacy of the 'Caledonia Apartments' building residents across the road Lake Street is being interrupted by windows facing Caledonia Apartments which open onto Lake Street side of the proposed alterations and additions. 	
<p>Issue: Amenity</p> <ul style="list-style-type: none"> There are common complaint from adjoining residents regarding noise, odour from people smoking, loitering and litter emanating from the people staying at the proposed development property. Increasing the size of the property will only make this worse. Concerns regarding the noise levels will increase as will the rowdiness and nuisance level. As it is backpackers that have been sitting on the kerb drinking and leaving their drink cans and bottles on the street. This is already at unacceptable levels and to increase the number of backpackers would only exacerbate the situation. Noise levels are not acceptable when windows are open. As project manager for Caledonia Apartments some 5 years ago, the DA approval showed that the commercial offices must provide 'low impact' use and be within the residential amenity and character of the location. The question arises 'How then does the 'alterations and additions for increased numbers of lodgers' be low impact relating to backpackers accommodation. 	<p>Supported. The proposal is not in keeping with the objectives of the City of Vincent Town Planning Scheme No. 1 with respect to protecting amenity.</p> <p>Noise levels are governed by the <i>Environmental Protection (Noise) Regulations 1997</i>; for further information regarding noise please contact the City's Health Services.</p>

Summary of Comments Received:	Officers Technical Comment:
<ul style="list-style-type: none"> • The building which is subject to the proposal was never intended to be altered to accommodate such a large number of lodgers in a reasonable quiet residential street – if one considered the amenity and type this exact location, it is away from Northbridge entertainment and was generally viewed as a quieter residential component attached to the Northbridge precinct. Hence, the density of proposal for purpose of accommodating additional lodgers has the effect of adversely affecting the general character and amenity of the location – why then should City of Vincent be objectionable to any short term stays in nearby Strata complex's on the basis of 'adversely affecting existing residential character of location'. This is the routine reply from Vincent when considering DA approvals. The building was never intended for such alterations or imposing number of backpackers lodging, particularly on fringe of residential character and amenity of location. • Inadequate safety on windows, double hang window opening at 50% capacity. • Inadequate ventilation within bedrooms and building. • The backpackers have an existing liquor license which have created enormous issues of having a bar area almost equivalent to a 'License Tavern and/or Wine Bar', yet the users are less responsible when leaving the building whilst under intoxication or take alcoholic drinks outside where they have mobile phone conversations at loud tone of voice whilst drinking. Hence, there are already problems arising from existing numbers that the back packers have a license to accommodate. To have additional lodging available will only exasperate the present situation to beyond intolerable levels. 	<p>Dismissed. The structural aspects of the development are assessed in accordance with the Building Code of Australia.</p> <p>If there are concerns that development has occurred without the relevant approvals from the City, complaints are to be made in writing to the City for further investigation.</p> <p>Dismissed. This is not a planning related objection.</p>

Summary of Comments Received:	Officers Technical Comment:
<ul style="list-style-type: none"> • A 'liquor license is before the appropriate authority' in which hopefully the City of Vincent has objected due to problems and certainly additional numbers should this building proposal is approved. The City of Vincent will have constant calls if this if this goes ahead from those who will complain – nearby other adjoining buildings with Strata Owners are simply fed-up. As Strata Managers we are in the process of forming a joint committee on behalf of some 200 units where their owners then amounting to some 400 proprietors. All of which is to consider action as to the back packer's liquor license and the excessive problems associated with existing lodgers. • The building 'design heritage and by-gone era character integrity' internally and externally is being degraded and so is it's intended use in such a location. 	<p>Dismissed. The City's Heritage Officers have undertaken an assessment of the subject site and as it is listed on the City's Municipal Heritage Inventory as Management Category of B - Conservation Recommended.</p> <p>The proposed additions are to the north-eastern building fronting Lake Street, where the building is not identified to be of significance.</p> <p>A lodging house is not considered to be an inappropriate use within this locality.</p>
<p>Issue: Building Height and Setbacks</p> <ul style="list-style-type: none"> • Bulk look from Newcastle and Lake Street building should be heritage preserved. This is a Federation Free Classical Building/Federation Filigree at State Heritage Council and City of Vincent Heritage Inventory database. • Does not comply with Council policy and requirements. If Council approved this element, Council ought to explain to its ratepayers – should all new development now need not to comply to Council policy and requirements. • Elements do not comply with R-Codes, in particular, provide 1.96m instead of 5m, over 60% shortfall. • Prior to the original extension, adjoining properties had a clear view of the City skyline. Now the view is restricted to a building that is 1.5 metres away and extends to the sky. 	<p>Supported. The proposed building height and number of storeys does not comply with the City's Policy No. 3.1.13 relating to the Beaufort Precinct and Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations.</p> <p>It is also noted that the proposed side setback does not comply with the Acceptable Development or Performance Criteria provisions of Clause 7.1.4 "Side and Rear Boundary Setback" of the R-Codes.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Side and Rear Boundary Setbacks</p> <ul style="list-style-type: none"> • The additional floor is essentially a similar floor plan stacked on top of the second floor with the existing external walls extending up on the same plans with the same second floor windows repeated. This is not in keeping with the eastern and southern facades. • To reduce bulk we would like to see sensitively designed articulation of this façade using different materials, colour, different sized windows and wall treatment such as indentation, and so on, in the spirit of heritage facades on the eastern and southern elevations. 	<p>Support. The proposed side setback does not comply with the Acceptable Development or Performance Criteria provisions of Clause 7.1.4 “Side and Rear Boundary Setback” of the R-Codes.</p>

Design Advisory Committee:

Referred to Design Advisory Committee: No.

LEGAL/POLICY:

The following legislation and policies apply to the lodging house (hostel) at No. 268 Newcastle Street, corner of Lake Street, Perth:

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2010;
- City of Vincent Town Planning Scheme No. 1;
- Beaufort Precinct Policy No. 3.1.13;
- Residential Design Elements Policy No. 3.2.1;
- Non-Residential/Residential Development Interface Policy No. 3.4.3;
- Exercise of Discretion for Development Variations Policy No. 3.5.11;
- Percent for Public Art Policy No. 3.5.13;
- Shop Fronts and Front Facades to Non-Residential Buildings Policy No. 3.5.15;
- Communal Space for Lodging Houses, Hostels and Serviced Apartments Policy No. 3.5.17;
- Sound Attenuation Policy No. 3.5.21;
- Construction Management Plans Policy No. 3.5.23;
- Heritage Management – Development Guidelines for Heritage and Adjacent Properties Policy No. 3.6.1;
- Heritage Management – The Heritage List (Municipal Heritage Inventory) Policy No. 3.6.6; and
- Parking and Access Policy No. 3.7.1.

RISK MANAGEMENT IMPLICATIONS:

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

Should the Council approve the application for development approval; the proposal will be in conflict with the Acceptable Development and Performance Criteria provisions of the Residential Design Codes of Western Australia, Policy No. 3.4.3 relating to Non-Residential/Residential Development Interface, Policy No. 3.7.1 relating to Parking and Access and the City of Vincent Town Planning Scheme No. 1; therefore creating an undesirable precedent for development on surrounding lots.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Natural and Built Environment

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

Economic Development

- 2.1 *Progress economic development with adequate financial resources*
- 2.1.1 *Promote business development and the City of Vincent as a place for investment appropriate to the vision for the City."*

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

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

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

ENVIRONMENTAL	
Issue	Comment
The application proposes alterations to an existing building comprising an additional floor to the existing lodging house. The continuation of the use of the building has a lower environmental impact compared to constructing a new building for this purpose.	

SOCIAL	
Issue	Comment
The application provides for diversity of affordable accommodation within the locality; however the scale of the development will have a negative impact on the amenity of the adjoining residential properties, as outlined in the tables above.	

ECONOMIC	
Issue	Comment
The proposed land use provides long term employment opportunities, along with any proposed construction providing additional short term employment opportunities.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

It is considered that the proposed additions and alterations to the existing lodging house would create an undesirable precedent and have a significant impact on the amenity of surrounding lots, which is not in the interest of orderly and proper planning for the locality.

As the proposal comprises additions to the north-eastern building, this will have a greater impact on the adjoining residential properties with regards to setbacks, noise and privacy compared to the additions and alterations that were approved on the corner building which fronts both Newcastle and Lake Streets.

Due to the application's significant departure from the Acceptable Development and Performance Criteria provisions of the R-Codes, City of Vincent Town Planning Scheme No. 1, the City's Policy No. 3.1.13 relating to the Beaufort Precinct and the City's Policy No. 3.7.1 relating to Parking and Access; it is recommended that the application be refused for the reasons outlined above.

9.2.7 William Street, Perth – Request to Remove and Prune London Plane Trees

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

Ward:	South	Date:	1 February 2013
Precinct:	Beaufort (13)	File Ref:	TES0234
Attachments:	001 – RGL Project Proposal 002 – Proposed Locations of Tree Pruning/Removal		
Tabled Items:	Nil		
Reporting Officer:	J Parker, Project Officer – Parks & Environment		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council **DOES NOT APPROVE** the request from RGL Solutions Pty Ltd for the removal of three (3) mature London Plane trees and the pruning of three (3) mature London Plane trees between Nos. 369-375 William Street, Perth for the following reasons;

1. RGL Solutions Pty Ltd purchased the roof space at Lot No.4, 469 William Street, Perth being fully aware that the City’s Streetscape was already in place;
2. The removal of three (3) mature trees and pruning of another three (3) trees will significantly compromise and be a detriment to the streetscape;
3. The trees are of considerable size, which is successful in creating an iconic streetscape and any removal of trees and pruning will cause a detriment to the streetscape;
4. Removal and/or pruning is contrary to the Council Policy No. 2.1.2 – “Street Trees”, Clause 6 – Street Tree Removal;
5. The request is for commercial purposes of the applicant; and
6. The request, if approved, would create an undesirable precedent.

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of a request to remove three (3) mature London Plane trees and to prune a further three (3) mature London Plane trees along William Street, Perth to facilitate a development.

BACKGROUND:

Ordinary Meeting of Council, 22 August 2006:

Following considerable work, community engagement discussion with stakeholders and the progressive allocation of funding over a number of financial years the Council considered a report which comprised the final William Street streetscape upgrade proposal where the following decision was made (in part):

“That the Council;

(ii) APPROVES IN PRINCIPLE:

- (a) the William Street Upgrade project, as detailed in this report and as shown in revised plans Nos. 2374-CP-05 and 2374-CP-05A at an estimated cost of \$1,346,500;..*

- (d) *the planting of London Plane tree species in William Street (subject to EPRA and the City of Perth City Council agreeing to this tree species) to achieve a more uniformed streetscape."*

DETAILS:

Reason for proposal:

Recently RGL Solutions Pty Ltd purchased the roof space of Lot 4, No. 369 William Street, Perth. The roof has an existing billboard which provides revenue to RGL Solutions Pty Ltd. With the increasing size and canopy spread of the existing verge trees on William Street the billboard is becoming more obscured and will ultimately result in loss of revenue for RGL Solutions Pty Ltd (refer attached photo).

Request for removal of trees:

A number of meetings have taken place between the City and RGL Solutions Pty Ltd, regarding the request to remove three (3) mature London Plane Trees and the pruning of three (3) mature London Plane trees outside Nos. 369-375 William Street (refer attachment 1; RGL Project Proposal).

Most recently, RGL Solutions Pty Ltd provided the City with a '*Sustainable Community Demonstration Project Proposal*' comprising the following should approval to remove/prune the trees be granted.

- removal of three (3) mature London Plane Trees
- pruning of three (3) mature London Plane Trees
- the installation of two (2) electric vehicle charge points and multi use vehicle zone car bays outside of No. 375 William Street
- the installation of a photo-voltaic solar array on the roof top of No.369 William Street
- the installation of rain gardens and landscaping between Nos.369-375 William Street
- the installation of associated signage relating to the proposed installations; and
- the use of recognisable branding.

(Refer to attachment 2; Pictorial Description of Proposed Trees to be Removed/Pruned)

RGL Solutions Pty Ltd had indicated that they are willing to finance the '*Sustainable Community Demonstration Project Proposal*' however it must be noted that the funding source/s for the project is yet to be confirmed.

Planning Matters:

The Lot being Nos. 369-371 (Lot 8) William Street is zoned commercial with four (4) Storeys permitted. As the lot is below 1000m² an additional one (1) storey can be applied for as per the requirements of Policy 3.5.11 Exercise of Discretion for Development variations. The site is adjacent to an area of heritage significance, Brookman Street which would need to be considered in any development application.

Officer's Comments:

In all of the meeting with RGL Solutions Pty Ltd, the City's officers advised that removal of the trees would not be supported however that the matter would be reported to the Council. While it is acknowledged that RGL Solutions Pty Ltd are offering something to the City to compensate for the removal of the trees it is considered that an undesirable precedence would be set if approval to remove the trees was granted. In addition it is considered that RGL Solutions Pty Ltd should have undertaken their due diligence prior to purchasing the property as the trees were in existence at the time.

The London Plane Trees in William Street are of considerable size which is successful in creating an iconic and bold statement. The London Plane trees form an integral part of the William Street Streetscape and are of overall excellent health.

Mature trees, particularly those that make up a streetscape, are extremely valuable. Removing any trees or significantly pruning any trees, of this notable size and value, would be detrimental to the streetscape as well as to the City.

Not supporting this request from RGL Solutions Pty Ltd complies with the City's Strategic Plan 2011-2016 which is specified below, as well as the strong position the City holds on retaining trees within the City.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Council Policy No. 2.1.2 – Street Trees is applicable.

Clause 6 – Street Tree Removal States;

“6. Street Tree Removal

- (i) The City recognises the significant contribution made by street trees to both the aesthetic and environment aspects of existing streetscapes within the City. It also recognises that in some cases, tree retention may not be desirable, feasible or reasonable, owing to the condition, and possible location or species of the tree.
- (ii) The City wishes to avoid the unnecessary removal of street trees. Circumstances where retention is considered undesirable or unreasonable, include the following:
 - (a) The tree is diseased and beyond remedial treatment, or dead;
 - (b) The tree has been assessed by the City as structurally weak and/or dangerous, placing the public at risk or jeopardising safety;
 - (c) The tree has been irreparably damaged (e.g. by a storm, vehicle accident);
 - (d) The tree is hazardous to motorists/pedestrians owing to interference in suitable sightlines presented by the trees alignment or spacing;
 - (e) The tree is affected by road widening, service modification/relocation or other infrastructure works and all other options to retain the tree have been deemed by the City to be inappropriate;
 - (f) The tree is dangerously in contact with overhead power lines or distributor wires to properties and where, for reasons of growth habit pertaining to the variety, selective pruning is not practical with the only option being severe lopping;
 - (g) The tree precludes reasonable development of an adjoining property and all possible developments options have been explored by the developer and there is no reasonable alternative to removal; or
 - (h) The tree is not an approved variety and is unacceptable to the City."

RISK MANAGEMENT IMPLICATIONS:

Medium: By removing three (3) mature London Plane trees and pruning three (3) mature London Plane trees; the City is at a medium risk of jeopardizing and compromising the streetscape and aesthetic value of William Street.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

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

SUSTAINABILITY IMPLICATIONS:

Removing and pruning the trees as specified in this report is not a sustainable practice. Retaining and caring for the valuable existing trees and streetscape will ensure the practical and responsible management of vegetation within the City.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

For the reasons stated in this report, it is recommended that the Council supports the Officer's recommendation to deny the request from RGL Solutions Pty Ltd to remove three (3) mature London Plane trees and to prune three (3) mature London Plane trees outside No. 369-375 William Street, Perth.

9.1.9 Amendment No. 95 to Planning and Building Policies – Policy No. 3.4.2 relating to Aged or Dependent Persons Dwellings

Ward:	Both	Date:	1 February 2013
Precinct:	All	File Ref:	PLA0217
Attachments:	001 – Final Amended Policy No. 3.4.2 002 – Summary of Submissions		
Tabled Items:	Nil		
Reporting Officer:	A Fox, Planning Officer (Strategic)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

- ADOPTS** the final amended version of Policy No. 3.4.2 relating to Aged or Dependent Persons Dwellings, as shown in Appendix 9.1.9 (001) having reviewed the two (2) submissions received during the formal advertising period and outlined in the Summary of Submissions as shown in Appendix 9.1.9 (002) in accordance with Clause 47(4) and (5) of the City’s Town Planning Scheme No. 1; and
- AUTHORISES** the Chief Executive Officer to advertise the final amended versions of the Policy No. 3.4.2 relating to Aged or Dependent Persons Dwellings, as shown in Appendix 9.1.9 (001), in accordance with Clause 47(6) of Town Planning Scheme No. 1.

COUNCIL DECISION ITEM 9.1.9

Moved Cr Wilcox, **Seconded** Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Maier was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with the outcomes of the formal advertising of Amendment No. 95 and to present to the Council with a recommendation to adopt the amended version of the policy.

BACKGROUND:

Clause 6.11.2 of the R Codes includes provisions for Aged or Dependent Persons’ Dwellings.

The City’s current Policy No. 3.4.2 relating to Aged or Dependent Persons Dwellings supports the intent of the R Codes, however there are opportunities to build on the provisions of the R Codes to better facilitate Aged or Dependent Persons Dwellings within the City.

The review of Policy 3.4.2 proposed a number of amendments to the policy including:

- Objectives: amended to clearly outline the intent of the policy;
- Clause 1 Definitions: amended to ensure consistency with the R Codes;

- Clause 2 Occupancy: amended to include reference to Section 70A Notification to the Certificate of Title to advise the existence of occupancy requirements;
- Clause 2 Variations to Density and Minimum Site Area: amendment to the Clause 3.1 a) and b) criteria to obtain a density bonus; and inclusion of Clause 3.2 relating to the application of Clause (20) in the City's Town Planning Scheme No. 1;
- Clause 4 Composition of Development: addition of Clause 4.1 to allow a reduction in the minimum number of Aged or Dependent Dwellings from five (5) to two (2); and Clause 4.2 relating to the composition of development;
- Clause 5.2 Carparking – included to ensure consistency with the carparking provision in the R Codes;
- Clause 5.3 Building Codes and Australian Standards: amended to ensure consistency with current Legislation;
- Removal of Clauses relating to Location Criteria: provisions relating to location have been removed as these are contained in the City's Town Planning Scheme No. 1;
- Removal of Clauses relating to Support Services: as recommended by the City's *Affordable Housing Strategy* that linking the policy to requirements such as support services may be overly restrictive and may discourage the development of Aged or Dependent Persons' Dwellings.

As a result of the consultation, no further changes are proposed to Policy No. 3.4.2 relating to Aged or Dependent Persons Dwellings.

History:

Date	Comment
27 March 2001	The City's Policy No. 3.4.2 relating to Aged or Dependent Persons' Dwelling was adopted as part of the City's Planning and Building Policy Manual.
30 October 2012	Advertising of Amendment No. 95 commenced.
27 November 2012	Advertising of Amendment No. 95 finished.

Previous Reports to Council:

This matter was previously reported to the Council on 25 September 2012.

The Minutes of Item 9.1.10 from the Ordinary Meeting of Council held on 25 September 2012 relating to this report is available on the City's website at the following link:

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

DETAILS:

The City's Officers have further considered the draft Policy No. 3.4.2 relating to Aged or Dependent Persons Dwellings following the consultation period and considered that the amendments contained in the advertised version sufficiently address the intent and objectives of the policy. Furthermore, no additional comments or recommendations were received during the formal advertising period. As a result, no further amendments to the policy are proposed.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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The amended Policy was advertised in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1.

Consultation Period: 28 days

Consultation Type: Four adverts in local paper, notice on the City's website, copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre, letters to representatives from the Aged Care sector, Western Australian Planning Commission, and other appropriate government agencies as determined by the City of Vincent.

A total of two (2) submissions of no objection were received during the four week consultation period as follows:

Community Submissions

Position	Number Received	Percentage
Support	-	-
Object	0	-
Not Stated	0	-
Total		100%

Government Authority Submissions

Position	Number Received	Percentage
Support	2	100%
Object	-	-
Not Stated	-	-
Total		100%

Planning Consultants Submissions

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

Total Submissions Received

Position	Number Received	Percentage
Support	2	100%
Object	-	-
Not Stated	-	-
Total	2	100%

These submissions did not provide any recommendation or comment to be addressed in the draft policy.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

Medium: Facilitating opportunities for the development a specialised and affordable accommodation for the City's aged or dependent persons' is important to in meeting the needs of a changing demographic within the City.

STRATEGIC IMPLICATIONS:

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

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

SUSTAINABILITY IMPLICATIONS:

ENVIRONMENTAL	
Issue	Comment
The amendments to the City's Policy No. 3.4.2 relating to Aged or Dependant Persons' Dwellings serves to provide appropriate located housing options for the City's ageing population within close proximity to public transport opportunities.	
SOCIAL	
Issue	Comment
The amendments to the City's Policy No. 3.4.2 relating to Aged or Dependant Persons' Dwellings serve to provide specialised and affordable housing opportunities for the City's aging residents responding to increased pressure for housing option for the City's changing demographics.	
ECONOMIC	
Issue	Comment
The amendments to the City's Policy No. 3.4.2 relating to Aged or Dependant Persons' Dwellings assist in facilitating appropriately located accommodation for the City's residents with special needs that is conveniently located within close proximity or easily accessible to commercial conveniences.	

FINANCIAL/BUDGET IMPLICATIONS:

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

Budget Amount:	\$80,000
Spent to Date:	<u>\$ 4,684</u>
Balance:	\$74,556

COMMENTS & CONCLUSION:

It is considered that the amendments contained within the advertised version of Policy No. 3.4.2 relating to Aged or Dependent Persons Dwellings as outlined above, are adequate to facilitate the provision of these specialised forms of housing with the City. Furthermore, no comments or suggestions were received as a result of the four week consultation.

In light of this, it is recommended that the Council adopts the final amended Policy No. 3.4.2 relating to Aged or Dependant Persons' Dwellings in accordance with the Officer Recommendation and advertise the final Policy in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City's Policy No. 4.1.5 relating to Community Consultation.

9.1.10 Amendment No. 102 to Planning and Building Policies – Final Adoption of Appendix 11 relating to Non-Conforming Use Register

Ward:	Both	Date:	1 February 2013
Precinct:	All	File Ref:	PLA0081
Attachments:	001 – Amended Appendix No. 11 relating to Non-Conforming Use Register 002 – Summary of Submissions		
Tabled Items:	-		
Reporting Officer:	A Fox, Strategic Planning Officer		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the final amended version of Appendix No. 11 - Non-Conforming Use Register, as shown in Appendix 9.1.10 (001) resulting from the advertised version being reviewed having regard to two (2) written submissions received during the formal advertising, as shown in Appendix 9.1.10 (002); and
2. **AUTHORISES** the Chief Executive Officer to advertise the final amended version of Appendix No. 11 – Non-Conforming Use Register as shown in Appendix 9.1.10 (001), in accordance with Clause 47 (6) of the City's Town Planning Scheme No. 1.

COUNCIL DECISION ITEM 9.1.10

Moved Cr Wilcox, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Maier was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of the outcomes of the formal advertising period of Amendment No. 102 relating to the Amended Appendix No. 11 - Non-Conforming Use Register; to present to the Council the final amended version of Amended Appendix No. 11; and to seek final adoption of the Amended Appendix No. 11.

BACKGROUND:

On 12 June 2012 the Council at its Ordinary Meeting adopted an amended version of Appendix No. 11 of the Planning and Building Policy Manual relating to the City's Non-Conforming Use Register. The final adopted Non-Conforming Use Register listed the following five (5) properties as vacant as at 28 November 2011:

Property	Previous Approved Non-Conforming Use
No. 27-29 (Lot 106) Carr Street, Perth	Light Industry
No. 27 (Lot 167) Eton Street, North Perth	Light Industry
No. 199-205 (Lot 1) Fitzgerald Street, Perth	Warehouse
No. 110-112 (Lots 442, 443 and 444) Scarborough Beach Road, Mount Hawthorn	Open Air Display
No. 23 (Lot 12) Eden Street, West Perth	Light Industry

As a period in excess of six (6) months has passed since the initial site inspections were carried out on the 28 November 2011, further site visits were undertaken on 27 August 2012 to determine the status of the above properties. Site inspections confirmed that all five properties remained vacant.

History:

Date	Comment
20 November 2001	The City adopted the Non-Conforming Use Register as Appendix No. 11 to Planning and Building Policy Manual
26 March 2002	The Council at its Ordinary Meeting adopted an amended version of Appendix No. 11 – Non-conforming Use Register
11 February 2008	The CEO under Delegated Authority authorised an amendment to Appendix No. 11 to the City's Non-Conforming Use Register
13 May 2008	The Council at its Ordinary Meeting adopted an amended version of Appendix No. 11 – Non-Conforming Use Register
12 October 2010	The Council at its Ordinary Meeting adopted an amended version of Appendix No. 11 – Non-Conforming Use Register
23 August 2011	The Council at its Ordinary Meeting adopted an amended version of Appendix No. 11 – Non-Conforming Use Register
12 June 2012	The Council at its Ordinary Meeting adopted an amended version of Appendix No. 11 to the City's Non-Conforming Use Register.
11 September 2012	The Council at its Ordinary Meeting initiated Amendment No. 102 and authorised Draft Amended Appendix No. 11 to be advertised.
25 September 2012	The public consultation period commenced for Amendment No. 102 relating to draft amended Appendix No. 11
23 October 2012	The public consultation period closed for Amendment No. 102 relating to draft amended Appendix No. 11

Previous Reports to Council:

11 September 2012 The Council considered a report relating to Draft Amended Appendix No. 11, relating to the City's Non-Conforming Use Register, and resolved to authorise the Draft Amended Policy to be advertised for public comment, in accordance with Clause 47 of the City of Vincent's Town Planning Scheme No. 1.

The Minutes of Item 9.1.6 from the Ordinary Meeting of Council held on 11 September 2012 relating to this report is available on the City's website at the following link:
http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes

DETAILS:

In accordance with the Council resolution of 11 September 2012, as part of the formal advertising, the City sought comment from the landowners of the five (5) vacant properties requesting evidence of the continued use of the properties in accordance with the approved non-conforming use. No submissions were received from any of the owners in relation to the subject properties.

As the above mentioned properties have remained vacant for a period in excess of six (6) months, in accordance with Clause 16 (4) of TSP No. 1, they can no longer operate in accordance with the approved non-conforming use. Consequently they will need to be removed from the Non-conforming Use Register.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period: 28 days

Consultation Type: Advert in local paper, notice on the City's website, copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre, written notification to owner(s) of affected properties and to the Western Australian Planning Commission and the State Heritage Office, and other appropriate government agencies as determined by the City of Vincent.

A total of two (2) submissions were received during the four week consultation period as follows:

Government Authority Submissions

Position	Number Received	Percentage
Support	1	-
Object	-	-
Not Stated	1	100%
Total	2	100%

Total Submissions Received

Position	Number Received	Percentage
Support	1	100%
Object	-	-
Not Stated	1	-
Total	2	100%

The two (2) submissions received were from Government Authorities and did not contain any recommendation or comment. No submissions were received from any of the owners of the subject properties.

LEGAL/POLICY:

In accordance with Clause 17 of the City's Town Planning Scheme No. 1, the City will maintain a Register of Non-Conforming Uses. The City's current Appendix No. 11 relating to Non-Conforming Uses contains a register of non-conforming uses within the City. The proposed changes to Appendix No. 11, the subject of Amendment No. 102 will ensure that the register reflects the current status of non-conforming uses within the City.

RISK MANAGEMENT IMPLICATIONS:

Medium: It is important that the City maintains a current Register of Non-Conforming Uses to ensure that approved non-conforming uses with the City are acknowledged and future assessments of these properties are correct.

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:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure for advertising of the Policies will be incurred under the following budgeted item:

Town Planning Scheme Amendments and Policies

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

Budget Amount: \$80,000
Spent to Date: \$ 4,684
Balance: \$74,556

COMMENTS:

The final adoption of amended Appendix No. 11 relating to the City's Non-Conforming Use Register will ensure that a record of longstanding non-conforming uses within the City remain current. It will also ensure that owners of properties that no longer operate in accordance with their approved use are advised that the non-conforming use status has lapsed and that current and future uses must be in accordance with the zoning of the site.

In light of the above, it is recommended that the Council progresses the Draft Amended Appendix No. 11 relating to the City's Non-Conforming Use Register in accordance with the Officer Recommendation.

9.1.12 Town Planning Scheme Review – Progress Report No.1

Ward:	Both	Date:	1 February 2013
Precinct:	All	File Ref:	PLA0140
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	T Young, Manager Strategic Planning, Sustainability and Heritage Services		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the Progress Report No.1, as at 1 February 2013; and
2. **ENDORSES** the updated Indicative Timeframe, as outlined in the report.

COUNCIL DECISION ITEM 9.1.12

Moved Cr Wilcox, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Maier was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to provide an update on the Town Planning Scheme Review to the Council.

BACKGROUND:

The Council at its Ordinary Meeting held on 21 December 2011 approved for the City's Local Planning Strategy, Town Planning Scheme No. 2 (text and maps) and associated Local Planning Precinct Policies to be forwarded to the Western Australian Planning Scheme for consent to advertise. The documents were delivered to the Department of Planning on the 23 December 2011; however, to date the City has not received any written status of the consideration of these documents to be advertised for public comment, in accordance with the *Town Planning Scheme Regulations 1967*.

Whilst formal consent to advertise has not yet been received, the City's Officers have been actively liaising with the Officers from the Department of Planning in order to progress the Draft Town Planning Scheme No. 2 to formal advertising.

A summary of this liaison and indicative time frame is detailed below.

History:

Date	Comment
20 December 2011	The Council approved Local Planning Strategy, Town Planning Scheme No. 2 (text and maps) and associated Local Planning Precinct Policies to be forwarded to the Western Australian Planning Commission to consent to advertise.
8 March 2012	The City's Director Planning Services and senior planning staff met with the Department of Planning Officers and provided an overview of the Town Planning Scheme No. 2.
14 May 2012	The City's Mayor Hon. Alannah MacTiernan wrote to the Director General of the Department of Planning seeking a written response to the status of the City's Town Planning Scheme No. 2.
6 July 2012	The City's Director Planning Services and senior planning staff met with the Department of Planning Officers to discuss the City's Town Planning Scheme No. 2.
11 July 2012	The City's Director Planning Services and senior planning staff received preliminary feedback from the Department of Planning with respect to the Town Planning Scheme No. 2, in particular elements of the Town Planning Scheme No. 2 which vary from the Model Scheme Text. The City's Planning staff provided further justification to the Department of Planning to assist in their queries.
9 October 2012	The Council endorsed the Community Engagement and associated Action Plan to guide the pending advertising of the Town Planning Scheme No. 2, Local Planning Strategy and Precinct Policies.
19 December 2012	The City's Director Planning Services and senior planning staff met with the Department of Planning Officers to clarify the proposed variations to the Model Scheme Text within the City's Town Planning Scheme No. 2.
8 January 2013	The City's Director Planning Services and senior planning staff met with the Department of Planning Officers to clarify the proposed definitions within the City's Town Planning Scheme No. 2 that vary from the Model Scheme Text.
11 January 2013	The City's senior planning staff provided further information to the Department of Planning to assist with the preparation of their report to the Western Australian Planning Commission Statutory Planning Committee, following the discussions at the meetings held on the 19 December 2012 and the 8 January 2013 respectively.

Previous Reports to Council:

The Town Planning Scheme Community Engagement Plan and associated Action Plan were endorsed by the Council on 9 October 2012. The minutes of Item 9.1.5 from this meeting are available on the City's website at the following link:

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

DETAILS:

Preliminary Feedback from the Department of Planning

During the recent meetings held with the Officers from the Department of Planning, the following feedback has been provided with respect to the City's Town Planning Scheme No. 2, the Local Planning Strategy and the Local Planning Precinct Policies:

Local Planning Precinct Policies

- These documents do not require formal consent to advertise from the Minister and can be further amended by the City's Administration and endorsed by the Council prior to be advertised as part of the package during the formal consultation period of the Town Planning Scheme No. 2.

Local Planning Strategy

- Acknowledged that the document had been prepared in accordance with the WAPC Local Planning Strategy Guidelines;
- Suggested further analysis and more detailed recommendations with respect to the development potential and projected yields within the City's district and secondary centres identified within the State Planning Policy No. 4.2 relating to Activity Centres for Perth and Peel; and
- Recommended greater reference to the Department of Planning's publication *Economic and Employment Land Strategy: non-heavy industrial: Perth Metropolitan and Peel regions 2012*.

Town Planning Scheme No. 2

- Requested greater clarification from the City's planning staff on the proposed definitions that varied from the Model Scheme Text, particularly those relating to Land Use;
- Recommended that the proposed zoning of the City's Town Centres to be Activity Centre Zones, as per the R Codes;
- Recommended that the section on Structure Plans be further refined;
- Recommended that the section on Design Guidelines be further refined to be consistent with existing terminology, e.g. Detailed Area Plans;
- Recommended to remove superfluous definitions and provisions that are detailed in other legislation and/or are outside the function and purpose of a Town Planning Scheme;
- Requested greater clarification from the City's Planning staff on the requirements for planning approval for all full demolition applications, and the Heritage List being the Municipal Heritage Inventory, both of which have stemmed from the existing Town Planning Scheme No. 1 provisions; and
- Recommended that some provisions within the Scheme would be better included in a Local Planning Policy e.g. provisions relating to variations to height.

Indicative Time Frame

Based on discussion with the Department of Planning, consent to advertise cannot be until after the State election on 9 March 2013, as the Government is in caretaker mode. In light of this, the following updated indicative time frame to progress the Town Planning Scheme is provided:

Date	Action
February 2013	Department of Planning staff to complete City of Vincent Town Planning Scheme No. 2 report for consideration on the Western Australian Planning Commission Statutory Planning Committee Meeting.
February 2013	City of Vincent Town Planning Scheme No. 2 report to be submitted to the Western Australian Planning Commission Statutory Planning Committee.
March 2013	State Election scheduled for 9 March 2013. Government will be in caretaker mode during this period in the lead up to the Election and decisions will not be made by the Minister.
April 2013	City of Vincent Town Planning Scheme No. 2 to be reviewed and considered by the Western Australian Planning Commission.

Date	Action
June 2013	City of Vincent receives consent to advertise Town Planning Scheme No. 2 from the Western Australian Planning Commission in accordance with a series of conditions to amend the document prior to advertising.
July 2013	City of Vincent Administration makes changes to the Town Planning Scheme No. 2 as directed by the Western Australian Planning Commission and forwards the amended document to the Western Australian Planning Commission to seek approval for the amended version to be advertised. *NB – should the amended documentation be presented to the Council for endorsement prior to forwarding back to the Western Australian Planning Commission, it is highly likely that this will substantially delay the following dates by several months.
August – October 2013	City of Vincent facilitates formal 3 month advertising of the Town Planning Scheme No. 2 in accordance with the endorsed Community Engagement Plan and associated Action Plan.
November 2013	City of Vincent collates submissions from 3 month advertising period.
December 2013	The Town Planning Scheme No. 2 documents and summary of submissions are presented to the Council to adopt the Scheme with or without amendments.
January 2014	City of Vincent submits Town Planning Scheme No. 2 to the Western Australian Planning Commission for Minister's approval to gazette new Scheme.

It is noted that this is an indicative timeline only. Once the City has received the formal consent to advertise from the Minister for Planning, the City will then be in a better position to update the City's Community Engagement Plan and associated Action Plan to effectively roll out the community consultation phase of the process.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	No
Consultation Type:	N/A		
Comments Period:	N/A		

The Town Planning Scheme Community Engagement Plan provides the framework for the advertising required for the Local Planning Strategy, the Town Planning Scheme No. 2 and associated Local Planning Precinct Policies. The former two documents are to be advertised in accordance with minimum requirements outlined in the *Town Planning Regulations 1967* and any further consultation that the City considers appropriate. The advertising procedures for the Local Planning Precinct Policies are at the discretion of the Council.

Regulation 12B of the *Town Planning Regulations 1967*, prescribes the minimum requirements for the advertising of the Local Planning Strategy, which is to be undertaken during a period of not less than twenty-one (21) days and Regulation 15 of the *Town Planning Regulations 1967* prescribes the minimum requirement for the Town Planning Scheme, which is to be undertaken not less than three (3) months from the date of publication of advertisement in the *Government Gazette*. Given that the City has presented a package to the Western Australian Planning Commission comprising the Local Planning Strategy, the Town Planning Scheme No. 2 and the associated Local Planning Precinct Policies, it is proposed that all documents are advertised over a three (3) month period.

LEGAL/POLICY:

1. Planning and Development Act 2005;
2. Town Planning Regulations 1967; and
3. City of Vincent Consultation Policy 4.1.5.

RISK MANAGEMENT IMPLICATIONS:

High: The City has been reviewing its Town Planning Scheme for a relatively long period of time, with a growing expectation from the community that the new Scheme be advertised and gazetted shortly. In accordance with Section 88 of the Planning and Development Act 2005 a Local Government is required to review its Town Planning Scheme every 5 years. Given this, it is important that this matter remains a priority of the City's and that active liaison with the Department of Planning is continued.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

The following tables outline the applicable sustainability issues for the review of the Town Planning Scheme.

ENVIRONMENTAL	
Issue	Comment
The Local Planning Strategy and Town Planning Scheme No. 2 and associated Policies support environmental sustainability through various measures such as encouraging improved access by promoting the use public transport, cyclists and pedestrians to reduce air emissions from private cars, increase and enhance green spaces and tree plantings both in the public and private realm, promoting best practice sustainable design that responds to the environment and encouraging the adaptive reuse and retention of existing buildings.	

SOCIAL	
Issue	Comment
The Local Planning Strategy and Town Planning Scheme No. 2 and associated Policies aims to build a sense of community through encouraging diverse, interactive and vibrant meeting places in each of the City's five (5) commercial centres, whilst also ensuring pedestrian friendly residential areas and accessible public open space.	

ECONOMIC	
Issue	Comment
The Local Planning Strategy and Town Planning Scheme No. 2 and associated Policies have been written with due regard to the City's Economic Development Strategy 2011-2016 and additional economic analysis, to ensure that the promotion of a diverse range of uses in each of the City's Activity Centres and the opportunity for corresponding residential population growth within the City's residential areas.	

FINANCIAL/BUDGET IMPLICATIONS:

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

Town Planning Scheme Amendments and Policies

Budget Amount: \$80,000
Spent to Date: \$ 4,684
Balance: \$74,556

COMMENTS:

To progress to the gazettal of the City's Town Planning Scheme No. 2, it is considered paramount that the City continues to actively liaise with the Department of Planning.

The Community Engagement Action Plan, which forms an Appendix to the Community Engagement Plan endorsed by the Council at its Ordinary Meeting on 9 October 2012, provides the more detailed information on the process and tasks to be undertaken prior, during and following the statutory advertising period. The Action Plan will be completely populated with updated timeframes, once the City has received the consent to advertise from the Western Australian Planning Commission, and all Council Members will be informed accordingly. In the interim however, the City's Officers will complete the preparatory work and will provide a Briefing Session to a Council Member Forum, with an overview of the community consultation package, once consent to advertise is received.

In light of the above, it is recommended that the Council receives the update on the progression of the Town Planning Scheme Review.

9.2.3 'Household Hazardous Waste' and 'E-waste' Disposal Days- Progress Report No. 4

Ward:	Both	Date:	1 February 2013
Precinct:	All	File Ref:	ENS0083
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	M Rutherford, Waste Management Officer; R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES that;**
 - 1.1 the State Government Household Hazardous Waste (HHW) Program will fully fund a temporary collection day to be held in the Loftus Centre Carpark on Sunday 24 March 2013;
 - 1.2 electrical waste is being collected at the kerbside as part of the City's 'General Junk' Bulk Verge Collection; and
 - 1.3 in the future, the City may be eligible for some or all of its electrical waste recycling to be funded under the National Television and Computer Recycling Scheme, as discussed in the report;
2. **LISTS FOR CONSIDERATION the following funds in the 2013/2014 draft budget;**
 - 2.1 \$45,000 to undertake one (1) Temporary HHW collection day in 2013/2014, should the State Government not fund this program next financial year; and
 - 2.2 \$40,000 to continue undertaking the collection of electrical waste as part of the General Junk Bulk Verge collection;
3. **INVESTIGATES the advantages and disadvantages and potential benefits of participating in the 'Techcollect' program, as detailed in the report; and**
4. **RECEIVES a further progress report in May 2013.**

COUNCIL DECISION ITEM 9.2.3

Moved Cr Wilcox, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Maier was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the costs involved with City of Vincent funding a temporary disposal day for Household Hazardous Waste (HHW) and electrical waste for City of Vincent residents.

BACKGROUND:

Three (3) previous progress reports on HHW disposal days have been considered previously by the Council.

The Council (Progress Report No. 3 – OMC 14 February 2012) requested that the staff investigate the benefits and costs of holding more HHW collection days and funding sources etc. It also requested that the state Minister of Environment; Water be requested to provide more funding from the state landfill levy to hold temporary HHW collections.

On 16 August 2012 the Chief Executive Officer wrote to the Hon. Bill Marmion, Minister for Environment, on behalf of the City of Vincent, requesting that more funding from the state landfill levy be made available through the HHW Program to enable Local Governments to provide Temporary Disposal Days to residents.

On the 26 October 2012 the MWAC Program Coordinator from WALGA- sent an email to all Local Government explaining the HHW Program had available funding to deliver a limited series of fully funded and co-funded Temporary Collection Days (TCD's) in 2013.

The City of Vincent confirmed its interest in hosting a TCD by completing and submitting a HHW Program Site Nomination Form on the 29 October 2012.

DETAILS:

Government Funded Household Hazardous Waste (HHW):

On the 3 December 2012 the City was notified by the MWAC Program Coordinator that the City's nominated site (The Loftus Centre Car Park) was confirmed and that the HHW Program would offer full funding to the City.

The HHW Program will cover the running costs, transport and disposal costs and promotion of this event. The City will be responsible for promoting the event internally and through its website, and providing traffic management in and out of the site during the event.

The City has confirmed with MWAC Program Coordinator, the date Sunday 24 March 2013 to deliver the TCD. The following items will be eligible for collection.

- Acids (Excludes Hydrofluoric Acid)
- Hydrofluoric Acid (1 x 8kg)
- Aerosols – CFC based
- Aerosols, flammable – paint and lacquers
- Aerosols, flammable – pesticide
- Alkali
- Arsenic based products
- Batteries – lead acid
- Batteries – nickel cadmium
- Batteries – other (excludes Lithium & Thionyl Chloride)
- Cyanides
- Engine coolants and glycols
- Fire extinguishers – non-Halon
- Flammable liquids - hydrocarbons and fuels
- Flammable solids
- Flares
- Fluorescent tubes and light fittings
- Gas Cylinders – other
- Gas Cylinders – propane
- General household chemical e.g. cleaners
- Heavy metal compounds
- Inorganic oxidising agents – e.g. pool chlorine
- Low level radioactive substances e.g. smoke detectors

- Mercury – elemental
- Organic peroxides
- Paint - metal based
- Paint - other, including isocyanates and amines
- Paint - recyclable
- Paint - water based
- PCB materials
- Pesticides - non Schedule X
- Pesticides – Schedule X
- Solvents – halogenated

Officer Comments:

While in this instance it is very pleasing that the Government has provided some funding to conduct a TCD it is considered that the Government needs to redirect more of the landfill levy money back into the waste industry so programs such as the HHW Program can operate successfully on an ongoing basis allowing Local Governments to offer fully funded temporary disposal days to its residents.

A letter to the Hon. Bill Marmion, Minister of Environment, was sent 16 August 2012 on behalf of City of Vincent outlining the benefits of holding more Temporary HHW Disposal Days.

City of Vincent self funded HHW collection:

A quote was recently obtained from the WALGA preferred supplier for HHW to determine the funds required by the City to fund its own Disposal Day.

The WALGA preferred supplier operates a licensed fleet of purpose-built vehicles manned by comprehensively trained drivers and industrial chemists, and is equipped with all necessary safety and spill handling equipment. Incompatible chemicals need to be packed separately and transported according to the Australian Dangerous Goods Code with the aid of qualified chemists utilising approved packaging systems.

Officer Comments:

Leaving the types of materials involved in the HHW Program in the public domain would pose a significant risk and is not advised. Therefore the idea of the City holding any other style of collection (e.g. Collection via verge) for HHW material, other than a properly equipped HHW Disposal Day, is not supported.

Electrical Waste:

When electrical waste was included in the February 2011 Temporary Household Hazardous Waste and Electrical Waste Disposal Day many OHS issues were imposed with staff trying to manually lift large items such as televisions and microwaves from residents' cars and into skip bins.

Including electrical waste with the 'General Junk Bulk Verge Collection' is a much preferred method for recycling these items.

In March 2012 the City of Vincent successfully implemented the collection of electrical waste in conjunction with the regular scheduled Bulk Verge Collection, diverting a total of 19.4 tonnes of electrical waste from landfill.

The costs incurred by the Bulk Verge Contractor (Steann) to collect and transport the electrical waste to a recycling site were shared between the City and the MRC.

The recycling costs incurred i.e. \$0.90 per kilogram were as follows by Mindarie Regional Council;

- \$0.75 per kg – MRC
- \$0.15 per kg - City of Vincent.

Mindarie Regional Council only covered the recycling costs for electrical waste that were specified in the West Australian Transitional E-Waste Program (WATEP) Agreement.

Items included in the WATEP agreement are outlined below:

Televisions – CRT/analogue	Peripherals – Hard drives	Peripherals - Keyboard
Televisions – Plasma/LCD	Peripherals – Webcams	Peripherals - Mouse
Projection systems	Cables, fans	Peripherals - Speakers
PC Monitors – CRT	Modems	Scanners
PC Monitors – LCD/Flat panel	Uninterruptible Power Supply (UPS)	Faxes
Laptops & Tablet/portable computers	Printers – inkjet, dot matrix & laser	

Items that are not covered under the WATEP agreement include, but are not limited to;

Photocopiers, stereo systems and speakers, CD players and portable music devices, desk telephones, cordless telephones and mobile phones, VCR and DVD players, microwaves and other household whitegoods/electrical goods.

National Television and Computer Recycling Scheme:

The City of Vincent may be eligible for some or all of their future electrical waste recycling to be covered under the National Television and Computer Recycling Scheme, which was launched in July 2012.

The Australian Government will regulate the scheme and set the outcomes to be achieved by the Television and Computer Industry, but the Television and Computer Industry will fund and run the scheme.

Recycling targets will start at 30% in 2012-2013 and slowly escalate each year until 80% recycling rate in 2021-2022. As this target increases there will be less waste collected outside of the scheme, therefore the costs to State and Local Governments for managing this waste will decrease. However, Local Governments, charities and recyclers need to consider how collection and recycling services are currently provided, as the Scheme may not be able to replace these services in its early years.

There are three (3) approved Co regulatory arrangements (activities/measures designed to achieve the outcomes of the regulations) as follows:

- DHL Supply Chain (possibility to make an agreement/contract with local govt)
- ANZ Recycling Platform (possibility to make an agreement/contract with local government)
- E- Cycle Solutions Pty Ltd (only looking at commercial outlets for agreements)

In May 2012 the City's Waste Management Officer wrote to both DHL Supply Chain and ANZ Recycling Platform asking if the City of Vincent could be a likely candidate to become a service provider under the scheme.

The City of Vincent like many other Local Government organisations will not play a direct part under the National TV and Computer Recycling Scheme for at least another 12-18 months, while the co regulatory agreements work towards phasing in a national network of TV and computer drop off points that provide a level of convenience to the public.

In October 2012 the City received notification that ANZRP had commenced its national collection and recycling service under its official program TechCollect. There are already eleven (11) TechCollect services operating with more services being progressively opened around the nation during the next few months.

Officer Comments:

The City's officers will continue to closely liaise with the aforementioned co regulatory arrangements. In the mean time Local Governments and residents will have to wait and see what services (drop off days etc) will be provided by the approved Co-regulatory Arrangements.

CONSULTATION/ADVERTISING:

The City's residents will be advised that a temporary HHW collection day will occur on Sunday 24 March 2013 at The Loftus Centre Car Park

LEGAL/POLICY:

WA Local Government Association, Household Hazardous Waste Policy Statement-December 2003;

“5 Matters Outside Local Government Responsibility

Local Government does not accept responsibility for the following:

- *Building or operating disposal or treatment facilities for Household Hazardous Waste*

7 Siting

Local Government endorses the principle that all members of the community must accept a shared responsibility for the safe collection and disposal of Household Hazardous Waste.

Facilities for the collection, aggregation and handling of Household Hazardous Waste must be sited with the above in mind and taking into consideration all relevant factors, including safety, convenience and environmental criteria.”

RISK MANAGEMENT IMPLICATIONS:

High: HHW has a major detrimental effect when buried in landfill.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

Natural and Built Environment

“Objective 1:1 Improve and maintain the natural and built environment and infrastructure.

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

- h) Reduce the use of toxic, hazardous materials (including E-waste), and promote the proper disposal of such materials.”*

SUSTAINABILITY IMPLICATIONS:

The City's Sustainable Environment Strategy 2011-2016 states:

“Objective 9: Reduce the use of Toxic and hazardous materials within the City and facilitate the proper disposal of such materials.”

FINANCIAL/BUDGET IMPLICATIONS:

Temporary HHW Collection Day:

The estimated cost for disposal of the collected HHW based on 2011 quantities is \$20,000 (quotation received from Toxfree). Setting up and conducting a temporary collection day, as well as transportation, storage, labour and advertisement costs etc is estimated to be an additional \$25,000.

Therefore it is estimated that a total of \$45,000 would be required if the City wished to hold and fund its own Temporary HHW Collection Days.

Electrical Waste Recycling:

The approximate electrical waste recycling costs incurred during the 2012 Bulk Verge Collection are set out below.

Electrical waste collection	\$22,000
Sea Containers hire and transportation	\$ 1,500
Electrical waste recycling (\$0.15/kg)*	<u>\$ 3,000</u>
	<u>\$26,500</u>

Note: If the City had paid the full recycling cost i.e. \$0.90/kg the total cost would have been approximately \$17,500.

Funds for electrical waste recycling were sourced from the Recycling Promotions account with the understanding that some recycling costs would again be covered under the WATEP agreement.

Recent information received from MRC indicated they will no longer be able to cover the cost of recycling electrical waste for the City under the WATEP agreement, as the agreement is now void.

Therefore for the City to continue to collect electrical waste as part of the General Junk Bulk Verge collection \$40,000 would need to be allocated in the 2013/2014 budget.

COMMENTS:

Residents need to be provided with opportunities to properly dispose of their HHW, and the permanent facilities, along with the temporary disposal days seems to be something that is embraced by the public.

MRC are more than happy to provide support in the form of staff to any Local Government wanting to hold their own HHW Disposal Day.

The recycling of electrical waste will continue to be carried out during the 2012/2013 financial year following the successful feedback received during the 2012/2013 Verge Collection, yet additional funds may be required on the Recycling Promotion account if volumes continue to increase.

9.2.5 Robertson Park Aids Memorial – Proposed Further Improvement Works

Ward:	South	Date:	1 February 2013
Precinct:	Hyde Park (P12)	File Ref:	CMS0042
Attachments:	001 – Various Photos		
Tabled Items:	Nil		
Reporting Officer:	J van den Bok, Manager Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** the improvement works to the Robertson Park Aids Memorial as outlined within the report, at an estimated total cost of \$15,000; and
2. **LISTS** an amount of \$15,000 for consideration in the 2013/2014 draft Capital Works budget to undertake the proposed improvement works.

COUNCIL DECISION ITEM 9.2.5

Moved Cr Wilcox, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Maier was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of the report is to seek the Council's approval for the proposed improvements to the Aids Memorial at Robertson Park and to list funds on the 2013/2014 draft capital works budget to undertake the works.

BACKGROUND

In August 2012 the City was contacted on numerous occasions by the Sisters of Perpetual Indulgence of Australia in relation to the alleged poor condition of the Robertson Park Aids Memorial.

It was claimed that the water feature had been in a state of disrepair for over six (6) months, the back wall lighting no longer worked, skateboarders were damaging the paved surfaces, signage was hanging off and the planting areas were unkept.

The City's Officer's were aware and had already organised repairs/maintenance to the various items identified, however continual correspondence was received by the City in relation to its lack of commitment and maintenance of the site.

Upgrade Works Carried Out – Prior to World AIDS Day – 1 December 2012

Several meetings (including the Mayor, Councillors and Officers) have since been held with all stakeholders in an effort to resolve the issues identified and all required maintenance works were completed in time for the vigil on World Aids Day which is held on the 1 December each year.

In addition, various improvement proposals have now been put forward by both the City of Vincent Officer's and stakeholders in an effort to upgrade the memorial and provide better interpretation of the site and structure.

DETAILS:

The proposed improvement works have been discussed with the artist/designer of the memorial, Rodney Glick who has endorsed all of the modifications/additions, including the recent planting of the Illawarra Flame tree (totem symbol) which has now replaced the bamboo.

Reflection Pond – installation of stainless steel surround:

As shown on the attached photographs, a concrete apron around the base of the reflection pond is continually stained with calcium build up and detracts from the overall feature. It is proposed to install a stainless steel strip around the base of the reflection pond to cover the existing bare concrete surface. **Estimated cost: \$4,310**

Back wall lighting – upgrade and connection:

The fibre optic lighting along the wall at the rear of the memorial has never worked effectively and the perspex light diffusers have deteriorated over time. It is proposed to upgrade the lighting using a technologically advanced LED lighting system and replace the perspex lighting diffusers. **Estimated cost: \$4,620**

Installation of signage/plaque:

A sign/plaque is proposed to be placed near the corner of Fitzgerald/Stuart streets which will outline the history of the site, memorial and what it represents with a possible Red Ribbon.

Signage considered acceptable is similar to that used at Ormiston House at the north/eastern corner of Robertson Park. – Financing of this item is to be further discussed with stakeholders. **Estimated cost: \$2,750**

Aids Memorial rock garden:

An AIDS Memorial Rock Garden concept is proposed and likely to be based on ‘The Pines Memorial in San Francisco’. This is considered a valid community engagement idea and the low planted area at the rear of the berm is an appropriate location. Large rocks, (large enough so they cannot be relocated) with appropriate text would be paced within the existing garden area. **Estimated cost: \$2,500**

Officer comments:

As noted within the report, meetings have been held on site with all stakeholders and it is considered the above improvements will add to the overall feature and give persons visiting the park a better understanding of what the memorial represents.

It should be noted that the existing planting of the Dianella species around the memorial which is now flourishing again has been agreed to be retained.

The City over the past three (3) months has undertaken various other works to maintain/improve the memorial, including installation of a new equipment cabinet, repairs to pipework, tiling and existing seating. A new park bench has been installed and the stand of giant bamboo replaced with a semi-mature Illawarra Flame tree following discussion with the artist.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: The improvement works if approved will not create any further risks when installed nor does the memorial create any risk/hazard in its current condition.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable

FINANCIAL/BUDGET IMPLICATIONS:

The costs provided above are estimates received from the various contractors engaged by the City and will undoubtedly increase slightly prior to the works being implemented in the new financial year should they be approved.

Therefore, an amount of \$15,000 has been recommended for inclusion in the draft 2013/14 budget which allows for any potential increase in CPI or materials.

COMMENTS:

The memorial was built in 2002 and has generally required very little maintenance or cost outlay by the City, however in view of the recent views of stakeholders, ongoing correspondence and meetings held on site, it is recommended that the Council allocate future funding to improve the memorial for future generations to enjoy.

9.2.6 Woodville Reserve Proposed Extension of Eco-zoning

Ward:	North	Date:	1 February 2013
Precinct:	All	File Ref:	RES0010
Attachments:	001 – Woodville Reserve 002 – Ecozoning Parks and Reserves Implementation Plan 2011-2025		
Tabled Items:			
Reporting Officer:	K Godfrey, Parks Technical Officer		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council APPROVES the proposal to extend the existing “eco-zone” sections at Woodville Reserve in accordance with the City’s Eco-zoning Implementation Program, as shown on the attached plan No. 2978-CP-01.

COUNCIL DECISION ITEM 9.2.6

Moved Cr Wilcox, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Maier was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to obtain Council approval to extend the existing “eco-zoning” of selected areas identified within Woodville Reserve.

BACKGROUND:

Ordinary Meeting of Council on 8 February 2011

The Council resolved in part:-

“That the Council;

- (i) *ADOPTS IN PRINCIPLE the Draft ‘Ecozoning’ Parks and Reserves Implementation Plan 2011-2025 for areas within the Town’s Parks & Reserves which have been identified for potential conversion, from turf to native garden areas, as shown on the attached spreadsheet and as shown in Appendix 9.2.2 - Plan Nos 2772-CP-01 to 25, subject to the following:*
 - (a) *Keith Frame Reserve and Loftus Street Median be moved to 2011/2012; and*
 - (b) *Kylla Park and Mick Michael Reserve be moved to 2015/2016;*
- (ii) *ADVERTISES the ‘Ecozoning’ Parks and Reserves Implementation Plan 2011-2025 for a period of twenty-one days, seeking public comment;*

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

Ordinary Meeting of Council on 13 September 2011

The Council resolved:-

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

DETAILS:

Consultation:

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

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

Woodville Reserve:

This report requests the existing ecozoning be extended.

This reserve is bounded by Fitzgerald, Farmer and Namur streets and is located in North Perth. Being an active sports ground the vast majority of the area is covered by Kikuyu turf grass. The perimeter of the reserve features old plantings of exotic tree species such as Moreton Bay Fig, Camphor Laurel, Jacaranda and Canary Island Date Palms.

There are clubrooms, public toilets, barbeques and a large shaded playground area all of which are located at the western end of the reserve. Seating in and around the park/playground will not be compromised by the proposed works.

An area of the reserve adjacent to Fitzgerald Street was planted up with native plant species a number of years ago. Any additional eco-zoned areas planned for this reserve will compliment this established planting.

There is a large grassed street verge on the Namur Street frontage of the reserve however it was resolved not to eco-zone this area as it is well utilised by park patrons and sporting club participants for parking. To eco-zone this section the verge would limit parking for the public and have the potential to create parking issues thus impacting on the amenity of the surrounding streets.

The proposed eco-zoned areas will be planted up with attractive low growing native shrubs and ground covers. Once established they will enhance the biodiversity of the area and add to the visual appeal of the reserve.

Irrigation of the Reserve:

The current design of the irrigation system lends itself to cutting off the bore water supply to the areas identified on the plan. The central active playing field will still receive the required allocation of ground water to maintain the turf surface to an acceptable standard for sporting activities.

CONSULTATION/ADVERTISING:

Adjacent owner/occupiers will be notified prior to the commencement of any on-ground works.

LEGAL/POLICY:

Ecozoning Parks and Reserves Implementation Plan 2011-2025.

RISK MANAGEMENT IMPLICATIONS:

Low: Insignificant.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment"

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

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

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

SUSTAINABILITY IMPLICATIONS:

Implementation of "Eco-Zoning" will have environmental, economic and social benefits for the City of Vincent.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$30,000 has been allocated in the City's 2012/2013 budget to undertake the works.

Estimated Cost Benefits:

An estimated \$3,344 per annum will be saved by implementing the proposed eco-zoning of Woodville Reserve.

COMMENTS:

When the native plants within these eco-zoned areas mature, they will provide brilliant seasonal colour. It will also increase the biodiversity within each respective area and enhance the visual aesthetic appeal of the park/reserve. The Council will also reduce its bore water use thus contributing in saving Perth's precious ground water supplies.

9.2.9 Black Spot Treatment at the Intersection of Lord and Harold Streets, Mount Lawley/Highgate – Approval of Works

Ward:	South	Date:	1 February 2013
Precinct:	Forrest (14)	File Ref:	TES0173
Attachments:	001 – Black Spot Proposal 2884-DC-01A 002 – Manual Traffic Counts diagrams, 2952-RD-01 & 02 003 – Trial Plan 2928-CP-01		
Tabled Items:	Nil		
Reporting Officer:	C Wilson, Manager Asset and Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

That the Council **APPROVES** the half (½) seagull island **Black Spot Treatment** at the intersection of Harold and Lord Streets being made permanent as shown on attached Plan No. 2884-DP-01A, in the interest of improving road safety.

COUNCIL DECISION ITEM 9.2.9

Moved Cr Wilcox, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Maier was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the results of the recent community consultation following the extended trial of the ‘½ seagull island’ Black Spot treatment at the intersection of Harold and Lord Streets, Highgate/Mt Lawley and approve of the works.

BACKGROUND:

At its ordinary meeting held on 14 February 2012 the Council considered a report on a trial of a proposed ½ seagull Black Spot treatment at the intersection of Harold and Lord Streets, Highgate/Mount Lawley.

The report was presented as a result of a number of residents voicing their concerns about the City’s surveyor having set out the proposed treatment (preceding construction) without any prior community consultation.

While the proposed treatment is intended to improve safety at the intersection it has an impact upon access for both residents in the immediate area and visitors/employees of the Public Transport Authority (PTA) Centre.

Having considered the report Council made the following decision:

“That the Council;

1. *APPROVES conducting a three (3) month trial modification to the intersection of Harold and Lord Streets, Mount Lawley/Highgate, using removable barriers as shown on attached Plan No 2928-CP-01; and*
2. *NOTES that a further report will be submitted to the Council, once the matter has been considered by the Integrated Transport Advisory Group, at the conclusion of the three (3) months trial.”*

DETAILS:

In accordance with the Council decision of 14 February 2012 a trial version of the ½ seagull island, comprising sand bags and bollards, was installed on 23 March 2012. Traffic data was collected in the immediate streets and adjacent Rights of Way before and during the trial. In addition an AM and PM peak period manual traffic count was conducted Wednesday 6 June 2012, as per attached drawings 2952-RD-01 and 2952-RD-02.

The three (3) month trial was due to conclude at the end of June 2012.

The matter was subsequently re-considered at the Integrated Transport Advisory Group (ITAG) Meeting of 2 July 2012 in accordance with Councils decision.

After some discussion the ITAG determined that the impact upon Summers Street had not been given due consideration and directed that additional traffic data be collected (after the then July school holidays) and that the matter then be returned to the ITAG.

At the following ITAG meeting, held 15 October 2012, the additional Summers Street data was duly tabled.

After some discussion the Group acknowledged that the data indicated that the Summers Street had not been adversely impacted but continued to be concerned that Turner Street and Phelps Lane were impacted and asked that extra counts be undertaken.

At the ITAG meeting of 26 November 2012, the Turner Street and Phelps Lane data was discussed before the Group endorsed the following:

“That the ITAG:

1. *NOTES the trial Black Spot Improvement was implemented in March 2012, and*
2. *that after the initial adjustment period traffic volumes on all the affected streets have either reduced, stabilised or where they have increased they have come from a low base.*
3. *Advises the residents and business that the in light of the traffic data that the ITAG supports the changes being made permanent, and*
4. *Presents a further report to Council seeking approval to proceed on the above basis.”*

Public Consultation

All the residents in the directly affected streets, including Turner Street and Phelps Lane, and immediate surrounding streets, were sent an information pack on 30 November 2012 and invited to comment on making the ½ seagull treatment permanent.

In total 201 information packs were disturbed, resulting in the twenty (20) submissions being received, representing a responses rate of 10%.

The following is the information contained within the pack.

BLACK SPOT IMPROVEMENT PROJECT INTERSECTION LORD & HAROLD STREETS, HIGHGATE/MT LAWLEY

In December 2011 the City set-out a proposed ½ ‘seagull’ island at the above location as a Nation Building Black Spot Improvement Project. The purpose of the island is to prevent the right turn movement out of Harold into Lord Street as a means of reducing the number of traffic accidents at the intersection.

Immediately following the set out, and as a result of a number of complaints by residents, a report was submitted to the Ordinary Meeting of Council held on 14 February 2012, where the Council approved conducting ‘a three (3) month trial modification to the intersection of Harold and Lord Streets, Mount Lawley/Highgate.’

At the conclusion of three months the matter was referred to the City's Integrated Transport Advisory Group's (ITAG) meeting held in July 2012 at which the matter was discussed.

NOTE: ITAG is chaired by the Mayor and comprises two (2) other elected members, three (3) community members, the City's Director Technical Services, Manager Asset and Design Services and TravelSmart Officer.

The ITAG subsequently decided that the impact of the changes upon Summers Street (between the PTA Centre and Claisebrook Road), Turner Street and Phelps Lane had not been adequately assessed.

As a result additional traffic data was collected in Summers Street as well Harold Street west of Lord Street, Phelps Lane and Turner Street.

Traffic Data

Over the last nine (9) months while the trial has been in place, the traffic data collected has shown an overall decrease in traffic volumes in West Parade, Chertsey and Harold Streets, stable volumes for Summers Street, Cantle Street and Phelps Lane and a slight increase in traffic using Turner Street. Some of the variation may be attributed to seasonal and demand (generated by train and coach services at the PTA Centre) factors and events at nib Stadium.

Further, during the intervening period both the City (preliminary works for road resurfacing) and Western Power (nib Stadium Underground Power Cabling) have been undertaking works in both Lord and Harold Streets, which may have impacted upon traffic within the immediate area.

	<i>Harold</i>	<i>Chertsey</i>	<i>West</i>	<i>Cantle</i>	<i>Summers</i>	<i>Turner</i>	<i>Phelps</i>
<i>Feb 12*</i>	1036	238	1008	257	1434	163	23
<i>May 12**</i>	764	201	930	257		215	
<i>July 12**</i>					1452		
<i>Nov 12**</i>						210	25

Average Weekday Traffic (AWT)

In respect of the two (2) Rights of Way (ROW) between Harold and Cantle Street the table below shows the western or Lord Street ROW and the eastern or West Parade ROW.

	<i>Western ROW</i>	<i>Eastern ROW</i>
<i>Feb 12*</i>	7	7
<i>May 12**</i>	9	21

Average Weekday Traffic (AWT)

*NOTE: * Before trial
** During trial*

The full data is available on the City's web-site under the Community Consultation section.

In respect of Turner Street while the increase is in the order of 29% it was coming off a very low base of 163 vehicles AWT, increasing to 210 AWT.

Accident Statistics March 2012 to November 2012.

The accident data is generally released annually and not readily available on a month by month basis. Further, a 'collision' diagram, showing exactly where and from what direction the vehicles are travelling cannot be generated on monthly data. However Main Roads have provided some preliminary data that indicates that since the trial commenced there has been a reduction in accidents.

The ITAG again considered the matter at its meeting of 26 November 2012 where it was agreed that in light of the above data that the Group's recommendation is that the changes be made permanent.

Summary of Comments received:

While the ITAG recommendation was that the ½ seagull be made permanent in anticipation that the City would likely receive comments, a submission form was included in the information pack, with a closing date, to ensure that any comments were in a structured form.

In favour: 7
Against: 11
Other: 2

Related Comments *In Favour* of the Proposal:

- 5 x in favour with no further comment.
- It is a very dangerous corner. A car turning right from Harold St – over speed limit hit the Western Power pole – bounced off it – crossed 4 lanes and smashed into my bedroom.
- We are strongly in favour of making the ½ seagull trail permanent. No traffic accidents have occurred since it was installed that I am aware of, apart from an unrelated accident of a car crossing west to east heading a car heading north in Lord Street. We would be deeply distressed if the intersection is opened up again, as ourselves and immediate neighbours, not to mention those involved in the accidents, have to deal with it.

Related Comments *Against* the Proposal:

- Turner Street is a narrow, local thoroughfare with parking approved along one side, bounded by a popular park...Turner Street should not bear the brunt of the redirected traffic resulting from this island. An option which has not been pursued is that access to the PTA be reconfigured so that the entrance/exit as Summer Street, leading to the light-controlled intersection with Lord Street, becomes the sole access to this facility. This would result in an obvious decrease in traffic through the Harold and Lord Street intersection and direct an existing heavy traffic flow through a light controlled intersection.
- An increase of traffic in Turner Street of 29% is not a slight increase. To say it is coming from a low base is not relevant. This is a very narrow street and extra 'rat run' traffic should not be encouraged.
- I think 29% increase is a huge impact on a narrow and short street like Turner Street.
- Other than during peak hours the traffic on this intersection is extremely low, and it makes no sense to prohibit vehicles from making a right turn from Harold Street onto Lord towards Walcott Street.
- No consideration of how this affects residents. I believe it's a ridiculous decision. It's already difficult enough to cross Lord Street. This restriction will make it much worse.
- The ½ seagull island has made the area more dangerous in my opinion....There is no direct way of turning right onto Lord Street since the changes and I believe the only option is to return the intersection to the way it was or possibly a roundabout to ensure the traffic on Lord Street slows down.

- The data shows the ROW traffic (eastern) has tripled. To encourage better housing sustainability, you want more people to live off ROW's, safely. There are only 5 of us who are 'local traffic only' for this ROW yet it has now tripled to 21 dailies! Vehicles – fast and noisy. Rat runners are using the ROW to use Cantle Street to turn right into Lord Street...
- I cannot accept that the right hand turn into Lord Street and the straight through crossing will be permanently closed off to cater for two (2) hours of peak traffic in the morning and evening....It is a nuisance to my family and others in Harold Street who want to travel to Bayswater or Midland as we need to go all the way to Summers Street and then travel back north..
- This has led to traffic confusion and new hazards as vehicles are often doing U-turns in Lord and Turner Streets or using residents driveways...statistical information fails to take into account U-turns in Lord and Turner Streets. The proposed configuration creates considerable inconvenience for residents without any demonstrable improvement in safety.
- Harold Street already has significant traffic from the railway station and the TAFE college, this change will make things worse...it is unnecessary and more effort should be made to control unauthorised parking on Harold Street, especially during the school terms.
- ...all this will do is make people take Turner Street which is narrow and not able to take the extra volume unless you make it a high traffic road as time goes on the traffic will only increase.

Related Other Comments:

- Has the Council considered other alternatives such as a roundabout or a set of traffic lights. Traffic has increased in the smaller residential streets during peak hour periods. It is very hard to get to Guildford Road without travelling extra and it takes more time. An initiative to improve the intersection is a good idea however, too many streets are closed one way or the other so alternatives should be considered rather than partial road closures.

Accident data since the trial commenced.

Main Road's annual accidents statistics are generally released in February/March of each year for the preceding twelve (12) months to 31 December. The data covers a five (5) year period with the oldest data dropping off to be replaced the latest year.

Specific to the Harold and Lord Streets intersection Main Roads responded favourably to a request from the City to release the 2012 data early to assist in the preparation of this report.

As indicated above the trial commenced 23 March 2012. For the period from installation to 31 December 2012 there were three (3) reported accidents, assessed as major property damage only (i.e. no injuries reported at the time).

In 2011 and 2010 there were seven (7) reported accidents in each year.

All three (3) of the 2012 accidents were a result of a vehicle turning into or out of Harold Street west of Lord Street, i.e. the opposite side to the treatment.

The accident types were:

- Thru – right (code 22), a car travelling south in Lord turned right (into Harold Street west) across a car heading north (in Lord Street).
- Right – thru (code 14), a car heading east in Harold Street (intending to cross Lord Street) hit a car turning right into Harold Street west bound.
- Right – thru (code 12), a car turning right out of Harold Street into Lord Street south bound was hit by a car travelling south in Lord Street.

While accidents are likely to continue at this location (as supported by the historical data) the treatment has eliminated a number of potential accidents types, such as mirror image of those listed above. Further, it has simplifies the decision making process for motorists entering the intersection as it reduces the number of conflicting movements through the intersection.

Officer Comments:

Turner Street:

In respect of Turner Street it is appreciated that the residents who responded do not accept that any increase in traffic volumes is acceptable. However 210 vehicles per average weekday is very low and well below that of the surrounding streets. Further, the narrowness of Turner Street is in itself a deterrent to rat running and ensures a low speed environment.

Restrictions on access:

In regards an unreasonable impost on the access of the residents in the area bounded by West Parade, Lord and Harold Streets it affects only trips their trips via the Mt Lawley subway east. All other directions/destinations are maintained albeit by a different route, i.e. using West Parade to access Walcott Street. It acknowledged that for destinations east of the subway their route is extended and more indirect however the trade off is that it should be safer for them as it is for casual users/visitors.

Understandably the residents located on the corner (adjacent the ½ seagull), and have in past assisted those involved in accidents, are in favour of the change being made permanent.

Other traffic management methods:

Black Spot treatments are assessed by using a benefit cost ratio (BCR), the cost of the treatment over the potential savings. All accidents are assigned a value, fatalities in excess of \$1 million down to minor property (i.e. vehicle damage) at several thousand dollars. Accidents statistics over a 5 year period are used to establish a pattern and eliminate spikes. The higher the BCR the greater likelihood a project will be funded. Therefore inexpensive treatments, such as a ½ seagull, which are also very effective, will always score highly. Conversely expensive treatments, such as traffic signals, tend to score lower unless there is excessive number of accidents or several fatalities at an intersection.

Therefore suggestions such as signals and roundabouts would not have qualified for Black Spot funding. Typically new traffic signals cost in the order of \$200,000 to \$250,000, as would a roundabout at this location. Further, a roundabout would not work as there is insufficient room in which to accommodate it (without reducing Lord Street to single lane and thereby reducing capacity) while traffic volumes are too concentrated in Lord Street to enable reasonable/easy access for traffic from Harold Street.

Increased traffic on the Rights of Way between Harold and Cantle Streets:

The data shows that the Right of Way (ROW) closest to Harold Street has not been significantly impacted upon, it has seen an increase of two (2) vehicles per day (from 7 to 9), and most likely to be local residents. For the ROW closest to West Parade the increase has been far more substantial, from 7 to 21, and again it is likely the majority of the increase can be attributed to local residents from West Parade and Chertsey Streets. That said it still less than one (1) vehicle per hour per average weekday.

CONSULTATION/ADVERTISING:

Those residents of Harold, Lord, Chertsey, Cantle and Turner Streets, Phelps Lane and West Parade affected by the changes will be advised of the Council's decision.

LEGAL/POLICY:

Harold Street is classified as an Access Road and Lord Street a District Distributor A road in accordance with the Functional Road Hierarchy and both are under the care, control and management of the City.

RISK MANAGEMENT IMPLICATIONS:

Medium/High: Black Spots are based upon a five (5) year accident history. For the period 1 January 2005 to 31 December 2009, upon which the original Black Spot submission was based, the intersection recorded twenty-two (22) accidents of which six (6) involved casualties. The proposed treatment (½ seagull) would have potentially eliminated seven (7) of the twenty-two (22) accidents.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment"

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

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

SUSTAINABILITY IMPLICATIONS:

Improve safety for residents and road users.

FINANCIAL/BUDGET IMPLICATIONS:

The City has received National Building Black Spot funding of \$50,000 to undertake traffic safety improvements at the intersection of Harold and Lord Streets.

COMMENTS:

The accident statistics and traffic data for the nine (9) months that the trial ½ seagull island has been in place suggests that it has improved the safety of intersection without a significant displacement of traffic. However it is acknowledged that it does impact upon the convenience of the residents in the enclave bounded by West Parade, Lord and Harold Streets by requiring them to use a more circuitous route for any trips east of the Mt Lawley Sub-way. Further, it has lead to an increase in the volume of traffic in Turner Street, but as indicated in the main body of the report the average weekday traffic is still at the lower end of traffic volumes for City's road network.

It is therefore requested that, in the interest of safety, the officer recommendation be supported.

9.2.10 Environmental Initiative – ‘Cash for Cans’ Project Progress Report

Ward:	All	Date:	1 February 2013
Precinct:	Both	File Ref:	TES0593
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	J Parker, Project Officer – Parks and Environment		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES** the progress and completion of the Cash for Cans Scheme; and
2. **WRITES** to the six (6) schools that participated in the project expressing the City’s appreciation for their efforts.

COUNCIL DECISION ITEM 9.2.10

Moved Cr Wilcox, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Maier was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to provide to the Council with an overview and evaluation of the Cash for Cans Scheme.

BACKGROUND:

In September 2012 the first Cash for Cans scheme was held in the City of Vincent. The six (6) primary schools located within the City were invited to take part in the scheme. For each can collected, between September and December, the schools were entitled to ten (10) cents from the City to a maximum amount of \$2,000.

At the Ordinary Meeting of Council on 14 August 2012, the Council resolved:

- “1. *APPROVES* the proposed project of the ‘Cash for Cans’ environmental project to be undertaken in conjunction with interested primary schools in the City;
2. *APPROVES BY AN ABSOLUTE MAJORITY* to fund the project from the 2012/2013 Environmental Budget as outlined in the report, subject to the funding not exceeding \$15,000;
3. *AUTHORISES* the Chief Executive Officer, in liaison with the Mayor, to conduct the project and it be held between September – December 2012; and
4. *INVITES* the Minister for the Environment or his representative to attend any of the City’s appropriate events related to the project.”

Following the above Council decision, the Cash for Cans scheme was formulated and implemented.

DETAILS:

Container Deposit schemes are successfully operating in many locations over the world, including South Australia and Northern Territory. In some cases these schemes have been operating for over thirty (30) years. South Australia boasts around a 90% recovery rate for drink containers sold within the state.

The objectives of the project was to raise awareness and foster the culture of resource recovery, recycling and increase the efficiency of resource management. The scheme aimed to enable a trial of a successful working container deposit scheme.

A secondary objective of the scheme was to provide school with a funding opportunity.

The City's recycling contractor, Perth Waste, supported the scheme by constructing six (6) cages specifically for the cans, which held up to 20,000 containers. These cages were delivered to each of the six (6) participating primary schools.

From early September through to early December, the participating schools collected cans and engaged in a range of recycling activities which varied from school to school. The City supported schools in a range of ways including school visits, appropriate signage, advertising in the local papers and any way requested by the individual school.

The cheques and certificates were presented to the schools' representatives at the Light-Up Leederville Festival held 8 December 2012, by the Hon. Mayor Alannah MacTiernan.

The results of the Cash for Cans Scheme are as follows:

School	Number of Cans	Price	Place
North Perth Primary School	13,200	\$ 1,350	1st
Aranmore Primary School	10,500	\$ 1,050	2nd
Kyilla Primary School	6,200	\$ 650	3rd
Mount Hawthorn Primary School	4,800	\$ 500	4th
Sacred Heart Primary School	4,100	\$ 400	5th
Highgate Primary School	400	\$ 50	6th

CONSULTATION/ADVERTISING:

Several rounds of advertising were carried out in The Guardian and The Voice at the beginning of the project to inform residents and the local community of the Cash for Cans scheme.

Mid way through the scheme a second round of advertising, encouraging nearby residents to contact their local school to donate their cans, were carried out in The Guardian and The Voice.

Large two (2) meter by one (1) meter signs were designed, printed and installed on each cage located within the primary school advertising the City run Cash for Cans scheme.

LEGAL/POLICY:

A project brief was created by the City and signed by each school. The project brief outlines in the liability section that;

"Except to the extent caused or contributed to by the negligence of the City, the school releases and agrees to indemnify the City and keep the City indemnified from all costs claims actions proceedings demands expenses judgements damages or losses of any kind including any relating to loss of life or of personal injury to any person or damage to any Premises (wherever occurring) resulting from or attributable to anything incurring on or in the vicinity of the Premises by any act, neglect, default or omission by the school or any of the school's Employees and Visitors."

RISK MANAGEMENT IMPLICATIONS:

Low: The Cash for Cans scheme has a low level of potential risks. The existing risks are of little consequence to the City in any case.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

"Toward Environmental Sustainability

3.4 Reduce, Re-use, Recycle

Objective 7: Reduce the use of resources and production of waste within the City in partnership with Business, residents and visitors including through the re-use and recycling of materials."

SUSTAINABILITY IMPLICATIONS:

Supporting the development and education of recycling and efficient resource management is a crucial element in the sustainable development of the City. The scheme supports community members and residents of the City to implement and develop sustainable practices.

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure for this matter incurred was under the following budgeted item:

Budget Amount:	\$ 50,000.00
Spent to Date:	\$ 6,336.06
Balance:	\$ 43,663.94

The Cash for Cans scheme was first proposed at an initial budget of \$15,000 to be funded from the City's Recycling Expenditure - Displays/Promotions account (account totalling \$50,000). At the completion of the Cash for Cans scheme a total of \$6336.06 was spent. This included advertising, signage and payment to the schools.

COMMENTS:

A number of Local Governments have been participating in a Container Deposit Legislation Advocacy Working Group over the past few months. Officers of the City have been involved in this working group. During this time, a range of events and supportive actions have been implemented; including the City of Vincent's Cash for Cans scheme.

Awareness was raised surrounding the potential benefits and positive outcomes that a successful Container Deposit Legislation may deliver. Through the Cash for Cans scheme, children at the participating schools were educated about recycling and participating in actions to support a sustainable community. The Cash for Cans scheme is expected to increase the frequency of recycling and container deposit within the schools and local communities in the future.

9.2.11 Proposed Withdrawal of Bus Route 401 – Wellington Bus Station to Wembley/Stirling Station

Ward:	South	Date:	1 February 2013
Precinct:	Oxford Centre (4), Cleaver (5), Smiths Lake (6), Hyde Park (12)	File Ref:	TES0178
Attachments:	001 – Route 401 Transperth Response		
Tabled Items:	Nil		
Reporting Officer:	F Sauzier, Travel Smart Officer		
Responsible Officer:	R Lotznicker, Director Technical Services		

That the Council;

1. **NOTES** the response received from Transperth, as attached, advising that they still intend to withdraw the Route 401 Bus Service; and
2. **AUTHORISES** the Chief Executive Officer to write to Transperth and the Minister for Transport expressing its strong disappointment regarding the decision to withdraw the Route 401 Bus Service.

COUNCIL DECISION ITEM 9.2.11

Moved Cr Wilcox, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Maier was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council that a response has been received from Transperth in respect to the request from the City to have the proposed withdrawal of the route 401 bus service consultation period extended.

BACKGROUND:

In mid October 2012, a community member contacted the City, advising that they had become aware of the proposed withdrawal of the route 401 bus services. This service is the only east-west service operating in the City of Vincent.

At the Ordinary Meeting of Council held on 6 November 2012 a report was presented to the Council in relation to the proposed withdrawal of the bus route, where it was resolved;

“That the Council;

1. *NOTES* the recommendations from Transperth in relation to the proposed withdrawal of Bus Route 401, with replacement by New Route 85 as shown in appendix 9.2.1 A
2. *CONSIDERS* that the proposed withdrawal of Bus Route 401 which is the only actual east/west public bus route through the City is not in the best interest of the City’s residents, businesses or its visitors;
3. *REQUESTS* Transperth to extend the public comment period in relation to the proposed withdrawal of Bus Route 401, for the reasons outlined in the report;

4. *AUTHORISES the Chief Executive Officer to circulate information about the proposed withdrawal of Bus Route 401, through a range of communication channels available, to the City's residents, businesses and visitors; and*
5. *NOTES that the City is undertaking traffic modelling for the Leederville town centre and a feasibility study for an east-west community bus project, which are expected to be completed by April 2013, and are likely to provide further justification on the importance of maintaining and enhancing east-west transport movements in the City.*

DETAILS:

Following the report to Council on 6 November 2012, the Director of Technical Services wrote to Transperth on behalf of the City, expressing concern at the proposed withdrawal of the service and requesting an extension to the consultation period to allow a more thorough opportunity to canvas community opinion.

The opportunity was then taken to circulate information about the proposed withdrawal of bus route 401 using the City's website communication channels including its 'News' pages. During this period, articles appeared in the local paper referring to the proposed service withdrawal and the City received a call from a resident saying the "service removal would inconvenience a lot of people".

On 7 December 2012, the City received a response from Transperth advising that although it had made improvements to the route 401 bus service in 2011, patronage continued to remain low. In addition, Transperth acknowledged that although "some passengers would lose their direct east-west connection, it is important to note that all journeys are still possible on the Transperth network".

Transperth further advised that the community consultation period for the proposed route 401 bus service changes had closed and that it "was extensively advertised and feedback from the consultation was overwhelming". For these reasons, Transperth advised that "there would be little added benefit in extending the consultation period further" (refer letter attached).

The route 401 bus service will be replaced by a new route, Route 85, which will operate from Glendalough Station to Wellington Street but journeying through the Town of Cambridge along Cambridge Street. In addition, Transperth advise that there will also be an increase in frequency of bus services travelling from the North to the South heading to the City. These changes are expected to be put in place by April 2013.

CONSULTATION/ADVERTISING:

Transperth had advertised the withdrawal of the service on its website. The City listed the 'Notice of the Proposed Withdrawal of the 401 Bus Route' on its 'News' pages of the City of Vincent website.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

The loss of any public transport service is of concern to the City.

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

The withdrawal of the route 401 bus services is contrary to the City of Vincent's intention of increasing 'cross-town' public transport. The refurbishment of the Beatty Park Leisure Centre and significant improvements in place making activities in both the east and west of the City would have likely seen an increase in demand for an east-west bus service.

The withdrawal of the route 401 bus services does present an opportunity for the Community Bus Feasibility Study Steering Group to further consider the east-west linkages between the City's Town Centres and key services and attractors.

9.2.12 Request to the Minister for Lands for Acquisition of the Right of Way Bounded By Anzac Road, Oxford, Salisbury and Shakespeare Streets, Leederville as Crown Land

Ward:	North	Date:	31 January 2013
Precinct:	Leederville Precinct (3)	File Ref:	TES0250
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	A Munyard, Senior Technical Officer, Land and Development		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council **APPROVES** the commencement of the acquisition process in accordance with Section 52 (1) (b) of the Land Administration Act 1997 and request the Minister for acquisition of the Right of Way (ROW) bounded by Anzac Road, Oxford, Salisbury and Shakespeare Streets so that it may be designated a public way.

COUNCIL DECISION ITEM 9.2.12

Moved Cr Wilcox, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Maier was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval to initiate a request to the Minister for Lands for the acquisition of the ROW in accordance with Sec 52 (1) (b) of the Land Administration Act 1997, and its subsequent vesting in the City for purpose of public access way.

BACKGROUND:

A subdivision application forwarded to the City by WAPC has been refused as no legal pedestrian or vehicular access is available to the proposed rear lot. Although the Salisbury Street property appears to have access available from both rear and side ROWs, neither is in fact legally available for its use.

Changing the designation of the adjacent ROW from private to public will resolve this problem and other issues pertaining to the ROW's private status.

DETAILS:

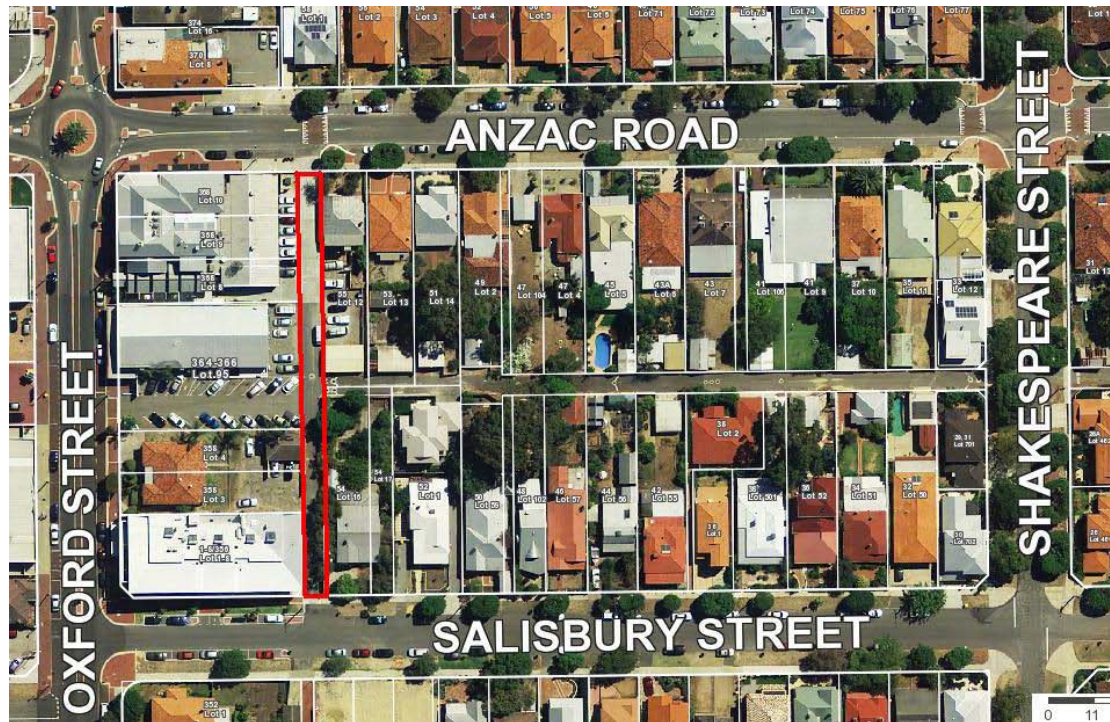
The City has approximately 550 ROW legs, a number of which remain in "private" ownership.

Technically (and legally) private ROWs are available for use only by the adjacent residents, and in some cases, only by the residents on one side, depending on how the lots were created.

Access rights are automatically available to all lots which are created on the same survey plan or diagram as the ROW itself. These are known as Sec 167A easements, or implied rights of access. Access rights can also be obtained by agreement of the owner of the ROW, with an "Expressed Right Easement" being endorsed on both the ROW title and that of the beneficiary lot.

Access right issues and ROW maintenance matters arise from time to time, and can best be resolved by purchase or resumption of the ROW in accordance with the Council's adopted "ROW Acquisition and Upgrade" program.

The private ROW described above and highlighted in Reference Plan 1 (below), remaining in title Volume 419 Folio 164, provides legal access only to those properties on its western side. The ROW is part of an access "network" bounded by Anzac Road, Oxford, Salisbury and Shakespeare Streets.



Reference Plan 1

Inquiries have confirmed that the owner of the ROW, George Edward Wheatley, died in 1920, and a copy of the probate document has been obtained. The ROW remains in the deceased's estate (ROWS such as this one, with intact access easements, have no real monetary value, and in fact the owner, together with the holders of easements, is responsible for its maintenance).

A specialist land consultant who has researched the background of the ROW has provided the following information:

"George Wheatley passed away on 4 August 1920 and administration of his Estate was granted to Herbert Holland Wheatley. A search at the Probate Office indicates there was no subsequent Probate issued for Herbert Holland Wheatley who we must presume is long deceased.

In December 2012 we did manage to contact Edward Wheatley the grandson of Herbert Holland Wheatley who advised that to the best of his knowledge all the beneficiaries of the Estate of his grandfather are deceased. He further indicated he had no issues with future resumption of the ROW as there was no beneficial interest to the surviving Wheatley family."

Officers Comments:

With the formal consent of the Council, the City may request the Minister to acquire the ROW as Crown Land, vesting its care and control in the City for the purpose of public ROW. Legal access through the ROW will then be available to the public, with significant benefits for development options of the lots bordering its eastern side.

CONSULTATION/ADVERTISING:

Advertising will be carried out in accordance with the requirement of the Land Administration Act 1997 and Land Administration Regulations 1997.

LEGAL/POLICY:

The request for acquisition will be carried out in accordance with the requirement of the Land Administration Act 1997 (in particular sec 52) and the Land Administration Regulations 1997.

RISK MANAGEMENT IMPLICATIONS:

Not applicable

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

The City has adopted a program whereby it will endeavour to acquire all private ROWs.

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable

COMMENTS:

That the officers recommendation to request the Minister for acquisition of the Right of Way (ROW) bounded by Anzac Road, Oxford, Salisbury and Shakespeare Streets so that it may be designated a public way be supported for the reasons outlined in the report.

9.2.13 Request to the Minister for Lands for the Acquisition and Reversion to 'Crown Land' of the Right of Way Named Luce Lane, North Perth

Ward:	North	Date:	1 February 2013
Precinct:	Norfolk Precinct (P10)	File Ref:	TES0225
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	A Munyard, Senior Technical Officer, (Land and Development)		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council **APPROVES** the commencement of the acquisition process, in accordance with Section 52 (1) (b) of the Land Administration Act 1997, for the Minister for Lands to acquire and revert the Right of Way named Luce Lane to Crown Land.

COUNCIL DECISION ITEM 9.2.13

Moved Cr Wilcox, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Maier was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval to initiate a request to the Minister for Lands for the acquisition of the Right of Way (ROW) in accordance with Sec 52 (1) (b) of the Land Administration Act 1997, and its subsequent vesting in the City for purpose of public access way.

BACKGROUND:

A request has been received from residents adjacent to Luce Lane, for the City to take over its management and care.

As the ROW is in a deceased estate, acquisition of the right of way (ROW) by the Crown and subsequent vesting of its care and control in the City, will achieve this outcome, and is in line with the City's "ROW Acquisition and Upgrade" program.

DETAILS:

Luce Lane was created by subdivision on Diagram 4613 in 1917, and is a private ROW providing sole access, both vehicular and pedestrian, to two (2) residential properties on its eastern side. The ROW is also used to provide vehicular access to the property bounding its western side, although this property does not currently have a legal right to its use.

An expressed right of carriageway easement was later endorsed on the title of Lot 300 on Plan 2355(1), 205 Walcott Street. Rendering Luce Lane a public ROW will make legal the use of the ROW by the property bordering its western side, and at the same time, relieve the properties to its east of the maintenance burden. The City can carry out maintenance of a Public ROW.

The City has carried out a probate search of the name of the registered owner of the ROW (Ernest Whitcombe) revealing that he died on 22 October 1964. The executor of his estate was the Public Trustee. Further searches will be required to ascertain whether his beneficiary, Edith Ellen Whitcombe, has also passed away. Should that be the case, the City can proceed with a request to the Minister for acquisition as Crown Land of the ROW under s52 (1) (b) of the Land Administration Act 1997.

Luce Lane is highlighted in red in the attached photograph.



CONSULTATION/ADVERTISING:

Advertising will be carried out in accordance with the requirement of the Land Administration Act 1997 and Land Administration Regulations 1997.

LEGAL/POLICY:

The request for acquisition will be carried out in accordance with the requirement of the Land Administration Act 1997 (in particular sec 52) and the Land Administration Regulations 1997.

STRATEGIC IMPLICATIONS:

The City has adopted a program whereby it will endeavour to acquire all private ROW's in the City.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$15,000 has been included on the 2012/2013 Annual Budget for ROW acquisitions. Actual costs will be limited to document lodgement costs.

COMMENTS:

The City has a program directed towards acquisition of all private ROWs, so that it can better manage access and maintenance matters. The ROW is brick paved with soak wells installed, and doesn't pose an immediate maintenance burden. As residents have expressed concern over future maintenance and security of access through this ROW, it is recommended that the Council approve the initiation of the acquisition process.

9.3.1 Investment Report as at 31 December 2012

Ward:	Both	Date:	1 February 2013
Precinct:	All	File Ref:	FIN0033
Attachments:	001 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	B C Tan, Manager Financial Services; N Makwana, Accounting Officer		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **NOTES** the Investment Report for the month ended 31 December 2012 as detailed in Appendix 9.3.1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Wilcox, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Maier was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the level of investment funds available, the distribution of surplus funds in the short term money market and the interest earned to date.

BACKGROUND:

Interest from investments is a significant source of funds for the City, where surplus funds are deposited in money market for various terms. Details are attached in Appendix 9.3.1.

Council’s Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number 1.2.4.

DETAILS:

Total Investments for the period ended 31 December 2012 were \$20,711,000 compared with \$24,711,000 at 30 November 2012. At 31 December 2011, \$18,011,000 was invested.

Investment comparison table:

	2011-2012	2012-2013
July	\$13,511,000	\$18,211,000
August	\$24,011,000	\$30,511,000
September	\$22,011,000	\$28,511,000
October	\$21,511,000	\$26,711,000
November	\$21,011,000	\$24,711,000
December	\$18,011,000	\$20,711,000

Total accrued interest earned on Investments as at 31 December 2012:

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$584,000	\$355,000	\$276,533	47.35
Reserve	\$535,000	\$320,000	\$361,151	67.50

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Funds are invested in accordance with the City's Investment Policy 1.2.4.

RISK MANAGEMENT IMPLICATIONS:

High: Section 6.14 of the Local Government Act 1995, section 1, states:

“(1) Subject to the regulations, money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested in accordance with Part III of the Trustees Act 1962.”

COMMENT:

As the City performs only a custodial role in respect of monies held in Trust Fund Investments these monies cannot be used for Council purposes. Key deposits, hall deposits, works bonds, planning bonds and unclaimed money were transferred into Trust Bank account as required by Local Government (Financial Management) Regulations 1996, Section 8 (1b).

The funds invested have reduced from previous period due to instalment payment to ESL and payments to creditors.

The report comprises of:

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

9.3.2 Authorisation of Expenditure for the Period 1 December 2012 – 31 December 2012

Ward:	Both	Date:	1 February 2013
Precinct:	All	File Ref:	FIN0032
Attachments:	001 – Creditors Report		
Tabled Items:	-		
Reporting Officers:	O Wojcik, Accounts Payable Officer; B Tan, Manager Financial Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

1. Schedule of Accounts for the period 1 December 2012 – 31 December 2012 and the list of payments;
2. Direct lodgement of payroll payments to the personal bank account of employees;
3. Direct lodgement of PAYG taxes to the Australian Taxation Office;
4. Direct lodgement of Child Support to the Australian Taxation Office;
5. Direct lodgement of creditors payments to the individual bank accounts of creditors; and
6. Direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;

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

COUNCIL DECISION ITEM 9.3.2

Moved Cr Wilcox, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Maier was an apology for the Meeting.)

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 December 2012 – 31 December 2012.

BACKGROUND:

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

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Automatic Cheques	73342 - 73526	\$271,246.68
Transfer of Creditors by EFT Batch	1474, 1476 - 1483	\$5,474,583.51
Transfer of PAYG Tax by EFT	December 2012	\$259,934.00
Transfer of GST by EFT	December 2012	
Transfer of Child Support by EFT	December 2012	\$760.69
Transfer of Superannuation by EFT:		
• City of Perth	December 2012	\$0.00
• Local Government	December 2012	\$0.00
Total		\$6,006,524.88
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$8,365.67
Lease Fees		\$6,696.83
Corporate MasterCards		\$15,750.44
Loan Repayment		\$192,890.27
Rejection fees		\$45.00
Total Bank Charges & Other Direct Debits		\$223,748.21
Less GST effect on Advance Account		0.00
Total Payments		\$6,230,273.09

LEGAL POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2011-2016:

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

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

(a) Continue to adopt best practice to ensure the financial resources and assets of the City are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced."

SUSTAINABILITY IMPLICATIONS:

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

ADVERTISING/CONSULTATION:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENT:

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

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

9.3.3 Financial Statements as at 31 December 2012

Ward:	Both	Date:	1 February 2013
Precinct:	All	File Ref:	FIN0026
Attachments:	001 – Financial Reports		
Tabled Items:	002 – Significant Accounting Policies		
Reporting Officers:	B C Tan, Manager Financial Services; N Makwana, Accounting Officer		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the **Financial Statements** for the month ended 31 December 2012 as shown in Appendix 9.3.3.

COUNCIL DECISION ITEM 9.3.3

Moved Cr Wilcox, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Maier was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to present the Financial Statements for the period ended 31 December 2012.

BACKGROUND:

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

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

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

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

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

DETAILS:

The following documents represent the Statement of Financial Activity for the period ending 31 December 2012:

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

1. SIGNIFICANT ACCOUNTING POLICIES AND NOTES

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

Comments on the financial performance are set out below:

2. As per Appendix 9.3.3.

3. Statement of Financial Activity by Programme Report

Operating Revenue excluding Rates

YTD Actual	\$9,128,271
YTD Revised Budget	\$10,177,623
YTD Variance	\$1,049,352
Full Year Budget	\$20,198,425

Summary Comments:

The total operating revenue is currently 90% of the year to date Budget estimate.

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

General Purpose Funding – 16% under budget;
 Governance – 96% under budget;
 Law, Order, Public Safety – 17% under budget;
 Health – 12% under budget;
 Education and Welfare – 1% over budget;
 Community Amenities – 32% over budget;
 Recreation and Culture – 17% under budget;
 Transport – 6% under budget;
 Economic Services – 24% under budget;
 Other Property and Services – 29 over budget; and
 General Administration (Allocated) – 24% under budget.

Operating Expenditure

YTD Actual	\$21,796,222
YTD Revised Budget	\$22,750,448
YTD Variance	(\$954,226)
Full Year Budget	\$45,143,870

Summary Comments:

The total operating expenditure is currently 96% of the year to date Budget estimate.

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

General Purpose Funding – 5% under budget;
 Governance – 1% under budget;
 Law Order and Public Safety – 9% under budget;
 Health – 10% under budget;
 Education and Welfare – 7% under budget;
 Community Amenities – 8% under budget;
 Recreation and Culture – 5% under budget;
 Transport – 3% over budget;
 Economic Services – 7% under budget;
 Other Property & Services – 81% over budget; and
 General Administration (Allocated) – 76% under budget.

Net Operating and Capital Excluding Rates

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

YTD Actual	\$12,762,676
YTD Revised Budget	\$12,715,737
Variance	\$46,939
Full Year Budget	\$26,548,292

4. Statement of Financial Activity by Nature and Type Report

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

5. Statement of Financial Position and

6. Statement of Changes in Equity

The statement shows the current assets of \$29,669,923 and non-current assets of \$201,592,824 for total assets of \$231,262,747.

The current liabilities amount to \$10,998,220 and non-current liabilities of \$19,356,716 for the total liabilities of \$30,354,935.

The net asset of the City or Equity is \$200,907,812.

7. Net Current Funding Position

	31 December 2012 YTD Actual \$
Current Assets	
Cash Unrestricted	7,173,410
Cash Restricted	12,278,559
Receivables – Rates and Waste	4,586,860
Receivables – Others	3,525,708
Inventories	196,305
	27,760,842
Less: Current Liabilities	
Trade and Other Payables	(4,886,445)
Provisions	(2,523,351)
Accrued Interest (included in Borrowings)	(55,297)
	(7,465,093)
Less: Restricted Cash Reserves	(12,278,559)
Net Current Funding Position	8,017,190

8. Capital Expenditure Summary

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

	Budget	Year to date Revised Budget	Actual to Date	%
Furniture & Equipment	\$310,640	\$182,490	\$119,256	65%
Plant & Equipment	\$1,757,000	\$953,000	\$887,653	93%
Land & Building	\$11,289,000	\$9,460,000	\$6,199,314	66%
Infrastructure	\$13,916,365	\$6,227,640	\$2,896,800	47%
Total	\$27,273,005	\$16,823,130	\$10,103,024	60%

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

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

9. Restricted Cash Reserves

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

The balance as at 31 December 2012 is \$12.2m. The balance as at 31 December 2011 was \$8.4m. The increase is due to \$8.06m loan received from WA Treasury for Beatty Park Redevelopment and \$5m received from State Government of WA for a new lease agreement for the nib Stadium for 25 years with further 25 years option. In addition \$1m funding has been received from the Federal Government for the Hyde Park Lake Restoration project.

10. Sundry Debtors

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Sundry Debtors of \$714,577 is outstanding at the end of December 2012.

Out of the total debt, \$329,203 (46.1%) relates to debts outstanding for over 60 days, which is related to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangement for more than one year.

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

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

11. Rate Debtors

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

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

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

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

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

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

Rates outstanding as at 31 December 2012 including deferred rates was \$4,424,660 which represents 18.03% of the outstanding collectable income compared to 19.60% at the same time last year.

12. Beatty Park Leisure Centre – Financial Position Report

As at 31 December 2012 the operating deficit for the Centre was \$969,657 in comparison to the year to date budgeted deficit of \$814,927.

The cash position showed a current cash deficit of \$926,391 in comparison year to date budget estimate of a cash deficit of \$770,984. The cash position is calculated by adding back depreciation to the operating position.

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

13. Major Variance Report

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

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

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2011-2016:

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

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENT:

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

9.3.4 Annual Plan – Capital Works Programme 2012/2013 – Progress Report No.2 as at 31 December 2012

Ward:	Both	Date:	1 February 2013
Precinct:	All	File Ref:	FIN0025
Attachments:	001 – Annual Capital Works Schedule 2 nd Quarter		
Reporting Officers:	M Rootsey, Director Corporate Services; R Boardman, Director Community Services; R Lotznicker, Director Technical Services; and C Eldridge, Director Planning Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES Progress Report No. 2 for the period 1 October 2012 to 31 December 2012 for the Capital Works Programme 2012/2013, as detailed in Appendix 9.3.4; and**
2. **NOTES the status of various projects, as detailed in the report.**

COUNCIL DECISION ITEM 9.3.4

Moved Cr Wilcox, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Maier was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly progress report on the Council's Capital Works Programme 2012/2013 for the period 1 October 2012 to 31 December 2012.

BACKGROUND:

At the Special Meeting of Council held on 3 July 2012, Council adopted the Annual Budget 2012/2013.

DETAILS:

The Capital Works Programme now forms part of the Annual Plan for the City of Vincent. The Directors and Managers from the four (4) Directorates have formulated the attached Capital Works Programme. The Programme comprises of \$9.1 million of new Capital Works.

The programme takes into consideration the following factors:

- Budget/funding;
- Existing workload commitments of the workforce;
- Consultation requirements;
- Liaison with other agencies/service areas;
- Employee leave periods;
- Leave requirements; and
- Cash flow requirements.

THE FOLLOWING PROJECTS WILL NOT NOW BE UNDERTAKEN DURING THIS FINANCIAL YEAR.

Project	Reason
Halverson Hall – renovate toilet block	Project for a unisex toilet for the hall being reviewed. Maybe more beneficial to construct a separate toilet in the park.
Slab Footpath Programme	
Charles Street – Angove to Albert	Pending adjoining development being completed.
Charles Street – Scarborough Beach Road	Pending adjoining development being completed
Traffic Management	
Angove/Woodville Street traffic management	Council Decision of 9 September 2012, Item 9.2.3, not to proceed with this project.
Car parking	
Broome Street – Angle parking	Council Decision of 14 August 2012, Item 10.2, not to proceed with this project.

THE CURRENT PROJECTS ARE CURRENTLY “ON HOLD” AWAITING THE RESULTS OF COMMUNITY CONSULTATION OR APPROVALS FROM EXTERNAL PARTIES.

Project	Reason
Mens Shed	Awaiting outcome of community consultation
Auckland/Hobart Street Reserve - install unisex toilets	Location to be determined
Beaufort precinct - installation of unisex public toilets	Location to be determined
Traffic Management	
Fitzgerald Street	Pending further discussions at ITAG
Black Spot	
Lord and Harold Streets	Pending further discussions at ITAG
Roadworks	
Rehabilitation Newcastle Street – Oxford to Loftus street	Pending Water Corporation development.
Rights of Way	
Nova Lane configuration/resurfacing	Pending completion of development
Slab Footpath Programme	
Stirling Street – Bulwer to Brisbane Street	Pending completion of development
Parks Development	
Weld Square Stages 1 & 3	Awaiting designs from Central TAFE
Community Garden	Awaiting outcome of community consultation
Car Parking	
Melrose Street angle parking	Deferred pending DA for adjacent property
Miscellaneous	
Town Centre Banner Poles	To be reviewed by Leederville Town Centre Enhancement Working Group

THE TIMING ON THE WORK OF THE FOLLOWING PROJECTS HAS BEEN CHANGED FROM THE ORIGINAL SCHEDULING.

Project	Reason
Streetscape Enhancements	
Brisbane Terrace	Southside tree planting moved to May 2013.
Roadworks	
Rehabilitation Beaufort Street, Broome to Walcott Streets	Deferred until after Beaufort Street Festival.

CONSULTATION/ADVERTISING:

Not applicable

LEGAL/POLICY:

The Capital Works Programme has been prepared on the adopted 2012/2013 Annual Budget.

STRATEGIC IMPLICATIONS:

Strategic Community Plan 2011 – 2021 (Plan for the Future)

In keeping with the City's Strategic Plan 2011-2016 Key Result Area One – Natural and Built Environment:

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

The Capital Works Programme is funded in 2012/2013 Annual Budget.

COMMENTS:

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

9.4.1 City of Vincent Draft Arts Plan 2012-2017 – Adoption In Principle

Ward:	Both	Date:	1 February 2013
Precinct:	All	File Ref:	CVC0017
Attachments:	001 – Draft Arts Plan 2012-2017		
Tabled Items:	Nil		
Reporting Officers:	J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **ADOPTS IN PRINCIPLE** the City of Vincent Draft *Arts Plan 2012-2017* as shown in Appendix 9.4.1; and
2. **AUTHORISES** the Chief Executive Officer to:
 - 2.1 advertise the City of Vincent Draft *Arts Plan 2012-2017* as shown in Appendix 9.4.1 for public comment for a period of twenty-eight (28) days inviting written submissions from the public in accordance with the City's Policy No. 4.1.5 relating to Community Consultation; and
 - 2.2 Report back to the Council on any public submissions received.

COUNCIL DECISION ITEM 9.4.1

Moved Cr Wilcox, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Maier was an apology for the Meeting.)

PURPOSE OF REPORT:

To present a report to the Council that outlines a Draft Arts Plan for the City of Vincent from 2012 through to 2017.

BACKGROUND:

According to the *Culture Report 2012* for Western Australia, produced by the Department of Culture and Arts, the following information is reported;

- In Western Australia, 86% of people attended cultural venues and events in the 12-months prior to interview in 2009–10;
- 1.5 million people living in Western Australia attended a selected cultural venue or event at least once during the 12-months prior to interview in 2009–10, representing 86% of the population aged 15 years and over;
- 92% of young people (15–24 years) in Western Australia attended a cultural venue or event in the 12-months prior to interview in 2009–10;
- In the 12-months prior to April 2009, over two-thirds (72%) of Western Australian children aged 5–14 years attended a Public Library, Museum or Art Gallery, or a Performing Arts event at least once outside of school hours;

- According to the 2009 Survey of Disability, Ageing and Carers, 64% of people in Western Australia aged 5 years and over with a disability, and 64% of people aged 60 and over, attended at least one cultural venue or event;
- Of the people in Western Australia who participated in cultural activities as a hobby only in the 12-months prior to April 2007: 214,100 participated in Art and Craft, 28,900 in Writing and 27,300 in Music;
- Over one-third (37%) of children in Western Australia, or 104,600 children, were involved in cultural activities outside of school hours, including Playing musical instruments, Singing, Dancing and Drama in the 12-months to April 2009;
- 590,500 adults (aged 18 years and over) in Western Australia undertook volunteer work within an Arts or Heritage organisation in the 12-months prior to interview in 2010, equating to 8% of the adult population;
- Over one quarter (29%) of Indigenous people living in Western Australia participated in at least one Indigenous creative arts activity in 2008; and
- Over a third (36%) of persons in Western Australia had attended a popular music concert in 2009–10.

Local Governments in Western Australia are not required to have an Arts Plan, unlike the statutory requirement to have a Disability Access and Inclusion Plan or a Community Safety and Crime Prevention Plan.

The City of Vincent has provided opportunities for our community to participate in a variety of arts and cultural activities, which in turn helps create social unity and celebrates diversity, creativity and innovation.

DETAILS:

The Draft *Arts Plan 2012-2017* has three objectives:

1. To implement a strategic planning approach to arts in the City of Vincent;
2. To encourage community engagement in the development and management of arts opportunities; and
3. To foster an awareness of Council's role in supporting the development of a diverse range of quality Arts' facilities, activities and programmes, which contribute to the well being of the community.

The Draft *Arts Plan 2012-2017* positions the City to be able to respond to needs and to be proactive in preparing for the impact of future trends and community demands. It will guide the direction of future activities, programmes and strategies, and will inform the allocation of resources and the identification of revenue and funding opportunities.

A defined commitment to the Arts will ensure the provision of unique cultural experiences close to home, giving people the opportunity to experience Arts as part of everyday life. It also serves to enhance the reputation of the City, providing a competitive edge.

The City has played a significant role in the cultural life of the community through a range of activities and services such as:

- Support for festivals and entertainment, and the recreational aspects of culture and the arts, including parks, gardens and recreation facilities;
- Arts programmes;
- Library services;
- Civic and community facilities;
- Special programmes, skills development initiatives, grants and prizes;
- Community development programmes and services;
- Economic development strategies such as pop up shops;
- Urban, streetscape and landscape improvements; and
- Heritage preservation.

The strategies identified in the Draft *Arts Plan 2012-2017* are as follows;

1. Ensure that arts and cultural issues and considerations are an integral part of Council's policy, planning and strategies;
2. Encourage active engagement with key stakeholders to ensure that the arts programme is relevant and inclusive to meet with diverse needs of the community;
3. Promote a diverse annual programme of arts and cultural activities, festival and events;
4. Provide public spaces for the community to celebrate events and promote various expressions of art;
5. Encourage and support engagement and community spirit through community cultural development projects;
6. Support placemaking projects that tell the stories of the City, its people and history through the Arts;
7. To support the commissioning of site specific artworks by Council in public spaces throughout the City that represents the City's culturally diverse and rich community;
8. To encourage the commissioning of public art by private sector developers and businesses;
9. Build creative partnerships with local business sector and property developers to support arts and cultural activities; and
10. Effectively manage and promote the City's Art collection.

Through these strategies, the City can be well placed to raise awareness of the value of cultural experience and to create pathways for community and business participation. It can advocate for, invest in, facilitate and support initiatives, highlight strengths, and identify gaps, barriers and opportunities by undertaking an annual review of the Arts Programme through the Plan's framework.

Strategies To-Date

The newly created position of Arts and Creativity Coordinator was appointed in August 2012 and commenced on 3 September 2012.

The following example of initiatives have been undertaken and planned as part of the City's Arts Programme for 2012/2013;

Events

Beaufort Street Festival	Assisting the event organisers with the City's requirements and on statutory issues such as risk management.
Light Up Leederville Festival	Weekly consultation meetings, including ideas to make the festival different from others, advice to event organisers and coordinating the Christmas Lights decorations.
WAYJO Big Band Festival	Event liaison with WAYJO administration.
Angove Street Festival	Liaison with community group.
Hyde Park Water Playground Opening (Hydromania)	Coordinating opening event and media launch, arranged printing quotes and kids for photo shoot.
St Patrick's Parade and Event	Consultation meetings to work out event proposal.
Hyde Park Rotary Fair	event liaison.
Beatty Park 50 th Anniversary	Assisting with VIP event and open day.
Summer Concerts in the Park	Coordinating four concert events through January and February in Vincent parks. Possible collaboration with RTR FM for an outside broadcast. Movie screening to be included for one of the concerts.

Art Initiatives

Bincent Art Awards	Oversaw the design of the postcard and currently the project has extended its advertising.
Vietnamese Monument	Panel member and community consultant.
Beaufort Street Public Art	Assisted with the Media launch. Drafted up contracts.
Artist in Residence	Weekly meetings, publicity, hospitality for the artists (picking them up from the airport, access to the Coordinator's mobile number that they can call for any needs), arranging their schedule.
Cash in Lieu Projects	Approved by Council for artworks at No. 374 Charles Street, 331 Bulwer Street and 208 Beaufort Street.
Creative Connections	Word and Arts Soirée, freewheeling discussions with Arts practitioners and bookshop businesses. Concept ideas.
Beaufort Street Enhancement Working Group	Coordinating major/minor artwork including organising recent media launch at Beaufort Street Merchant.
Leederville Town Centre Working Group	Coordinating requests for quotation for wall art.
Short Film Project	Short films on Vincent to be presented at the February Summer Concert at Banks Reserve.

CONSULTATION/ADVERTISING:

The Coordinator is meeting with local groups such as RTRFM, CANWA and Artsource to plan collaborations that will present some innovative projects to engage the community through the Arts.

The Draft *Arts Plan 2012-2017* will be advertised for community consultation for a period of twenty eight (28) days in accordance with the Community Consultation Policy No 4.1.5, as follows:

- Advertisement in local newspaper;
- Review by the Arts Advisory Group;
- Notice on the City's website;
- Copies displayed at City of Vincent Administration and Civic Centre and Library and Local History Centre; and
- Arts agencies, Galleries and groups.

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2011 – 2016*, Objective 3.1.1(a) states:

“Develop an Arts and Culture Plan.”

SUSTAINABILITY IMPLICATIONS:

The Draft *Arts Plan 2012 – 2017* aims to contribute to the cultural vitality of the City's community and by promoting access to the Arts, has a positive effect on the liveability of the City and strengthens the community.

FINANCIAL/BUDGET IMPLICATIONS:

The Draft *Arts Plan 2012 – 2017*, as proposed in this report, is designed to direct current resources to priority areas rather than to generate new unfunded initiatives. Any projects that may be brought forward over and above those outlined in the proposed Plan and that require additional resources, would be considered as part of the City's normal budgeting process.

COMMENTS:

The Draft Arts Plan 2012- 2017 has been considered by the City's Arts Advisory Group.

Creative cities are the result of creative thinking, innovation, coordination and commitment through policy work and allocation of resources. It is a multi-faceted area that should not stay prescribed but allowed to grow within a simple policy framework.

The Draft *Arts Plan 2012 – 2017* will provide strategic direction to the Council to support the development of a proactive arts and cultural programme, as well as promote and enhance community pride and the cultural life of our City. A Plan such as this cements our reputation as being an arts and culture hub, and inevitably contributes to our local economy and social capital.

9.4.3 Extension of Existing Operating Hours and Introduction of New Parking Time Restrictions in Hyde Park Area – Final Adoption

Ward:	South	Date:	1 February 2013
Precinct:	Hyde Park; P12	File Ref:	PKG0076; TES0591; PKG0007
Attachments:	001 – Drawing 2998-PP-01, Lake Street 002 – Drawing 2999-PP-01, Glendower Street 003 – Drawing 2997-PP-01, Throssell Street		
Tabled Items:	Nil		
Reporting Officer:	J MacLean, Manager Ranger and Community Safety		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council **APPROVES**;

1. The introduction of a new three hour (3P) parking time restriction, on the west side of Lake Street, between Primrose Street and Glendower Street, Perth operating at all times as shown in Appendix 9.4.1A;
2. The extension of the operating times for the existing;
 - 2.1 three hour (3P) parking time restrictions, to operate at all times, in the following streets;
 - 2.1.1 north side of Glendower Street, between William Street and Throssell Street, Perth, as shown in Appendix 9.4.1B;
 - 2.1.2 south side of Glendower Street between William Street and Fitzgerald Street, Perth as shown in Appendix 9.4.1B; and
 - 2.1.3 east side of Throssell Street, between Vincent Street and Glendower Street, Perth as shown in Appendix 9.4.1C;
 - 2.2 two hour (2P) parking time restrictions, on the west side of Throssell Street, between Vincent Street and Glendower Street, Perth to operate at all times as shown in Appendix 9.4.1C; and
 - 2.3 one hour (1P) parking time restrictions, on the north side of Glendower Street, between Throssell Street and Fitzgerald Street, Perth, to operate at all times, as shown in Appendix 9.4.1B.

COUNCIL DECISION ITEM 9.4.3

Moved Cr Wilcox, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Maier was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the outcome of the public consultation with residents of Glendower Street, Throssell Street and surrounding streets, regarding the proposal to extend the operating hours of the parking restrictions in the Hyde Park area.

BACKGROUND:

This report was submitted to the Council under Delegated Authority for the period between 21 December 2012 and 11 February 2013. As a simple majority was not achieved, the report is now submitted on the Agenda for the first Ordinary Meeting of Council held on 12 February 2013.

For some time, the City has been receiving complaints from residents in the Hyde Park area, about backpackers and other itinerants who are using the area to camp overnight.

Because the toilets at Hyde Park are locked each night, these "campers" are unable to access toilet facilities so are simply using the grassed areas.

At the Ordinary Meeting of Council held on 20 November 2012, the Council approved a consultation process to assess the level of support from the community, for the introduction of new parking restrictions in Lake Street and extended operating hours for the existing parking restrictions in Glendower Street and Throssell Street, Perth, as follows:

"That the Council;

1. *AGREES to carry out consultation for a period of fourteen (14) days, seeking comments from residents concerning;*
 - 1.1 *the introduction of a new three hour (3P) parking time restriction, on the west side of Lake Street, between Primrose Street and Glendower Street, Perth operating at all times as shown in Appendix 9.4.1A; and*
 - 1.2 *to extend the operating times for the existing:*
 - 1.2.1 *three hour (3P) parking time restrictions, to operate at all times, in the following streets:*
 - (a) *north side of Glendower Streets, between William Street and Throssell Street as shown in Appendix 9.4.1B;*
 - (b) *south side of Glendower Street between William Street and Fitzgerald Street, Perth as shown in Appendix 9.4.1B; and*
 - (c) *the east side of Throssell Street, between Vincent Street and Glendower Streets, Perth as shown in Appendix 9.4.1C;*
 - 1.2.2 *two hour (2P) parking time restrictions, on the west side of Throssell Street, between Vincent Street and Glendower Streets, Perth to operate at all times as shown in Appendix 9.4.1C; and*
 - 1.2.3 *one hour (1P) parking time restrictions, on the north side of Glendower Streets, between Throssell Street and Fitzgerald Street, Perth, to operate at all times, as shown in Appendix 9.4.1B; and*
2. *REQUESTS a further report to be submitted to the Council, following the public consultation period."*

DETAILS:

Community Consultation:

In accordance with the Council's decision, 152 letters were distributed to residents in the Hyde Park area. At the close of the consultation on 14 December 2012, seven (7) responses had been received with six (6) in favour of the proposal and one (1) against the proposal.

Related Comments *In Favour* of the Proposal

- As previously advised, cars continue to use Throssell Street as a "short cut" and drive too fast; and
- The Society agrees in principle with the restrictions. However, we hold regular talks and seminars where people need on-street parking, so we ask that the Council negotiate with us for parking permits.

Related Comments *Against* the Proposal

- *"I wish to register my strong objection to the proposed restrictions **unless weekends and public holidays are excluded from any time limits.** As a resident of Glendower Street and very frequent user of Hyde Park for 13 years I have not found the problems you mention. On the contrary, having witnessed the activities of many of these travellers and spoken personally to numbers of them I have found most to be quiet, respectful, law abiding people who do no harm or damage to the park or its environs."*

Related *Other* Comments

- On busy days cars park right on the edge of our driveway. Will the Council please mark parking lines on either side of our driveway entrance?

Officers Comments:

The majority of respondents are in favour of extending the operating times of the existing parking restrictions to be in operation at all times.

It is therefore considered that the restrictions should be introduced.

CONSULTATION/ADVERTISING:

Residents will be informed of the Council's decision.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

Low: Mainly related to amenity improvements for residents.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Amended signage will be required and the cost is estimated at around \$350.

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

Parking and Street Name Signs

Budget Amount:	\$ 95,000
Spent to Date:	<u>\$ 52,269</u>
Balance:	\$ 42,731

COMMENTS:

The amenity of residents in Glendower and Throssell Streets will be improved by the extended parking regime, as reflected in the feedback received, and at the same time, it will continue to provide an amenity to the public.

It is therefore recommended that the new operating hours for the existing restrictions be made permanent.

9.4.6 Community and Welfare Grants and Donations Scheme 2012/2013

Ward:	Both	Date:	1 February 2013
Precinct:	All	File Ref:	FIN0202
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	E Everitt, Community Development Officer J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council **APPROVES** payment of the following Community Welfare Grants and Donations as part of the funding approved in the 2012/2013 Annual Budget:

Organisation	Amount
Women's Health and Family Services	\$5000
Western Australian AIDS Council	\$3500
Catch Music Inc.	\$5050

COUNCIL DECISION ITEM 9.4.6

Moved Cr Wilcox, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Maier was an apology for the Meeting.)

PURPOSE OF REPORT:

To obtain the Council's approval for the above listed grants under the Community Welfare Grants and Donations Scheme.

BACKGROUND:

The City of Vincent established the Community and Welfare Grants and Donations Scheme to provide financial assistance to individuals who are disadvantaged and/or in crisis and to not for profit community service providers that provide assistance to City of Vincent residents.

Not for profit organisations are entitled to apply for grants of up to \$5,895 per financial year to assist with providing community services and programmes.

Sundry Donations are also allocated to enable the City to provide small donations to not for profit community service providers who are not in receipt of an annual grant. All applications are thoroughly assessed in accordance with determined criteria and guidelines.

This application has been rated against the set criteria. The ratings are shown below:

Criteria	Weighting
Benefit to City of Vincent residents	50%
Financial viability of the project or programme	10%
Previous grants acquitted satisfactorily	10%
Targets vulnerable and disadvantaged groups in the community	10%
A unique service that meets the needs of the community	10%
Demonstrated experience in delivering the service or programme	10%
	100%

DETAILS:

A summary of the applications and their ratings is shown below:

Organisation	Women's Health and Family Services (WHFS)
Purpose of Funding	<p>This Funding will be for the provision of three (3) programmes:</p> <p>Brokerage Programme \$1000 Providing assistance to clients, their children and families to access recreational activities at Beatty Park Leisure Centre. These activities include but are not limited to: swimming, the gym, group fitness classes. Crèche attendance for younger children will also be included in this funding.</p> <p>Venue Hire \$1250 WHFS has a number of meeting rooms which are extremely well used; however, they often require more specialized facilities such as media rooms with computer access, spaces with commercial kitchens and larger meeting rooms for special gathering. WHFS would use a portion of the requested funds (\$1250.00) to hire appropriate spaces within the City to carry out services and programmes.</p> <p>Heartmoves Aqua Aerobic Classes \$2100 Heartmoves is a low impact fitness programme accredited through the National Heart Foundation and designed for people who are living with health conditions such as diabetes. This class will be held at Beatty Park Leisure Centre and will be offered at a subsidised rate to low income women with chronic health conditions. If space is available subsidised classes will be open to low income male family members of WHFS clients.</p> <p>Marketing and Promotion \$600 \$600 is requested to promote the above mentioned services and programmes.</p>
Target Group	<p>Programmes and services at WHFS are open to all West Australian women including Aboriginal, migrant and refugee women, and their families. Services particularly target those from low socio economic groups, women with problematic alcohol and drug use, and women with chronic mental health issues who are parenting.</p>

Organisation	Women's Health and Family Services (WHFS)
Services Provided	The Service areas at WHFS include health and medical, mental health, drug and alcohol support and advocacy, domestic violence support and advocacy, community development, and Aboriginal family support. Counselling and support services are available to thirty (30) rural and remote communities in Western Australia as a part of a new Rural in reach program.
Incorporated	Yes.
Residents Served	WHFS is currently implementing a service wide database which will provide demographic information, such as how many WHFS clients live in what council areas. Currently, there are 11,600 clients in the data base and 566 of those clients are City of Vincent residents; however, the WHFS are still in the process of entering clients into the data base so the actual number of City residents may be much higher.
Comments	The abovementioned programmes and services will help disadvantaged women and their families build a better link with the Vincent community and will engage WHFS clients in the social, health and wellbeing benefits of participating in the community. Moreover, provision of these programmes will allow equal access to physical and recreation activities regardless of culture, socioeconomic status and the other barriers that WHFS clients face.
Amount Requested	\$5000
Officer Recommendation	\$5000 for the provision of the Brokerage Programme, Venue Hire, Heartmoves Aqua Aerobics, and Marketing and Promotion.

Women's Health and Family Service	Raw Score	Weighted Score
Benefit to City of Vincent residents	70	35%
Financial viability of the project or program	90	9%
Previous grants acquitted satisfactorily	100	10%
Targets vulnerable and disadvantaged groups in the community	100	10%
Unique service that meets the needs of the community	90	9%
Demonstrated experience in delivering the service or program	100	10%
Total	550	83%

Organisation	Western Australian AIDS Council (WA AIDS Council)
Purpose of Funding	The requested funding will contribute to the HIV Assistance Fund. This programme provides emergency financial assistance to people living with HIV who are experiencing a financial crisis and at risk of homelessness, losing access to essential utilities, having no income for food, and a range of other issues that may have a negative impact on their health.
Target Group	The WA AIDS Council provides the following services: Support and care services for people living with HIV or AIDS, HIV, STI and BBV health promotion, education and prevention services, emergency relief, counselling and policy advice and advocacy at community, State and National levels.
Services Provided	The WA AIDS Council provides the following services: Support and care services for people living with HIV or AIDS, HIV, STI and BBV health promotion, education and prevention services, emergency relief, counselling and policy advice and advocacy at community, State and National levels.
Incorporated	Yes.

Organisation	Western Australian AIDS Council (WA AIDS Council)
Residents Served	The WA AIDS Council had provided 180 occasions of service in the 2011-2012 financial year and thirty four (34) of those clients reside in the City of Vincent. On average, 15% of the Clients accessing services from WA AIDS Council are City of Vincent Residents.
Comments	Many People living with HIV or AIDS are on a fixed income and struggle to manage financially. By providing financial emergency assistance, WA AIDS Council can address social and health issues as well as addressing actual and perceived barriers of seeking this type of assistance at outside organisation.
Amount Requested	\$3500
Officer Recommendation	\$3500 for the provision of the HIV Assistance Fund.

Western Australian AIDS Council	Raw Score	Weighted Score
Benefit to City of Vincent residents	80	40%
Financial viability of the project or program	90	9%
Previous grants acquitted satisfactorily	100	9%
Targets vulnerable and disadvantaged groups in the community	100	9%
Unique service that meets the needs of the community	90	9%
Demonstrated experience in delivering the service or program	100	10%
Total	560	86%

Organisation	Catch Music Inc.
Purpose of Funding	The requested funding will be used to support and promote the Leederville Catch Music Programme, which currently operates out of the Loftus Community Centre. Specifically, the requested grant will contribute to venue hire, advertising, and programme coordination. Catch Music sessions are an opportunity for people of all musical and social abilities to come together and make music. The sessions are weekly held on Tuesday evenings for a forty (40) week term.
Target Group	The target group of Catch Music are people who have disabilities, mental illness, youth, seniors and other people who are at risk of social isolation.
Services Provided	Catch Music is a not for profit organisation that provides music activities throughout Perth that are socially inclusive. The aim of these activities is to enable all members of the community to come together, play music and build supportive connections within the community. A particular effect is made to welcome and include people with disabilities, mental illness or anyone who is marginalised or socially isolated.
Incorporated	Yes
Residents Served	Catch Music runs sessions all over the Perth Metropolitan area; the Leederville session is the session that Catch Music is seeking funding for. The Leederville session attracts around 25 participants and of those 25 participants approximately three (3) people or 9% are Vincent Residents. Furthermore, there are approximately 700 people registered in the Catch Music network and approximately 112 or 16% of people who are registered in Catch Music network are Vincent residents.
Comments	Catch Music is designed to use music to create social opportunities for people who find it difficult to form connections in the Community. Catch Music is an important social support system for many people with physical or intellectual disability or mental illness. The opportunity for people with and without disabilities to interact

Organisation	Catch Music Inc.
	together in an everyday social environment is rare. Catch Music is passionate about the model they have created that fosters and builds community inclusiveness.
Amount Requested	\$5050
Officer Recommendation	\$5050 for the provision of Catch Music sessions in Leederville.

Catch Music Inc.	Raw Score	Weighted Score
Benefit to City of Vincent residents	75	37.5%
Financial viability of the project or program	80	8%
Previous grants acquitted satisfactorily	100	10%
Targets vulnerable and disadvantaged groups in the community	100	10%
Unique service that meets the needs of the community	100	10%
Demonstrated experience in delivering the service or program	100	10%
Total	555	85.5%

CONSULTATION/ADVERTISING:

The Community Welfare Grants and Donations are advertised on the City's website and are open for application in May and November of each financial year. The City's Officers contacted multiple organisations from the City's Community Resource Database in November 2012 to invite them to apply for this round of funding. Women's Health and Family Services, Western Australian AIDS Council and Catch Music have been successful in submitting completed applications. The Community Development Officer has made recommendations in this report based on those applications.

As this is the last round of funding for this financial year the advertising will reopen from 21 January-8 February 2013. During this open period, the Community and Welfare Grants and Donations will be advertised on the City's Website, Facebook and email invitations to apply will be sent to contacts and networks of the City.

LEGAL/POLICY:

No. 3.10.6 – Community and Welfare Grants.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Plan 2011-2016* Objective 3 states:

“Community Development and Wellbeing

3.1.3 Promote health and wellbeing in the community.

3.1.6 Build capacity within the community to meet its needs.”

SUSTAINABILITY IMPLICATIONS:

The provision of the recommended grants will create a positive standard of sustainability and accessibility in the community. Provision of these grants will allow the above listed organisations to continue initiatives that promote health, wellbeing, education and social inclusion to marginalised and vulnerable persons in the community. The recommended grants are for the provision of programmes that enhance the quality of life of all residents in the community.

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure for this matter will be incurred under the Donations and Sponsorship budgeted item as follows:

Budget Amount:	\$45,000
Spent to Date:	\$ 6,427
Allocated for Special Assistance Welfare:	\$10,000
Allocated for Sundry Donations:	<u>\$ 5,000</u>
Balance:	\$23,573

COMMENTS:

All of above organisations provide a range of unique financially viable services that support and enhance the quality of the City of Vincent and are recommended for funding.

9.5.1 Use of the Council's Common Seal

Ward:	-	Date:	1 February 2013
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **NOTES** the use of the Council's Common Seal on the documents listed in the report, for the month of December 2012/January 2013.

COUNCIL DECISION ITEM 9.5.1

Moved Cr Wilcox, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Maier was an apology for the Meeting.)

BACKGROUND:

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

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

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

Date	Document	No of copies	Details
31/12/2012	Local Law Amendment	1	City of Vincent Dogs Amendment Local Law No. 2, 2012 - <i>As per Council decision of the Ordinary Meeting of Council held on 18 December 2012</i>
07/01/2013	Contract Documents	2	City of Vincent and Ms Maureen Sampson of Unit 61, 37 Britannia Road, Leederville - Leederville Gardens Retirement Estate
15/01/2013	Grant Agreement	1	City of Vincent and the Department of Local Government – Cat Act Implementation Grant Program Miscellaneous Costs
18/01/2013	Works Agreement	2	City of Vincent and Public Transport Authority relating to Construction and Maintenance of Bus Lanes on Beaufort Street, Perth between Newcastle and Brisbane Streets - <i>As per Council decision of Ordinary Meeting of Council held on 14 August 2012 - Item 9.2.1</i>

9.5.2 Minutes of the Annual General Meeting of Electors held on 17 December 2012

Ward:	Both	Date:	1 February 2013
Precinct:	All	File Ref:	ADM0009
Attachments:	001 – Minutes of Annual General Meeting		
Tabled Items:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** and **CONFIRMS** the Minutes of the Annual General Meeting of Electors (AGM) held at 6.00pm on Monday 17 December 2012, attached at Appendix 9.5.2.

COUNCIL DECISION ITEM 9.5.2

Moved Cr Wilcox, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Maier was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of the report is for the Council to receive and confirm the Minutes of the Annual General Meeting of Electors 2012, held on 17 December 2012 and consider any decisions made at that meeting.

BACKGROUND:

The Annual General Meeting of Electors of the City of Vincent was held on Monday 17 December 2012 at 6.00pm. It was attended by the Mayor Hon. Alannah MacTiernan, four (4) Councillors, the Chief Executive Officer – John Giorgi, Directors – Rob Boardman, Mike Rootsey, Carlie Eldridge and Manager Asset and Design Services, Craig Wilson, and one Elector (1) as shown in the Minutes.

DETAILS:

It is standard practice for the Minutes of the Meeting of Electors to be presented to the Council for information.

In accordance with the Local Government Act 1995, Section 5.33.

All decisions made at Electors Meetings are required to be considered at the next Ordinary Meeting of the Council.

The Minutes are attached for the information of the Council. No decisions were made at that meeting, however several questions were asked, as detailed in the Minutes.

CONSULTATION/ADVERTISING:

Notice of the Annual General Meeting of Electors was advertised in the local newspapers and "The West Australian" Newspaper. Notices were displayed on all notice boards. It was also displayed on the City's website.

LEGAL/POLICY:

The Local Government Act 1995 states:

- "5.27 (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the Local Government but not more than 56 days after the Local Government accepts the annual report for the previous financial year."*
- "5.33 (1) *All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable -*
- (a) *at the first ordinary meeting after that meeting; or*
(b) *at a special meeting called for that purpose,*
- whichever happens first.*
- (2) *If at a meeting of the council a Local Government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting."*

RISK MANAGEMENT IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

Nil.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is recommended that the Council receive the report concerning the Annual General Meeting, as required by the Local Government Act 1995.

**9.5.6 Strategic Plan 2011-2021 – Progress Report for the Period
1 October 2012 – 31 December 2012**

Ward:	-	Date:	1 February 2013
Precinct:	-	File Ref:	-
Attachments:	001 – Strategic Plan Quarterly Progress Report		
Tabled Items:	-		
Reporting Officer:	J Highfield, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the progress report on the Strategic Plan 2011-2021 for the period 1 October 2012 – 31 December 2012, as shown in Appendix 9.5.6.

COUNCIL DECISION ITEM 9.5.6

Moved Cr Wilcox, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Maier was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly report to the Council to keep it informed of the various strategies in the City’s Strategic Plan for the period 1 October 2012 – 31 December 2012.

DETAILS:

Progress reports are reported to Council for each quarter as follows:

Period	Report to Council
1 January - 31 March	April
1 April - 30 June	July
1 July - 30 September	October
1 October - 31 December	February

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Council adopted its Plan for the Future at the Ordinary Meeting of Council held on 12 May 2009. The City’s Strategic Plan forms part of the Plan for the Future. It is not a legal requirement to have a Strategic Plan, however, it is considered “*Best Practice*” management that a Strategic Plan be adopted to complement and be linked and aligned to both the Principal Activities Plan and Annual Budget.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

The Strategic Plan provides the elected Council and administration with its aims, goals and objectives (key result areas) for the period 2011-2021. The reporting on a quarterly basis is in accordance with the Strategic Plan 2011-2021 Key Result Area.

This is in keeping with the City's Strategic Plan 2011-2021 - "*Leadership, Governance and Management*", in particular, Objective 4.1.2 - "*Manage the Organisation in a responsible, efficient and accountable manner*".

SUSTAINABILITY IMPLICATIONS:

Nil

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The progress report for the Strategic Plan indicates that the City's administration is progressing the various strategies in accordance with the Council's adopted programs and adopted budget.

9.5.7 Information Bulletin

Ward:	-	Date:	1 February 2013
Precinct:	-	File Ref:	-
Attachments:	001 – Information Bulletin		
Tabled Items:	Nil		
Reporting Officer:	J Highfield, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Information Bulletin dated 1 February 2013, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.5.7

Moved Cr Wilcox, Seconded Cr Pintabona

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Maier was an apology for the Meeting.)

DETAILS:

The items included in the Information Bulletin dated 1 February 2013 are as follows:

ITEM	DESCRIPTION	PAGE
IB01	State Administrative Tribunal Orders Hanson Construction Materials Pty Ltd (DR 264 of 2011) and City of Vincent and Holcim Australia Pty Ltd and City of Vincent (DR 255 of 2011)	1
IB02	State Administrative Tribunal Orders Williams v City of Vincent (DR 327 of 2012)	25
IB03	WALGA – State Council Summary Minutes, December 2012	27
IB04	WALGA – Meeting of Metropolitan Mayors and Presidents Record of Proceedings – 20 December 25012	69
IB05	Circular Notice No. 1-2013 from Western Australia Department of Local Government regarding Local Government Standards Panel Decisions Now Available Online	78
IB06	Card of appreciation from Jake Thomas – Mount Hawthorn Primary School (Year 7) regarding the 50 th Anniversary Celebrations for Beatty Park Leisure Centre	79
IB07	Letter of appreciation from Mr Hugh Jenkin regarding Student Citizenship Award 2012 at Mount Hawthorn Primary School	80
IB08	WALGA Infopage regarding Supreme Court Determination – Election Signage and Local Planning Schemes	81
IB09	Letter of appreciation from Chris Zelestis QC regarding West Australian Youth Jazz Orchestra Association (Inc)	82
IB10	Review of the Liquor Control Act 1988	83

ITEM	DESCRIPTION	PAGE
IB11	13 th International Cities, Town Centres and Communities (ICTC) Society 2012 "Cities in Transition" – Conference Report	85
IB12	Seamless Council Connect Conference Report	95
IB13	Sustainable Environment Strategy Implementation Plan – Progress Report No. 1	99
IB14	Local History Collection – Progress Report July to December 2012	110
IB15	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 5 December 2012	113
IB16	Minutes from the Party Bus Working Group (PBWG) Meeting held on 28 March 2012	117
IB17	Minutes from the Party Bus Working Group (PBWG) Meeting held on 13 June 2012	119
IB18	Minutes from the Party Bus Working Group (PBWG) Meeting held on 15 August 2012	127
IB19	Minutes from the Safer Vincent Crime Prevention Partnership (SVCPP) Meeting held on 6 June 2012	126
IB20	Minutes from the Safer Vincent Crime Prevention Partnership (SVCPP) Meeting held on 3 October 2012	131
IB21	Minutes from the Vincent Accord Meeting held on 28 November 2012	136
IB22	Ranger Services Statistics for October, November and December 2012	140
IB23	Register of Petitions – Progress Report – February 2013	147
IB24	Register of Notices of Motion – Progress Report – February 2013	148
IB25	Register of Reports to be Actioned – Progress Report – February 2013	150
IB26	Register of Legal Action (Confidential – Council Members Only) – Monthly Report (February 2013)	161
IB27	Register of Orders and Notices (Confidential – Council Members Only) – Monthly Report (January 2013)	162
IB28	Register of State Administrative Tribunal Appeals – Progress Report – February 2013	163
IB29	Register of Applications Referred to the Design Advisory Committee – 5 December 2012 - Current	165
IB30	Register of Applications Referred to the MetroWest Development Assessment Panel – 24 January 2013 - Current	167
IB31	Forum Notes - 11 December 2012	168
IB32	Notice of Forum – 19 February 2013	171

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

Ward:	North	Date:	1 February 2013
Precinct:	Mt Hawthorn; P1	File Ref:	PRO4094; 5.2012.362.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicants Justification dated 16 August 2012		
Tabled Items:	Nil		
Reporting Officer:	S Radosevich, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Bollig Design Group on behalf of the owners, A Mazzitelli, B A Matteo, D Mazzitelli and Tropiccoast Investments Pty Ltd, for Proposed Construction of Three-Storey Office Building and Associated Car Parking at No. 110 (Lot 442; D/P 2334) Scarborough Beach Road, Mount Hawthorn, and as shown on plans stamp-dated 22 January 2013, subject to the following conditions:

1. The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 104-106 & 112 Scarborough Beach Road and No. 95 Hobart Street in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork;
2. The doors, windows and adjacent floor areas on the ground floor fronting Scarborough Beach Road shall maintain an active and interactive relationship with this street;
3. The maximum gross floor area of the office shall be limited to 658.8 square metres;
4. PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:

4.1 Cash-in-lieu

4.1.1 Pay a cash-in-lieu contribution of \$5,075 for the equivalent value of 1.45 car parking spaces, based on the cost of \$3,500 per bay as set out in the City's 2012/2013 Budget; OR

4.1.2 Lodge an appropriate assurance bond/bank guarantee of a value of \$5,075 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:

- (a) To the City at the date of issue of the Building Permit for the development, or first occupation of the development, whichever occurs first; or
- (b) To the owner(s)/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or

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

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

4.2 Section 70 A Notification under the Transfer of Land Act

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

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

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

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

4.3 Construction Management Plan

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

4.4 Acoustic Report

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

4.5 Privacy Screening

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

4.6 Landscaping and Reticulation Plan

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

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

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

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

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

4.7 Refuse Management

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

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

Commercial:

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

4.8 Schedule of External Finishes

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

4.9 Design Features

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

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

5.1 Car Parking

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

5.2 Bicycle Parking Facilities

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

5.3 Vehicular Entry Gates

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

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

ADVICE NOTES:

1. Vacant Lot Management Plan

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

2. With regards to condition 1, the owners of the subject land should obtain the consent of the owners of the relevant adjoining properties before entering those properties in order to make good the boundary walls;
3. With regards to condition 3, any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the City;
4. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Scarborough Beach Road; and
5. All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the City prior to the erection of the signage.
6. Investigation for soil and groundwater contamination and completion of any remediation, including validation of remediation, shall be carried out to the satisfaction of the City's Health Services. The investigation, remediation and validation of remediation shall be carried out in accordance with the guidelines adopted by the Department of Environment and Conservation, as detailed in the Department's Contaminated Sites Management Series Guidelines. Please note the owner/occupier of a site has a duty under the Contaminated Sites Act 2003 to report known or suspected contaminated sites to the Department of Environment and Conservation.

PROCEDURAL MOTION

Moved Cr Carey, Seconded Cr Wilcox

That the item be DEFERRED to allow sufficient time to further consider amendments to the plans proposed by the applicant in order to address the objections to the development and the item be subsequently reported to the Ordinary Meeting of Council to be held on 26 February 2013.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Maier was an apology for the Meeting.)

ADDITIONAL INFORMATION:

Appendix 1 "Definitions" of the R-Codes defines a major opening as:

"A window, door or other opening in the exterior wall of a habitable room that provides external means of light or view for that room or space, but does not include an opening or openings that:

- in aggregate do not exceed 1 square metre in any such wall, (provided that adjoining or contiguous windows at the junction of two walls forming an internal angle of 90 degrees or less shall be aggregated); or*
- are glazed in an obscure material and are not able to be opened; or have a sill height not less than 1.6 m above floor level."*

In accordance with the Acceptable Development provisions of Clause 6.8.1 "Visual Privacy" of the R-Codes, where a habitable room is screened up to 1.6 metres above the finished floor level, it is not defined as a major opening and therefore complies with the visual privacy requirements.

As the proposed first floor balcony is screened up to 1.6 metres it is fully compliant with the Acceptable Development provisions of Clause 6.8.1 "Visual Privacy" of the R-Codes; therefore additional privacy requirements, including but not limited to screening up to 1.8 metres, cannot be enforced under the R-Codes.

PURPOSE OF REPORT:

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

FURTHER REPORT:

Previous Reports to Council:

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

"That the item be DEFERRED for further consideration."

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

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

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

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

DETAILS:

Landowner:	A Mazzitelli, B A Matteo, D Mazzitelli and Tropicocast Investments Pty Ltd
Applicant:	Bollig Design Group
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R60
Existing Land Use:	Vacant lot
Use Class:	Office Building
Use Classification:	"SA"
Lot Area:	407 square metres
Right of Way:	Not Applicable

The application is for the construction of a three-storey office building comprising four (4) offices and associated car parking at No. 110 Scarborough Beach Road, Mount Hawthorn.

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

ASSESSMENT:

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

Issue/Design Element:	Building Setbacks
Requirement:	Non-Residential/Residential Development Interface Policy No. 3.4.3 <u>Rear Setback</u> 6 metres Residential Design Codes Clause 6.3.1 A1 <u>Second Floor</u> Eastern wall: 9.3 metres
Applicants Proposal:	<u>First Floor</u> Rear Setback: 2 metres – 5.8 metres <u>Second Floor</u> Rear Setback: 1.5 metres – 7.4 metres Eastern wall: 2.5 metres – 6.7 metres
Performance Criteria:	Non-Residential/Residential Development Interface Policy No. 3.4.3 Variations to this setback requirement can be considered where it can be demonstrated that there will be no adverse impact on the amenity of the residential property to the rear.

Issue/Design Element:	Building Setbacks
	<p>Residential Design Codes Clause 6.3.1 P1 Buildings setback from boundaries other than street boundaries so as to:</p> <ul style="list-style-type: none"> • provide adequate direct sun and ventilation to the building; • ensure adequate direct sun and ventilation being available to adjoining properties; • provide adequate direct sun to the building and appurtenant open spaces; • assist with protection of access to direct sun for adjoining properties; • assist in ameliorating the impacts of building bulk on adjoining properties; and <p>assist in protecting privacy between adjoining properties.</p>
<p>Applicant justification summary:</p>	<p><i>“The proposal provides nil side setbacks to the boundary lines for ground and first floor levels. The second floor level has a nil side setback to the western boundary and varying side setbacks ranging from 2.5 metres to 5 metres on the eastern boundary.</i></p> <p><i>The setback to the rear is varied depending upon the level of the building: -</i></p> <ul style="list-style-type: none"> • <i>The ground floor is built to a zero lot line with nil setback.</i> • <i>The first floor is angled with a varying setback from nil at the eastern most corner to 4 metres at the balcony edge and 6 metres to the building face.</i> • <i>The second floor setback varies from 1.5 metres and 4 metres to the balcony face and 2.5 metres to 4 metres to the building face.”</i>
<p>Officer technical comment:</p>	<p>The proposed northern (rear) and eastern setbacks of the building comply with the City’s Policy No. 3.4.3 relating to Non-Residential/Residential Development Interface and the Performance Criteria of Clause 6.3.1 of the R-Codes in this instance, for the reasons outlined below.</p> <p>In accordance with the City’s Policy No. 3.4.3 relating to Non-Residential/Residential Development Interface, the 6 metres rear setback can be varied where it can be demonstrated that there will be no adverse impact on the amenity of the residential property to the rear.</p>
	<p>Schedule 1 “Scheme Interpretations” of the City of Vincent Town Planning Scheme No. 1 defines amenity as <i>“all those factors which combine to form the character of the area to residents and passersby and shall include the present and likely future amenity”.</i></p> <p>The factors which relate to amenity include access to direct sun and ventilation to the subject site and adjoining properties, impacts of building bulk on adjoining properties and the protection of visual privacy between the subject site and adjoining properties; which are covered under the Performance Criteria of Clause 6.3.1 of the R-Codes.</p>

Issue/Design Element:	Building Setbacks
	<p>In accordance with Clause 6.9.1 “Solar Access for Adjoining Sites” of the R-Codes, the extent of overshadowing is measured at midday on 21 June; therefore the shadow cast by the building falls to the south. The proposed three-storey building complies with the Acceptable Development provisions of Clause 6.9.1 “Solar Access for Adjoining Sites” of the R-Codes in this instance as the shadow cast at midday on 21 June predominantly falls over Scarborough Beach Road. It is also noted that there is some shadow cast over Nos. 112-114 Scarborough Beach Road; however as the adjoining property comprises a non-residential development, the extent of overshadowing of this property is not assessed against the R-Codes.</p> <p>The proposal provides for adequate direct sun and ventilation to the proposed building. The proposed terrace and balcony to the offices are located to the northern side of the proposal therefore increasing the usability of them.</p> <p>The western side of the building comprises a boundary wall, which adjoins a boundary wall approved on the adjoining western property (Nos. 112-114 Scarborough Beach Road). In the instance that the western property is not developed, the boundary wall is considered acceptable as the summer sun comes from the west, therefore glass facing this direction should be avoided.</p> <p>As the sun does not hit the southern face of a building in winter, this is the ideal location for large areas of glass. The proposed building incorporates this into the design as the first and second floors comprise large areas of glass on the southern face of the building.</p> <p>Due to the lot configuration, the front facade of the building faces south-west and comprises of large areas of glass and a balcony on the second floor. This provides great opportunity for the proposed building to take advantage of the south-western breeze in summer.</p>
	<p>With regards to adequate direct sun and ventilation to the adjoining properties, the proposed building has been design so as to not seriously affect solar access to the adjoining northern and eastern residential properties. Sites most vulnerable to overshadowing are narrow east-west oriented sites, located on the southern side of a development. The subject site has a north-south orientation, with the shadow cast by the building predominantly falling over Scarborough Beach Road and being completely clear of the adjoining northern and eastern residential properties.</p>

Issue/Design Element:	Building Setbacks
	<p>With regards to the adjoining eastern property, the proposed building does not adversely affect its design for climate for the following reasons:</p> <ul style="list-style-type: none"> • The living areas of these dwellings are located to the northern aspect of their site, which is not compromised by the proposed building; • The western side of the adjoining dwellings does not comprise any major openings; • As the proposed building is located to the western side of the dwellings, it provides a greater buffer to these properties from the afternoon summer sun; and • The second floor of the proposed building is setback 5.45 metres from the eastern boundary, at the front of the site, therefore still providing the potential for the adjoining eastern residential properties to take advantage of the south-western breeze in summer.
	<p>With regards to the adjoining northern property, the proposed building does not adversely affect its design for climate for the following reasons:</p> <ul style="list-style-type: none"> • The outdoor living area of the northern property is located to the southern aspect of its site, therefore the proposed building will not result in any undue impact on its solar access; • As the proposed building is located to the south of this dwelling, it will not have any impact on the western afternoon summer sun; • The sun never hits the southern face of a building in winter, therefore the proposed building on the adjoining southern property will not alter the current situation; and • As the summer breeze comes from the south-west, the location of the proposed building will not impact on this as it is located directly south of this property. The properties adjoining western side of the proposed building (being Nos. 112-114 Scarborough Beach Road) are located to the south-western corner of this property.
	<p>It is recommended that it be a condition of approval that two significant design features are incorporated into the eastern elevation of the building, which will aid in ameliorating the impact of building bulk on the adjoining properties.</p> <p>As there are currently windows on the second floor northern and eastern elevations which have the potential to overlook the adjoining properties, it is recommended that these windows be screened in accordance with the Acceptable Development Provisions of Clause 6.8.1 "Visual Privacy" A1 of the R-Codes.</p>

Issue/Design Element:	Building Setbacks
	The proposed development will have no visual privacy impact on the adjoining properties as it is a condition of approval for the northern and eastern windows to be screened; therefore privacy between the subject site and adjoining properties is protected. It is also noted that the proposed terrace on the first floor and balcony of the second floor are both screened up to 1.6 metres above the finished floor level, in accordance with the Acceptable Development provisions of Clause 6.8.1 "Visual Privacy" of the R-Codes.

Car Parking	
Car parking requirement (nearest whole number) • Office 1 space per 50 square metres gross floor area Gross Floor Area: 658.74 square metres = 13.17 Total car bays required = 13.17	= 13 car bays
Apply the adjustment factors. • 0.85 (within 400 metres of a bus stop/station) • 0.95 (within 400 metres of a public car parking place with in excess of 25 car parking spaces) • 0.90 (provides 'end-of-trip' facilities for bicycle users, in addition to the facilities required)	(0.72675) = 9.45 car bays
Minus the car parking provided on-site	8 car bays
Minus the most recently approved on-site car parking shortfall	Nil
Resultant shortfall	1.45 car bays

Bicycle Parking
Office: • 1 space per 200 square metres gross floor area (class 1 or 2) = 3.29 spaces • 1 space per 750 square metres over 1000 square metres (class 3) = Nil <u>Required</u> 3.29 spaces = 3 spaces <u>Provided</u> 2 spaces

The applicant has provided justification which states the following:

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

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

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

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

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

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

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

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

COMMENTS:

Building Height

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

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

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

Building Bulk

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

Overshadowing

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

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

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

Visual Privacy

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

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

Car Parking

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

Previous Land Use

There have been concerns raised with regards to the site being a service station previously; however the City's records indicate that the site was previously a hire yard and open air display. It is noted that matters relating to contamination are dealt with by the Department of Environment and Conservation and it is the owner's responsibility to remediate any site.

Policy

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

CONCLUSION:

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

9.1.1 FURTHER REPORT: No. 287 (Lot 140; D/P 3784) Walcott Street, North Perth – Proposed Construction of Three-Storey Building Comprising Nine (9) Multiple Dwellings and Associated Car Parking

Ward:	North	Date:	1 February 2013
Precinct:	North Perth; P8	File Ref:	PRO3788; 5.2012.345.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicant’s Justification dated 22 October 2012 003 – Applicant’s Response to Design Advisory Committee Recommendations dated 16 November 2012 004 – Planning Report		
Tabled Items:	Nil		
Reporting Officer:	S Radosevich, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Planning Services		

REVISED OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by GDD Design Group Pty Ltd on behalf of the owners, Coastwood Nominees Pty Ltd, for Proposed Construction of Three (3) Storey Building Comprising Nine (9) Multiple Dwellings and Associated Car Parking at No. 287 (Lot 140; D/P 3784) Walcott Street, North Perth, and as shown on plans stamp-dated 7 December 2012 and amended plans stamp-dated 12 February 2013, subject to the following conditions:

~~1. The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 285 Walcott Street and No. 1 Clieveden Street in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork;~~

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

21.1 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;

21.2 Landscape and Reticulation Plan

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

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:

- 21.2.1** Provision of increased landscaping of thirty (30) percent of the total site area with a view to significantly reduce areas of hardstand and paving;
- 21.2.2** Provision of increased soft landscaping of ten (10) percent of the total site area shall be provided as soft landscaping within the common property area of the development;
- ~~**2.2.3** A minimum of five (5) percent of the total site area, shall be provided as soft landscaping within the private outdoor living areas of the dwellings;~~
- 21.2.3** The location and type of existing and proposed trees and plants;
- 21.2.4** All vegetation including lawns;
- 21.2.5** Areas to be irrigated or reticulated;
- 21.2.6** Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 21.2.7** Separate soft and hard landscaping plans (indicating details of plant species and materials to be used);
- 1.2.8** Planting to the western boundary to include 200L trees planted at 3 metre spacing's for the full width of the boundary; and
- 1.2.9** Planting to the northern and southern boundaries to include 100L trees planted at a maximum of 5 metre spacing's for the full length of the boundaries.

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

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

21.3 Section 70 A Notification under the Transfer of Land Act

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

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

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

21.4 Schedule of External Finishes

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

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

32.1 Car Parking

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

32.2 Vehicular Entry Gates

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

32.3 Clothes Dryer

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

32.4 Residential Car Bays

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

32.5 Visitor Bays

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

32.6 Bicycle Parking

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

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

ADVICE NOTES:

1. **Department of Planning**

The applicant should comply with any comments received by the Department of Planning in relation to the proposed development;

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

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

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

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

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

Cr Buckels departed the Chamber at 7.00pm.

COUNCIL DECISION ITEM 9.1.1

Moved Cr McGrath, Seconded Cr Pintabona

That the recommendation be adopted.

Debate ensued.

Cr Buckels returned to the Chamber at 7.02pm.

Debate ensued.

REVISED MOTION PUT AND CARRIED (6-2)

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

Against: Cr Carey, Cr Pintabona

(Cr Maier was an apology for the Meeting.)

ADDITIONAL INFORMATION:

The Mayor and Director Planning Services met with the applicant yesterday, Monday 12 February 2013, to discuss concerns relating to interface with rear properties, landscaping and building facade treatment. The applicant agreed to revise the proposal to increase the landscaping to the both side boundaries and the rear boundary. This was achieved by removing one (1) additional visitor bay (1 above requirements), creating a wide landscape strip along the rear boundary with mature trees, relocating sheds off the southern boundary to be adjacent to the carpark and reducing the hard paved path from 2 metres wide to 1.2 metres wide.

Amended plans were received on 12 February 2013, which comprise the following changes:

As the proposed stores have been relocated off the southern and western boundary, there is no boundary walls proposed. The proposed stores are setback 1.7 metres from the southern boundary and 2.3 metres from the western boundary, complying with the Acceptable Development provisions of Clause 7.1.4 "Side and Rear Boundary Setback" of the R-Codes which requires a 1.5 metre setback.

The relocation of the stores results in the proposed amount of open space increasing from 54.27 per cent (453.15 square metres) to 54.87 per cent (458.15 square metres), complying with the Acceptable Development provisions of Clause 7.1.5 "Open Space" of the R-Codes.

The amended plans reduce the amount of visitor car parking spaces proposed from three (3) spaces to two (2) spaces. As the Acceptable Development provisions of Clause 7.3.3 "On-Site Parking Provision" of the R-Codes requires two (2) visitor car parking spaces, the amended plans remain fully compliant.

The relocation of the stores result in a significant increase in the landscaping provided on-site. The landscaping area as shown on the attached revised plans now includes:

- Northern Boundary- kerbing removed to allow wider landscape strip for the entire length of the lot and included trees (upright in nature);
- Southern Boundary – removal of sheds from boundary and pathway reduced in width to allow landscaping strip entire length of lot including trees;
- Rear Eastern Boundary – removal of 1 visitor carbay (1 above requirements) to allow for substantial landscaping strip and mature trees to be planted.

ASSESSMENT:

Issue/Design Element:	Boundary Wall
Requirement:	<p>Residential Design Codes Clause 7.1.4 A4.4 A wall built to one side boundary has a maximum height and average height as set out in table 4 and a maximum length of two-thirds the length of the boundary.</p> <p>Maximum height: 3.5 metres Average height: 3 metres</p>
Applicants Proposal:	<p>Boundary walls to two side boundaries.</p> <p><u>Southern boundary</u> Length: 25.5 metres Maximum height: 2.1 metres Average height: 1.48 metres</p> <p><u>Western boundary</u> Length: 1.7 metres Maximum height: 1.6 metres Average height: 1.5 metres</p>
Performance Criteria:	<p>Residential Design Codes Clause 7.1.4 P4.1 Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> • ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; • moderate the visual impact of building bulk on a neighbouring property; • ensure access to daylight and direct sun for adjoining properties; and • assist with the protection of privacy between adjoining properties.
Applicant justification summary:	<p>No justification provided.</p>
Officer technical comment:	<p>The proposal complies with the performance Criteria as it provides for adequate daylight, direct sun and ventilation to the adjoining property, with it also having minimal impact on the building bulk to adjoining properties.</p> <p>The southern and western boundary walls individually comply with the length and height requirements of Clause 7.1.4 "Side and Rear Setbacks" A4.4, with the height of each wall being in keeping with the height of a dividing fence; therefore it is considered that boundary walls to two side boundaries does not have an adverse impact on the building bulk to the adjoining properties.</p> <p>The overshadowing of the development complies with the Acceptable Development provision of Clause 7.4.2 "Solar Access for Adjoining Sites" of the R-Codes; with the overshadowing being 330 square metres (30.84 per cent), whereas 535 square metres (50 per cent) is permitted.</p> <p>The proposal also complies with the Acceptable Development Provisions of Clause 7.4.1 "Visual Privacy" A1 of the R-Codes, demonstrating that the proposal protects privacy between the subject site and adjoining properties.</p>

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

PURPOSE OF REPORT:

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

FURTHER REPORT:

Previous Reports to Council:

The proposed construction of a three-storey building comprising eight (8) two bedroom multiple dwellings, one (1) single bedroom multiple dwelling and associated car parking at No. 287 Walcott Street, North Perth, was presented to Council at its Ordinary Meeting held on 18 December 2012, whereby Council resolved:

"That the item be DEFERRED for further consideration."

The Minutes of Item 9.1.8 from the Ordinary Meeting of Council held on 18 December 2012 relating to this report are available on the City's website at the following link:

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

At the Ordinary Meeting of Council on 18 December 2012 a number of concerns were raised by the public gallery with regards to the proposed building height, the development relationship to the existing landform, building bulk, visual privacy and assessment of the proposal against the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones. Comments have been provided below which address each of the areas of concern.

DETAILS:

Landowner:	Coastwood Nominees Pty Ltd
Applicant:	GDD Design Group Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R60
Existing Land Use:	Single House
Use Class:	Multiple Dwellings
Use Classification:	"P"
Lot Area:	835 square metres
Right of Way:	Not Applicable

The application is for the construction of a three-storey building comprising eight (8) two bedroom multiple dwellings, one (1) single bedroom multiple dwelling and associated car parking at No. 287 Walcott Street, North Perth.

COMMENTS & CONCLUSION:

Building Height

Clause 2.2 of the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones stipulates the permitted building heights dependent on the density coding and location of the subject site along either a major or minor road. The subject site is located along a major road, as it is located on Walcott Street, with a Residential R60 zoning. Clauses 2.2.2 of the City's Policy No. 3.4.8 states:

2.2.2 For areas zoned Residential R60 and R80 and are located on Major Roads, and the area zoned R80 on Gibney Avenue, the height limit is three storeys (plus loft).

It is also noted under the City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations, as the subject has a zoning of Residential R60 the applicant is able to apply for a variation of one (1) additional storey, therefore there is the potential for a four-storey building to be considered on the subject site.

As the proposal comprises a three-storey building, it is fully compliant with the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones. Further to this, the R-Codes allow for a maximum wall height of 10 metres where the proposal comprises a concealed roof. If the building was designed with a pitch roof the maximum allowable height is 12m. As the proposed building has a maximum height of 9.9 metres, the proposal complies with the Acceptable Development provisions of Clause 7.1.2 "Building Height" of the R-Codes. The maximum height of 9.9 metres relates to the height of the top of the roof on the northern elevation, with the wall height on the eastern, southern and western elevations being predominantly less than 9 metres high.

Landform

The natural ground level of the subject site slopes towards the north-eastern corner, with it falling 1.4 metres to the rear. The City's Policy No. 3.2.1 relating to Residential Design Elements provides for a site to be filled up to 0.5 metres above the natural ground level within 1 metre of a common boundary under the Acceptable Development provisions. The extent of excavation of a site is limited by the height of any retaining walls as written justification is required for any retaining wall over 0.5 metres.

The proposal does not comprise any filling of the site; rather it is being excavated to match with the lowest point of the natural ground level to minimise the impact of the proposal on the adjoining residential properties.

Building Bulk

The proposal does not result in undue building bulk on the adjoining residential properties. The proposed height, excavation and setbacks have taken into consideration the requirements of the City's Policies, the R-Codes and the adjoining properties and been designed accordingly.

The building bulk has been significantly reduced since the proposal was originally presented to the City's Design Advisory Committee to accommodate their comments with regards to building bulk; therefore satisfying the Design Advisory Committees requirements.

The proposed setback variation to the northern boundary, where the balconies are setback 7.5 metres in lieu of 9 metres, does not result in any undue building bulk. The proposed setback variation results from the setback of the balconies being based off the total wall length of the building in accordance with R-Codes. In this instance the proposal is compliant with the Performance Criteria of Clause 7.1.4 "Side and Rear Boundary Setback" of the R-Codes as it provides for provides for adequate daylight, direct sun and ventilation to both the subject site and adjoining properties. It is also noted that the 7.5 metre setback complies with the Acceptable Development Provisions of Clause 7.4.1 "Visual Privacy" of the R-Codes, demonstrating that the proposed setback does not result in any undue overlooking of the adjoining properties.

Privacy

Each of the windows comply with the Acceptable Development requirement. There is no screening proposed to the eastern and western sides of the stairs, however the visual privacy requirement can only be applied to major openings to active habitable spaces or their equivalent, which have a floor level more than 0.5 metres above natural ground level. Appendix 1 – Definitions of the R-Codes defines a habitable room as:

A room used for normal domestic activities that includes:

- *a bedroom, living room, lounge room, music room, sitting room, television room, kitchen, dining room, sewing room, study, playroom, sunroom, gymnasium, fully enclosed swimming pool or patio; but excludes*
- *a bathroom, laundry, water closet, food storage pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, verandah and unenclosed swimming pool or patio and other spaces of a specialised nature occupied neither frequently nor for extended periods.*

The stairs and the landings cannot be defined as a habitable room or an equivalent; therefore they comply with the Acceptable Development provisions of Clause 7.4.1 "Visual Privacy" of the R-Codes.

Multiple Dwellings Policy

Council at its Ordinary Meeting held on 20 November 2012 adopted the changes to the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones.

The changes to Policy No. 3.4.8 included the removal of Clause 6.2.2 Building Heights Along Major Roads sub-clause iii) Rear building interface, which stated:

iii) Rear building interface

The impacts of a development will be minimised by applying the following design criteria:

- a) Showing an overall reduction in height and scale to the rear of the property, through staggering of the entire building envelope; and*
- b) Locating the proposed developments' height or bulk away from the adjacent property to preserve the buildings' amenity, character and integrity.*

Although the rear building interface provisions no longer form part of Policy No. 3.4.8, in the instance they were to be applied the proposal would comply with these requirements. The setback of the upper floor walls to the rear (western) boundary are staggered from the balcony at the closest point to bedrooms which have a greater setback. The proposed building height is also staggered as the height of the rear (western) balcony ranges from 7.7 metres to the top of the screen wall to 8.365 metres to the top of the roof cover, with the maximum building height to the rear being 9.2 metres high which is setback 8.6 metres from the rear (western) boundary.

As the proposed building height is compliant with the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones and the R-Codes, and the proposed rear (western) building setback complies with Clause 7.1.4 "Side and Rear Boundary Setback" of the R-Codes, the proposal does not result in any undue impact on the locality.

With regards to the building height, setbacks, privacy and scale of the development it is in keeping with the desired character of the locality.

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

9.1.2 FURTHER REPORT: No. 49 (Lot 802; D/P 72694) Norfolk Street, North Perth – Proposed Construction of Two-Storey Single House

Ward:	South	Date:	1 February 2013
Precinct:	Norfolk; P10	File Ref:	PRO5784; 5.2012.289.2
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicants Justification received 10 September 2012		
Tabled Items:	Nil		
Reporting Officer:	S Radosevich, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by Lorimer Homes Pty Ltd on behalf of the owner, B & S Bairstow for Proposed Construction of Two-Storey Single House at No. 49 (Lot 802; D/P 72694) Norfolk Street, North Perth, and as shown on plans stamp dated 8 January 2013, subject to the following conditions and advice notes:

1. The owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 51 Norfolk Street, North Perth, in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork; and
2. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Chief Executive Officer.

ADVICE NOTES

1. With regards to condition 1, the owners of the subject land shall obtain the consent of the owners of the relevant adjoining properties before entering those properties in order to make good the boundary walls;
2. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Norfolk Street;
3. Any new street/front wall, fence and gate within the Norfolk 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; and
4. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage, including unauthorised pruning.

COUNCIL DECISION ITEM 9.1.2

Moved Cr McGrath, Seconded Cr Buckels

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Maier was an apology for the Meeting.)

PURPOSE OF REPORT:

The application is referred to Council for determination as it was previously deferred by Council at its Ordinary Meeting held on 18 December 2012 to allow the applicant to reconsider the proposal particularly in relation to providing more open space.

FURTHER REPORT:

Previous Reports to Council:

The proposed construction of a two-storey single house at No. 49 Norfolk Street, North Perth, was presented to Council at its Ordinary Meeting held on 18 December 2012, whereby Council resolved:

“That the item be DEFERRED to allow the Applicant to clarify several matters with the City’s Planning Officers.”

The Minutes of Item 9.1.10 from the Ordinary Meeting of Council held on 18 December 2012 relating to this report are available on the City’s website at the following link:

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

DETAILS:

Landowner:	B & S Bairstow
Applicant:	Lorimer Homes Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R40
Existing Land Use:	Vacant lot
Use Class:	Single House
Use Classification:	“P”
Lot Area:	251 square metres
Right of Way:	Not Applicable

Amended plans were received on 8 January 2013, which comprise a reduction in the proposed building footprint therefore increasing the amount of open space; however the changes result in the extent of overshadowing increasing by 2 square metres.

ASSESSMENT:

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

Issue/Design Element:	Open Space
Requirement:	Residential Design Codes Clause 6.4.1 A1 45 per cent (112.95 square metres)
Applicants Proposal:	42.66 per cent (107.09 square metres)
Performance Criteria:	Residential Design Codes Clause 6.4.1 P1 Sufficient open space around buildings: <ul style="list-style-type: none"> • to complement the building; • to allow attractive streetscapes; • to suit the future needs of residents, having regard to the type and density of the dwelling.
Applicant justification summary:	<i>“The open space provided complements the house by being appropriately positioned and allowing for the provision of essential facilities.”</i>

Issue/Design Element:	Open Space
	<p><i>With regard to essential facilities, there is sufficient space at the sides of the house for clothes drying and the storage of rubbish bins or other material out of view from the street.</i></p>
	<p><i>The open space at the rear ensures an appropriately sized outdoor living area/backyard is provided. This ensures that the amenity of the house will be in accordance with expectations inline with the lot's R-Coding.</i></p> <p><i>The open space at the front, which is achieved by the house complying with the required front setback, ensures the house addresses the street in a traditional and attractive manner.</i></p> <p><i>In addition to open space at the front of the house complementing the building, it also allows for an attractive streetscape. The size of the front yard is consistent with others in the street and the house is setback the required amount from the street. The front elevation of the house is also well articulated with the use of large openings, varied setbacks and design features. In addition, the upper levels have been setback from the side boundaries, which provides visual relief and the perception of open space when the development is viewed from the street. The open space provided also ensures onsite visitor parking can be provided, thereby limiting the need for cars to park on the street. All these elements, particularly the sufficient front yard, complement one another and add to ensuring the open space provided allows for an attractive streetscape.</i></p> <p><i>In relation to the need of the residents, a compliant outdoor living area and space at the side of the house for provision of essential facilities are proposed. The size and location of the open space can therefore be considered to provide for the needs of the residents, particularly considering the "town house" nature of the development. These types of developments generally attract residents who desire low maintenance and efficiently designed areas of open space, which the house provides.</i></p> <p><i>Overall, considering the above points, the open space proposed can be supported."</i></p>
Officer technical comment:	<p>The proposal complies with the open space performance criteria requirements as it provides a setting for the building, access to car parking spaces, opportunities for a range of domestic activities and space for utilitarian purposes.</p>

Issue/Design Element:	Open Space
	<p>It is considered that the proposal provides space that complements the building and allows for attractive streetscapes, as the street setbacks comply with the Acceptable Development provisions of SADC 10 “Dual Street Frontages and Corner Sites” of the City’s Policy No. 3.2.1 relating to Residential Design Elements and the side and rear setbacks comply with the Acceptable Development provisions of Clause 6.3.1 “Buildings Setback from the Boundary” of the R-Codes.</p>
	<p>It is also noted that the portion of the upper floor that sits over the alfresco is included in the building footprint, which comprises 6.29 square metres. The proposal is 5.86 square metres short of the Acceptable Development provisions. The area of the alfresco beneath the upper floor is a usable space which functions as open space; however it does not fall within the definition of ‘Open Space’ as outlined in the R-Codes. If this area were included in the open space calculations it would result in 113.38 square metres, being 45.17 per cent, open space.</p> <p>It is considered that the proposed amount of open space provides for the future need of residents, as it allows for the functions of open space as outlined in the Explanatory Guidelines of the R-Codes. The proposed open space provides sufficient room for domestic activities including gardening, outdoor entertaining and leisure. There is also sufficient space for utilitarian purposes, as there is ample space for an adequate clothes drying area to be provided which is screened from view from the street, which is also located separately to the outdoor living area.</p>

Issue/Design Element:	Solar Access
Requirement:	<p>Residential Design Codes Clause 6.9.1 A1 Notwithstanding the boundary setbacks in design element 6.3, development in climatic zones 4, 5 and 6 of the state shall be so designed that its shadow only cast at midday 21 June onto any other adjoining property does not exceed the following limits:</p> <ul style="list-style-type: none"> • on adjoining properties coded R30 to R40 inclusive – 35 per cent of the site area <p>Permitted overshadowing: 88.9 square metres</p>
Applicants Proposal:	Overshadows 39.54 per cent of the adjoining property’s site area (100.44 square metres)
Performance Criteria:	<p>Residential Design Codes Clause 6.9.1 P1 Development designed to protect solar access for neighbouring properties taking account the potential to overshadow:</p> <ul style="list-style-type: none"> • outdoor living areas; • major openings to habitable rooms; • solar collectors; or • balconies or verandahs.
Applicant justification summary:	<p><i>“Despite the overshadowing created by the proposed house exceeding the limit specified in R-Codes, overshadowing does not need to be regarded as a concern.</i></p>

Issue/Design Element:	Solar Access
	<p><i>Overshadowing can be expected when land is subdivided into small east west oriented lots, particularly in the City of Vincent where two storey houses on small lots are becoming common place. Furthermore, given there is a trend towards smaller lots, in most cases landowners need to build two storey houses to address their housing needs. In these demanding situations it is difficult to meet the overshadowing requirements of the R-Codes without significantly compromising a landowner's desired development outcome. The R-Code requirements therefore become unreasonably onerous. Considering this, it is hoped that the City takes a pragmatic approach when considering overshadowing impacts for this application.</i></p> <p><i>Notwithstanding the above, the proposed house does not disregard overshadowing considerations, as the upper level is setback from the rear boundary. This setback allows for the adjoining lot to have an outdoor area with easy and acceptable access to northern sun (major openings around such an outdoor area would also have a similar level of access to northern sun). This is what has resulted under the current proposal for the adjoining lot. The other "active" outdoor area under the same proposal is not affected by overshadowing. Furthermore, it should be noted that the level of overshadowing has been reduced as the setback of the alfresco from the southern boundary has been increased (this was in response to points 8 and 10 of your letter).</i></p> <p><i>Given the orientation of the lots and the lots being small in size and relatively narrow, it should also be noted that even if the level of overshadowing was reduced to comply, the impact on the adjoining property would essentially be the same. For example, even if the upper level shadow was reduced in depth by 1.4 metres (17.08 square metres), the shadow would still extend over 6 metres into the adjoining property and result in the same impacts. Therefore, reducing the overshadowing would not achieve a beneficial outcome of significance.</i></p> <p><i>Considering the above, the adjoining property will maintain reasonable and acceptable access to northern sun and in this regard, there are grounds on which the house can be supported."</i></p>
Officer technical comment:	<p>The proposal complies with the Performance Criteria as it maintains solar access to the adjoining southern property in this instance.</p> <p>The shadow cast by the proposed dwelling is clear of the proposed porch on the adjoining property.</p> <p>It is noted that there are currently no solar collectors proposed on the adjoining site; however the proposed overshadowing allows for solar collectors to be located on the northern side of the roof of the adjoining dwelling, which would be clear of the shadow cast from the proposed two-storey dwelling.</p>

Issue/Design Element:	Solar Access
	<p>The proposal overshadows the adjoining lounge room windows on the ground floor; however it is noted that if an application for a single storey dwelling were proposed these windows would still be overshadowed due to the east-west orientation of the lots. The upper floor northern wall comprises two windows, one to an ensuite and one to a bedroom. As the bedroom window has a sill height of 1.6 metres it is not a major opening as defined by the R-Codes.</p> <p>The Explanatory Guidelines of the R-Codes state: <i>“Development should be designed so that it does not seriously affect solar access for neighbours. In most cases, this means avoiding very tall walls close to southern boundaries, so that excessive shadows are not cast across the north-facing areas adjacent. In some cases, overshadowing by west or east-facing walls may also be important.</i></p> <p><i>As with overlooking, but even more so, the potential for a building to overshadow a neighbouring site, or be overshadowed itself, varies enormously from case to case.”</i></p> <p><i>“It is clear that the sites most vulnerable to overshadowing are narrow east-west oriented sites, on the south side of a development site, especially if they are also lower or on a south-facing slope. In such cases, even a relatively low building may cast mid-winter shadow over a greater proportion of the site than allowed under acceptable development provision 6.9.1 of the codes.”</i></p> <p>As acknowledge in the Explanatory Guideline, the east-west orientation of the lots result in a significant constraint when developing a site with this characteristic. As the lounge room windows and approximately half of the outdoor living area would be overshadowed by a single storey dwelling with a wall height of 3 metres or greater, with a setback of 1.5 metres, it is considered that the overall objective of Clause 6.9 “Design for Climate Requirements” of the R-Codes need to be considered. The objective states:</p> <p><i>“To optimise comfortable living and facilitate sustainable development.”</i></p> <p>The Explanatory Guidelines outline the factors to take into account when assessing energy conservation and comfortable living. It outlines that at least one living area, preferable the one most used, should face north, with outdoor living area best located on the northern side. Although the outdoor living area is located to the south-western corner of the site, as the living and dining rooms are both located along the northern side of the proposed dwelling, it is considered that the proposal is in keeping with this aspect of the objective.</p>

Issue/Design Element:	Solar Access
	<p>As the summer sun comes from the west or west-south-west, areas of glass facing this direction should be avoided. The Explanatory Guidelines encourage vegetation (trees or vines), pergolas or verandahs to be located along this side to protect the dwelling. As the alfresco is located to the south-western corner, it protects the dwelling as a pergola or verandah would.</p> <p>The use of glass should be kept to a minimum along the east-facing and west-facing walls. The kitchen is protected by the alfresco from the direct impact of the summer sun. It is also noted that the upper floor bedroom windows located along the western boundary are not major openings as they have a sill height of 1.6 metres, therefore the proposal is also consistent with this aspect of the objective.</p> <p>Large areas of glass on the southern elevation will allow heat to escape in winter, the laundry and living room of the subject site each face the south however it is acknowledged that highlight windows could be incorporated into upper floor retreat and bedroom 3 to further assist in this aspect.</p> <p>The breeze in summer comes from the south-west, where the design should allow for letting the breeze in while protecting windows from the sun. As the outdoor living area is located to the south-western aspect of the site it takes best advantage of this breeze in summer. The alfresco also allows for the breeze to come through the dwelling through the living and kitchen, whilst protecting these windows and entry points from direct sun.</p> <p>It is therefore considered that the overall proposal meets with the objective of Clause 6.9 of the R-Codes.</p> <p>It is also noted that the amended plans have been signed by the owner of the adjoining southern property, stating that they have no objection to the proposal.</p>

COMMENTS & CONCLUSION:

Following Council's deferral of the application the City's officers discussed with the applicant the need for further consideration of the amount of open space and extent of overshadowing proposed. Accordingly, the applicant submitted amended plans which comprise an increase of 10.57 square metres of open space; however this results in an increase of 2 square metres of overshadowing. The applicant also represented the new plans to the affected neighbour.

The concerns regarding the amount of open space have been addressed; with the applicant also providing a copy of the amended plans with the signature of the owners of the adjoining southern stating that they have no objection to the extent of overshadowing.

In light of the above, it is considered that the amount open space and overshadowing of the proposed two-storey single house complies with the Performance Criteria provisions of Clauses 6.4.1 "Open Space Provision" and 6.9.1 "Solar Access for Adjoining Sites" of the R-Codes. Accordingly, it is recommended the application be approved subject to standard and appropriate conditions and advice notes.

9.1.5 Nos. 514-516 (Lots 14, 15 & 16; D/P 1106) William Street, Highgate – Proposed Change of Use from Two (2) Single Houses and Ancillary Accommodation to Lodging House and Associated Alterations (Retrospective)

Ward:	South	Date:	1 February 2013
Precinct:	Hyde Park; P12	File Ref:	PRO5001; 5.2012.257.2
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicant’s Letter dated 8 October 2012 003 – Applicant’s Letter dated 11 October 2012 004 – Applicant’s Letter dated 17 October 2012		
Tabled Items:	Nil		
Reporting Officer:	S Radosevich, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by L K Xa on behalf of the owners, L K Xa, T K Hua & V Hua for Proposed Change of Use from Two (2) Single Houses and Ancillary Accommodation to Lodging House and Associated Alterations (Retrospective) at Nos. 514-516 (Lots 14, 15 & 16; D/P 1106) William Street, Highgate, and as shown on plans stamp-dated 12 June 2012 and amended plans stamp-dated 31 October 2012, for the following reasons:

1. Non-compliance with the City’s Policy No. 3.7.1 relating to Parking and Access, with respect to:
 - 1.1 Clause 11 “Cash-in-lieu” and Clause 22 “Minimum Parking Requirements” relating to the 12.75 on-site car parking bay shortfall; and
 - 1.2 Clause 13 “Traffic Movement” relating to the manoeuvring area being insufficient for vehicles to enter and leave the subject site in forward gear;
2. The proposed development does not comply with the following objectives of the City’s Policy No. 3.7.1 relating to Parking and Access, to ensure:
 - 2.1 the adequate provision of parking for various services, facilities and residential developments and to efficiently manage parking supply and demand; and
 - 2.2 that the environmental and amenity objectives of the City of Vincent Town Planning Scheme No. 1 are not prejudiced;
3. Non-compliance with the City’s Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations, with respect to Clause 2 “Variations to Standards or Requirements Prescribed Under a Local Planning Policy” for the following reasons, the proposed development is:
 - 3.1 detrimental to the amenity of the locality;
 - 3.2 not consistent with the objectives of the City of Vincent Town Planning Scheme No. 1; and
 - 3.3 not consistent with the City’s Policy No. 3.7.1 relating to Parking and Access;

4. The proposed development does not comply with the following objectives of the City of Vincent Town Planning Scheme No. 1, to:
 - 4.1 protect and enhance the health, safety and general welfare of the City's inhabitants and the social, physical and cultural environment; and
 - 4.2 ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which –
 - 4.2.1 recognises the individual character and needs of localities within the Scheme zone area; and
 - 4.2.2 can respond readily to change; and
5. The proposed change of use from two (2) single houses and ancillary accommodation to lodging house and associated alterations would create an undesirable precedent and have a significant impact on the amenity of surrounding lots, which is not in the interests of orderly and proper planning for the locality.

ADVICE NOTES:

1. Within twenty-eight (28) days from the date of the refusal:
 - 1.1 The unauthorised lodging house use is to cease operating;
 - 1.2 Modify the ancillary accommodation to comply with the approved plans dated 27 April 2010, Serial Number 5.2010.58.1; and
 - 1.3 In accordance with the Acceptable Development provisions of Clause 6.5.1 "On-Site Parking Provision" of the Residential Design Codes of Western Australia 2010, a minimum of three (3) compliant car parking bays are required to be provided for the single house and ancillary accommodation at No. 514 William Street;
2. With regards to Advice Note 1, if you do not comply with the above mentioned request within twenty-eight (28) days from the date of this refusal, the City will have limited option other than to commence enforcement and legal proceedings in accordance with the City's Prosecution and Enforcement Policy. On conviction, offences under Section 214 of the Planning and Development Act may be liable of a penalty of \$200,000 for each offence and a daily penalty of \$25,000 for each day during which each offence continues. In addition, the maximum fine for a Corporation is increased five times by virtue of Section 40, Sub-section 5, of the Sentencing Act 1995;
3. In accordance with the Residential Design Codes of Western Australia 2010, a single house is a dwelling standing wholly on its own green title or survey strata lot. A dwelling is a building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family; and
4. In accordance with the Residential Design Codes of Western Australia 2010, ancillary accommodation is self-contained living accommodation on the same lot as a single house that may be attached or detached from the single house occupied by members of the same family as the occupiers of the main dwelling.

COUNCIL DECISION ITEM 9.1.5

Moved Cr Carey, Seconded Cr Pintabona

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Maier was an apology for the Meeting.)

PURPOSE OF REPORT:

The application is referred to Council for determination given that the development comprises a 'SA' use where more than five (5) objections have been received.

BACKGROUND:

History:

Date	Comment
27 April 2010	A development application for the proposed conversion of the garage and carport at the existing single house to ancillary accommodation and store room at No. 514 William Street, Highgate, was approved under delegated authority.

Previous Reports to Council:

Nil.

DETAILS:

Landowner:	L K Xa, T K Hua & V Hua
Applicant:	L K Xa
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R80
Existing Land Use:	Two Single Houses and Ancillary Accommodation
Use Class:	Lodging House
Use Classification:	'SA'
Lot Area:	1041 square metres (combined site area)
Right of Way:	South-eastern side, 3 metres wide, sealed

The application is for retrospective approval for a lodging house at Nos. 514-516 William Street, Highgate. The City received a written enquiry regarding the use of the subject sites, which brought the unauthorised lodging house to the City's attention. On 17 April 2012 the City wrote to the owners and advised that they are required to ensure that the accommodation of the dwellings is not on a temporary basis (being less than six (6) months) or by more than six (6) occupants; alternatively within twenty-eight (28) days the owners are required to apply for and obtain Retrospective Planning Approval from the City for the unauthorised lodging house.

On 26 April 2012 the applicant, on behalf of the owners, wrote to the City seeking a twenty-eight (28) day extension to prepare and lodge a development application for the proposed change of use to lodging house for Nos. 514-516 William Street; Highgate, which was subsequently granted.

On 12 June 2012, the City received the retrospective development application for the proposed change of use from two (2) single houses and ancillary accommodation to a lodging house and associated alterations at Nos. 514-516 William Street, Highgate.

The development application plans depict six (6) bedrooms within each of the dwellings and three (3) bedrooms within the ancillary accommodation, being 15 bedrooms and 28 beds in total.

A development approval was issued on 27 April 2010 for the conversion of the garage and carport at the existing single house to ancillary accommodation and store room. The approved plans show that the ancillary accommodation contained one (1) bedroom, one (1) bathroom, a separate laundry and a kitchen, dining and living area; with a store room to the rear of the building.

The amended plans, which form part of the current development application, show that the building contains three (3) bedrooms, one (1) bathroom, one (1) combined bathroom/laundry and a kitchen, dining and living area. There is a minor discrepancy between the internal layout on the plans and what has been constructed on-site, as there are two (2) separate bathrooms, with the laundry being located at the end of the hallway.

There are further discrepancies between plans which form part of the development approval issued on 27 April 2010 and what is occurring on-site. The development approval shows there is a garage located to the rear of No. 514 William Street, Highgate, which is accessed via the rear right-of-way; however the floor plans which form part of the current development application note the structure is a patio and used for the occupants external communal space. Further to this, the development approval comprised two (2) additional car parking spaces located in front of the ancillary accommodation, whereas the parking on-site consists of three (3) car parking bays located there; with this resulting in there being no compliant car parking bays provided on-site for the proposed lodging house.

ASSESSMENT:

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

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

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

Car Parking	
Car parking requirement (nearest whole number)	
<ul style="list-style-type: none"> Lodging House 1 space per bedroom or 1 space per 3 beds provided, whichever is the greater 15 bedrooms = 15 car bays 	
Total car bays required = 15 car bays	= 15 car bays
Apply the adjustment factors.	(0.85)
<ul style="list-style-type: none"> 0.85 (the proposed development is within 400 metres of a bus stop/station) 	= 12.75 car bays
Minus the car parking provided on-site	Nil
Minus the most recently approved on-site car parking shortfalls	Nil
Resultant shortfall	12.75 car bays

Bicycle Parking

Lodging House (15 bedrooms):

- 1 space per 4 lodging rooms (class 1 or 2) = 3.75 spaces
- 1 space per 16 lodging rooms (class 3) = 0.9375 spaces

Required:

Total class one or two bicycle spaces = 3.75 spaces = 4 spaces

Total class three bicycle spaces = 0.9375 spaces = 1 space

Provided

Nil

The applicant has provided the following justification with regards to the proposed variation to the number of car parking bays:

“The parking that is currently available at the properties is ample for our tenants. As far as we are aware there are no examples on William Street of single lot residential properties that have parking that allows them to turn around and come out of the property without reversing out.

To further reiterate, our target market is to provide short term accommodation to Asian students and those on temporary working visas who cannot find accommodation due to the fact that they only require accommodation on a short term basis. Most people wanting to stay at our properties want to stay because they have no cars and our properties are within very close proximity to public transport and walking distance to the City and Northbridge.

We would like to propose that we can rent our rooms out on a basis that tenants cannot have cars as there is a very limited amount of parking provided. This just means that it is our loss as we have to turn away people with cars. We actually have enough enquiries and referrals already from students who don't have cars that it is not a huge issue for us to say that we can't take people on who have cars due to the limited parking space.

We simply do not have a requirement or demand for so many car bays. And to enforce this requirement on us will quite possibly be our downfall. We cannot afford to return to renting the properties out as a normal residential rental after the initial investment plus the additional funds put into the renovations at the properties, plus the ongoing increased costs associated with the properties (Council Rates, Land Tax, Water Rates, etc). And to not be able to achieve a Lodging House status will also mean that the service we are providing to a small number of such a large number of people struggling to find any type of affordable accommodation, let alone short term accommodation would be a huge shame. So, we would like to appeal to the Council to provide us with the understanding and support required to approve our Lodging House application.”

The subject site is not able to provide any compliant car parking bays on site; therefore resulting in a shortfall of 12.75 car bays. An adjustment factor of 0.85 has been taken into consideration due to the subject sites proximity to public transport; however on-site parking has not been provided at a rate that adequately meets the demands of the proposed use.

It is noted that there are currently three (3) car parking spaces provided on-site; however as they do not comply with both the Australian/New Zealand Standard AS2890.1 and the City's Policy No. 3.7.1 relating to Parking and Access, they cannot be included in the car parking calculation. The proposed development is not in keeping with Clause 13 “Traffic Movement” of the City's Policy No. 3.7.1 relating to the manoeuvring of vehicles within the lot boundaries, so as to enable vehicles to enter and leave the subject site in forward gear. Clause 13 states:

“The City of Vincent will require traffic circulation and manoeuvring areas within parking areas to be designed so that:

- i) *Adequate provision is made to enable all vehicles to enter and leave the land in a forward direction where the City of Vincent believes that the nature of a development, its relation to adjoining streets or the nature of those streets makes it necessary to do so, and an access point from parking spaces to the street serves more than two spaces”*

As William Street is a District Distributor (A) on the *Perth Metropolitan Area Functional Road Hierarchy*, vehicles are required to enter the street in forward gear. As the car parking provided currently comprises three (3) car bays at approximately 45 degrees, there is no scope for the vehicles to be able to manoeuvre so they are able to enter the street in forward gear.

The City's Policy No. 3.7.1 relating to Parking and Access provides for cash-in-lieu to be considered for the proposed shortfall to provide and/or upgrade parking bays in a nearby existing or proposed public parking facility, which may include on-street parking. Clause 11 "Cash-in-lieu" of the Policy states:

"This policy provision is not to be seen to be replacing the developer's responsibility to provide on-site parking, but rather as a mechanism to enable otherwise desirable developments, for which the full amount of parking cannot be provided on site, to proceed."

It is considered in this instance, that approving a lodging house without any car parking on-site replaces the developer's responsibility to provide car parking as there is currently no compliant car parking provided on-site. As stated in Clause 11 (above) cash-in-lieu is to be considered where the full amount of car parking required cannot be provided for a development; whereas in this instance there is no compliant car parking provided on-site.

Further to the above, Clause 22 "Minimum Parking Requirements" of the City's Policy No. 3.7.1 relating to Parking and Access, provides a guide when determining whether a development should be refused on car parking grounds. Clause 22 (ii) states:

"(ii) If the total requirement (after adjustment factors have been taken into account) is between 11 – 40 bays, a minimum of 15 per cent of the required bays is to be provided."

The proposal comprises a shortfall of 12.75 car bays therefore Clause 22 (ii) needs to be considered. A minimum of 2 car bays, being fifteen (15) per cent of the required bays, are required to be provided on-site for the City to consider accepting cash-in-lieu for the remaining 10.75 car bays. As there are no compliant car bays provided on-site, with the shortfall being 12.75 car bays (one hundred per cent of the required bays), the proposed variation is unable to be supported in this instance.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Comments Period:	3 September 2012 to 23 September 2012
Comments Received:	Twenty (20) objections

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Residential Amenity</p> <ul style="list-style-type: none"> The proposed development significantly detracts from the amenity of the area. The area is residential and family focused with two nearby schools. This area has preserved its strong residential character and this development is better suited to Northbridge. 	<p>Supported. The proposal is not in keeping with the objectives of the City of Vincent Town Planning Scheme No. 1 with respect to protecting amenity</p>

Summary of Comments Received:	Officers Technical Comment:
<ul style="list-style-type: none"> • The proposal is located in a residential area, and although it is on William Street, it is surrounded by single residential dwellings. Such a use would be better located in a mixed use area where it would be less likely to have a negative impact on the amenity of the surrounding area. • There is noise that exceeds normal residential use, experienced on a nightly basis, simply from the number of people chatting and socialising inside and outside the property. Further, residents are often engaged in minor building projects in the evenings that involve drilling and hammering. • Cigarette smoke, from the large number of smokers who congregate in the rear gardens of the lodging house, drifts into the backyards of the adjoining residential properties. • Aspects of the property are poorly maintained. • The front gardens of the properties are not maintained. The plants are over grown providing potential nesting sites for rodents and other vermin. • A lack of tidiness and order is observable for months at a time especially with letter boxes crammed with envelopes, newspapers and advertising. Consistent sloppiness of this sort diminishes the aesthetic value of the streetscape. • There has been an increase in graffiti in the rear lane. 	<p>Noted</p> <p>Dismissed. This is not a planning related objection.</p> <p>Noise levels are governed by the <i>Environmental Protection (Noise) Regulations 1997</i>; for further information regarding noise please contact the City's Health Services</p> <p>Dismissed. This is not a planning related objection</p> <p>Dismissed. This is not a planning related objection</p> <p>Noted</p> <p>Noted</p> <p>Dismissed. This is not a planning related objection</p>
<p>Issue: Car Parking</p> <ul style="list-style-type: none"> • Car parking is already a problem with up to ten vehicles regularly parked outside 508-516 William Street, limiting access to the surrounding properties. • There is already heavy parking on the verge and road side of this portion of William Street. • Parking will always be a major issue as there are no bays on site and most lodging house users have cars. 	<p>Supported. The proposed lodging house is not in keeping with the City's Policy No. 3.7.1 relating to Parking and Access and the City of Vincent Town Planning Scheme No. 1</p>

Summary of Comments Received:	Officers Technical Comment:
<ul style="list-style-type: none"> • There is not enough parking. • Parking along William Street is already hazardous and people are already parking on the verge. • Cars that cannot be accommodated on the verge and street in front of the property will likely be located on neighbouring streets, reducing bays available for residents and their visitors, which is already very tight. • The properties front a major road where there is no parking available in clearways during peak hour traffic. • There will be an increase in the frequency of vehicles entering and exiting the site to a major road (William Street) from residential crossovers, which is usually discouraged. • There does not appear to be sufficient parking available onsite to cater for the number of tenants who may potentially occupy these premises. 	
<p>Issue: Proposed Use is not Appropriate within the Residential Zone</p> <ul style="list-style-type: none"> • The proposed change of use to lodging house is not an appropriate use in a residential area. • The proposed location is in conflict with the City of Vincent's Draft Policy No. 3.4.5 "Special Residential Accommodation (Bed and Breakfast, Short Term Residential, Lodging House, Serviced Apartment)", which states: <i>"The preferred locations of Lodging Houses are within Residential/Commercial, Commercial, Local Centre or District Centre Zones."</i> 	<p>Supported. Under the City of Vincent Town Planning Scheme No. 1 a lodging house is a use that is not permitted unless Council exercises its discretion, therefore it is a use that can be considered appropriate in a residential zone.</p> <p>In this instance the proposal is not considered to be in the appropriate location as it is not in keeping with the objectives of the City of Vincent Town Planning Scheme No. 1 with respect to protecting the amenity of the locality.</p>
<p>Issue: Lack of Facilities for Lodgers</p> <ul style="list-style-type: none"> • The lack of provision for sufficient internal communal space, for the purposes of passive recreation, does not meet what is deemed acceptable development in the City of Vincent's Draft Policy on Special Residential Accommodation. 	<p>Dismissed. The proposed communal space for the lodging house complies with the requirements of the City's Policy No. 3.5.17 relating Communal Space for Lodging Houses, Hostels and Serviced Apartments.</p>

Summary of Comments Received:	Officers Technical Comment:
<ul style="list-style-type: none"> • The lack of internal communal space will continue to force lodgers outside to socialise, further exacerbating the noise and environmental impacts. • The submitted plans show 23 beds between the two dwellings plus a house keeper. This seems like a significant number of lodgers to try and accommodate in these houses with very little living areas. The proposals do not appear to have an acceptable level of residential amenity for the lodgers, which have, as a consequence, a negative impact on surrounding residential properties. 	
<p>Issue: Retrospective Application</p> <ul style="list-style-type: none"> • If retrospective permission is given for the unauthorised use then it gives the wrong message. • It is easier to received approval after undertaking works than it is to seek permission beforehand. 	<p>Dismissed. This not a valid planning objection.</p>
<p>Issue: Failure to Meet the Requirements of the <i>Health Act 1911</i> and the City of Vincent Planning/Building Processes.</p> <ul style="list-style-type: none"> • The retrospective nature of this application is confirmation this dwelling has been operating as an unregistered lodging house in contravention of Section 147 of the <i>Health Act 1911 (WA)</i>. Failure to register under the Act causes concerns as to whether the current or proposed designs comply with relevant fire safety requirements for a Class 3 building. • These houses have undergone significant ad hoc alterations to accommodate the proposed number of lodgers without local authority consent. Construction has continued on this site since the application was lodged, including works that vary significantly from the plans accompanying this application. These works include the conversion of what is shown on the plans as a garage and carport into what is thought to be a kitchen and living quarters, which includes elements such as a window on the boundary and the disposal of rainwater into neighbouring properties. 	<p>Noted. In the event that a development approval were to be issued, these aspects are considered by the City's Health and Building Services and Health and Building requirements are to be met.</p> <p>Dismissed. A development approval was issued on 27 April 2010 for the conversion of the garage and carport at the existing single house to ancillary accommodation and store room.</p> <p>It is noted that there are discrepancies between the plans and what has been constructed on site. It recommended that the applicant be advised that within twenty-eight (28) days the ancillary accommodation is to be modified to comply with the approved plans dated 27 April 2010 and that a minimum of three (3) compliant car parking bays are to be provided at No. 514 William Street in accordance with Clause 6.5.1 "On-Site Parking Provision" of the R-Codes.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: <i>National Construction Code Series – Building Code of Australia</i></p> <ul style="list-style-type: none"> A lodging house is required to conform to the <i>National Construction Code Series – Building Code of Australia</i> (NCCS – BCA) and <i>Australian Standards</i>. Of particular concern are standards for fire safety and standards set by the <i>Disability Discrimination Act</i> (DDA). An informal review of these plans suggests that the already constructed premises may find it difficult to retrospectively comply with the requirements for all of these codes and standards. 	<p>Noted.</p>

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

The following legislation and policies apply to the lodging house at Nos. 514-516 William Street, Highgate:

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2010;
- City of Vincent Town Planning Scheme No. 1;
- Hyde Park Precinct Policy No. 3.1.12;
- Residential Design Elements Policy No. 3.2.1;
- Non-Residential/Residential Development Interface Policy No. 3.4.3;
- Exercise of Discretion for Development Variations Policy No. 3.5.11;
- Shop Fronts and Front Facades to Non-Residential Buildings Policy No. 3.5.15;
- Communal Space for Lodging Houses, Hostels and Serviced Apartments Policy No. 3.5.17;
- Sound Attenuation Policy No. 3.5.21; and
- Parking and Access Policy No. 3.7.1.

RISK MANAGEMENT IMPLICATIONS:

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

Should the Council approve the application for development approval; the proposal will be in conflict with the City's Policy No. 3.7.1 relating to Parking and Access, the City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations and the City of Vincent Town Planning Scheme No. 1; therefore creating an undesirable precedent for development on surrounding lots.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Natural and Built Environment"

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

Economic Development

- 2.1 *Progress economic development with adequate financial resources*
 - 2.1.1 *Promote business development and the City of Vincent as a place for investment appropriate to the vision for the City."*

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

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

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

ENVIRONMENTAL	
Issue	Comment
The proposal uses an existing building for the proposed lodging house. The adaptive re-use of this existing space has a lower environmental impact compared to constructing a new building for this purpose.	

SOCIAL	
Issue	Comment
The application provides for diversity of affordable accommodation within the locality; however the scale of the development will have a negative impact on the amenity of the adjoining residential properties, as outlined in the tables above.	

ECONOMIC	
Issue	Comment
The proposed land use provides long term employment opportunities, along with any proposed construction providing additional short term employment opportunities.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

The proposed lodging house results in a significant departure of the City's Policy No. 3.7.1 relating to Parking and Access which will have an undue impact on the amenity of the locality, as there is not an adequate provision of parking provided for the development.

In light of the above, it is considered that the proposed change of use from two (2) single houses and ancillary accommodation to lodging house and associated alterations, would create an undesirable precedent and have a significant impact on the amenity of surrounding lots. The proposed lodging house is not in the interest of orderly and proper planning for the locality; which is clearly evident by the significant number of objections received before and during the community consultation period.

Due to the application's significant departure from the City of Vincent Town Planning Scheme No. 1, the City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations and the City's Policy No. 3.7.1 relating to Parking and Access; it is recommended that the application be refused for the reasons outlined above.

9.1.11 Town Planning Scheme Amendment No. 34 relating to land coded Residential R20 in the Mount Hawthorn and North Perth Precincts – Precinct Plans 1 and 8

Ward:	North Ward	Date:	1 February 2013
Precinct:	Mount Hawthorn (P1); North Perth (P8)	File Ref:	PLA0202
Attachments:	001 – Summary of Submissions		
Tabled Items:	Nil		
Reporting Officer:	T Elliott, Planning Officer (Strategic)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RESOLVES** pursuant to Town Planning Regulations 17, 18 and 25:
 - 1.1 to **RECEIVE** the 97 submissions in relation to Amendment No. 34 to the City of Vincent Town Planning Scheme No. 1, as summarised in Appendix 9.1.11; and
 - 1.2 that Amendment No. 34 to the City of Vincent Town Planning Scheme No. 1, **BE ADOPTED FOR FINAL APPROVAL** for the purpose of amending the dates referred to in clauses 20(4)(c)(ii) and 20(4)(h)(i) of the City of Vincent Town Planning Scheme No. 1 from '29 March 2013' to '29 March 2015';
2. **AUTHORISES** the Mayor and the Chief Executive Officer to execute and affix the City of Vincent common seal to Amendment No. 34 to the City of Vincent Town Planning Scheme No. 1 Amendment documents reflecting the Council's endorsement of final approval;
3. **FORWARDS** the relevant executed documents to the Western Australian Planning Commission and **REQUESTS** the Honourable Minister for Planning and the Western Australian Planning Commission to adopt for final approval and gazettal, Amendment No. 34, to the City of Vincent Planning Scheme No. 1;
4. **REQUESTS** that the Western Australian Planning Commission and Minister for Planning progress Amendment No. 34 as a matter of urgency, as the date detailed in the 'sunset clauses' will soon lapse; and
5. **ADVISES** the Environmental Protection Authority and those who made submissions of the Council decision.

COUNCIL DECISION ITEM 9.1.11

Moved Cr McGrath, Seconded Cr Buckels

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Maier was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the outcomes from the 42 day public consultation period relating to Scheme Amendment No. 34 and request the Council to endorse the amendment for final approval.

BACKGROUND:

Scheme Amendment No. 11 to the City's Town Planning Scheme No. 1, originally proposed to down code areas of North Perth and Mount Hawthorn from R30/40 and R30 to R20, respectively. This amendment was modified and two sunset clauses (clauses 20(4)(c)(ii) and 20(4)(h)(i)) were imposed in the Town Planning Scheme No. 1 by the former Minister for Planning and Infrastructure. These sunset clauses would only allow the area to be zoned at R20 for a certain 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. Since this time there has been five amendments to these clauses of the Scheme, whilst the City continues to complete its review of Town Planning Scheme No. 1.

History:

Date	Comment
7 October 2003	Scheme Amendment No. 11 to the City's Town Planning Scheme No. 1 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 to the City's Town Planning Scheme No. 1 was gazetted which modified the dates listed in the sunset clauses.
9 May 2008	Scheme Amendment No. 24 to the City's Town Planning Scheme No. 1 was gazetted which modified the dates listed in the sunset clauses.
3 March 2009	Scheme Amendment No. 27 to the City's Town Planning Scheme No. 1 was gazetted which modified the dates listed in the sunset clauses.
27 August 2010	Scheme Amendment No. 28 to the City's Town Planning Scheme No. 1 was gazetted which modified the dates listed in the sunset clauses.
7 August 2012	Scheme Amendment No. 31 to the City's Town Planning Scheme No. 1 was gazetted which modified the dates listed in the sunset clauses to 29 March 2013.
6 September 2012	The City received a request from a member of the North Perth Precinct Group requesting the City initiate an amendment to delete the sunset clauses, relating to density in the Eton Locality, from the City of Vincent Town Planning Scheme No. 1.
25 September 2012	Scheme Amendment No. 34 to the City's Town Planning Scheme No. 1 was initiated for the purpose of amending the date referred to in clauses 20(4)(c)(ii) and 20(4)(h)(i).
6 November 2012	The 42 day consultation period commenced.
17 December 2012	The 42 day consultation period closed.

Previous Reports to Council:

This matter was previously reported to the Council on 25 September 2012. The Minutes of Item 9.1.9 from the Ordinary Meeting of Council held on 25 September 2012 relating to this report is available on the City's website at the following link:
http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes

DETAILS:

Scheme Amendment No. 34 relates to the modification of dates of Clauses 20(4)(c)(ii) and 20(4)(h)(i) from the City's Town Planning Scheme No. 1, as detailed below:

20(4)(c)(ii) *'After 29 March 2013 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.'*

20(4)(h)(i) *'After 29 March 2013 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.'*

The scheme amendment proposes to modify the dates in the abovementioned clauses from '29 March 2013' to '29 March 2015'. This ensures the land within the North Perth and Mount Hawthorn Precincts remain at the Residential R20 zoning until 29 March 2015 or until the gazettal of the City's Town Planning Scheme No. 2 whichever comes sooner. Due to delays in the review of the Town Planning Scheme, the date referred to in the sunset clauses continually lapses and the City has requested it be removed from the Scheme on numerous occasions (Scheme Amendment Nos. 22, 24, 27, 28 and 31). Rather than approve the amendment, the Minister for Planning has amended the date referred to in the sunset clause which has extended the 'temporary' R20 coding.

The Draft Town Planning Scheme No. 2 was endorsed by the Council at its Ordinary Meeting held on 20 December 2011 and forwarded to the Western Australian Planning Commission (WACO) on 23 December 2011 to consent for advertising. The Draft Town Planning Scheme No. 2 is consistent with Amendment No. 34 for an R20 zoning in the parts of the Former Eton Locality, with the exception of London Street, which is considered capable of zonings greater than R20.

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period: Scheme Amendment No. 34 was advertised for a period of 42 days in accordance with Regulation 25 of the Town Planning Regulations 1967. The City had requested a reduced advertising period of 21 days, however this was not approved by the WACO.

Consultation Type: One advert in local paper, notice on the City's website, copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre, letters to the affected owners and occupiers, Western Australian Planning Commission, and other appropriate government and non-government agencies.

A total of 97 submissions were received with the breakdown of submissions as outlined below. When considering the submissions, only one submission per person was tabled.

Position	Number	Percentage
Support	80	82.5%
Object	15	15.5%
No objection	2	2.1%
Not Stated	0	0%
Total	97	100%

An analysis was conducted on the affected streets to determine whether there was a pattern in the responses received. The results were as follows.

Street Name	Support	Object	Not Stated	No objections
Auckland Street	14	1	0	0
Carrington Street	0	0	0	0
Dunedin Street	4	0	0	0
Ellesmere Street	0	1	0	0
Eton Street	14	3	0	0
Gill Street	3	0	0	0
Haynes Street	4	0	0	0
Hobart Street	11	3	0	0
Loch Street	4	0	0	0
London Street	4	3	0	0
Shakespeare Street	7	0	0	0
Sydney Street	13	1	0	0
Not Applicable	2	3	0	2
Total	80	15	0	2

Whilst there were some objections received, overall there was greater support for the Scheme Amendment and the retention of the R20 zoning.

The key issues raised in the consultation are outlined below, followed by an Officer comment. A full copy of the submissions received including an Officer response, are shown in Appendix 9.1.11.

Comments in Support of Scheme Amendment No. 34

Issue	Comment
Concern was raised in relation to the potential loss of character resulting from increased infill. The loss of character will also reduce property values.	By maintaining the lower zoning, the City hopes to maintain the character within this locality. As per the City's Consultation Policy 4.1.5, the Council is not authorised to consider 'non-planning' matters, such as affect on property values.
Greater infill will result in a loss of trees.	<p>The City encourages the retention of trees wherever possible, however unless trees are listed under the City's Significant Tree Inventory (List 1), the City cannot legally impose the retention of trees.</p> <p>The City's desire to retain and enhance trees is also evident through the City's Sustainable Environment Strategy 2011-2016. One of its objectives is 'Re-establish, conserve and enhance floral and faunal biodiversity, native vegetation, green spaces and green linkages within the City' and includes two actions which state the following;</p> <p>Action 3.10 – 'Update and review the City's Significant Trees Inventory and Policy, and promote the protection of trees during planning and construction phases.'</p> <p>Action 3.11 – 'Require the retention of existing trees on street verges, and encourage the retention of vegetation and trees on private lots.'</p>

Issue	Comment
Higher densities will result in more parking and traffic issues.	Residential developments are to comply with the car parking requirements in the Residential Design Codes of WA, however it is noted that increased development from higher codings that allow subdivision and multiple dwellings are likely to result in a greater number of cars in the area. The City's Car Parking Strategy addresses matters relating to the management of parking in the City.

Comments in Opposition of Scheme Amendment No. 34

Issue	Comment
The R20 coding is inconsistent with State Planning direction.	Whilst the general direction of the State Government is to increase inner city densities, this is to be done in strategic locations where there is good access to public transport and amenities. As part of the review of the Town Planning Scheme, it has been proposed that the zonings be increased in some areas. The City is of the opinion that the densities in other areas have been increased to sufficiently cater for the increase in population proposed for the Perth metropolitan area. A diversity of zonings ensures housing diversity across the City.
Maintaining the R20 zoning is unsustainable.	Sustainability also includes social aspects such as the community's desires and this amendment is supportive of the majority of the community's wishes. It is also considered sustainable to maintain existing housing stock, building materials and landscaped areas, rather than demolishing and rebuilding from new materials. A diversity of housing choice reflects demographics and provides for social sustainability.
By applying the R20 zoning, it will reduce land values.	As per the City's Consultation Policy 4.1.5, the Council is not authorised to consider 'non-planning' matters, such as affect on property values. It is noted the land is currently zoned R20.
London Street is a major road and the zoning should be higher.	As part of the review of the Town Planning Scheme, the City will be considering zonings greater than R20 for London Street. The proposed zoning in the Draft Town Planning Scheme cannot be advised until the Western Australian Planning Commission grants consent to advertise. To rezone London Street under the existing Town Planning Scheme No. 1, the City would be required to initiate a new amendment or propose major modifications to the existing Amendment No. 34 which would more than likely require readvertising.

Issue	Comment
As some properties abut higher zoned areas such as Charles Street (R60) or properties that are already subdivided, there was concern that it was unfair on their property to be limited by the R20 zoning.	Charles Street has a higher zoning as it is a major road and considered capable of greater density development. The residential streets in the Former Eton Locality, affected by this amendment, are considered to exhibit a character which the community wish to maintain through a lower zoning. The properties which have been subdivided would have been completed prior to the sunset clause being introduced into the Scheme or during the interim period where the sunset clause has lapsed.

LEGAL/POLICY:

- Town Planning Scheme No. 1
- Town Planning Regulations 1967
- Planning and Development Act 2005

RISK MANAGEMENT IMPLICATIONS:

Town Planning Scheme Amendment No. 34 should be treated as a matter of urgency by the Council, Western Australian Planning Commission and the Minister for Planning as the pending deadline of the sunset clause is 29 March 2013. This matter should be treated as urgent to alleviate any issues that arise from development applications pertaining to the area with intentions to develop to the higher densities.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011 – 2016 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:

Whilst the State Government is pushing for greater inner city densities, it is considered that this should be in targeted areas. The City of Vincent is of the opinion that this area remains at a lower density to provide a diversity of housing choice in Vincent and that densities will be increased in targeted growth areas, such as those areas around train stations, on major roads and the City's identified town centres.

It is also considered that this amendment supports the majority of the community's wishes to maintain a lower density and align with the City's vision for a sustainable City.

ENVIRONMENTAL
Retaining the R20 zoning will increase the likelihood of structurally sound buildings being preserved, avoiding the environmental impacts of demolishing and rebuilding. Due to the large amount of embodied energy and natural resources contained within built structures, the most sustainable building is one that is retained. Existing Trees and soft landscaping are also more likely to be retained, assisting to minimise storm water runoff and increasing local infiltration and aquifer recharge. Such existing vegetation is a valuable component of local biodiversity, providing food and habitat for native fauna while contributing to green linkages between parks, reserves and other dedicated green spaces across the city.

SOCIAL

The Scheme Amendment will ensure retention of character and heritage in the locality.

The retention of the R20 zone provides for lower density housing choice within the City which works in with the diverse range of housing available across the City.

It is considered that this amendment supports the majority of the community's wishes to maintain a lower density and therefore the general atmosphere of community and family throughout the locality.

ECONOMIC

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

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

Budget Amount:	\$ 80,000
Spent to Date:	\$ <u>4,684</u>
Balance:	\$ 74,556

COMMENTS:

Based on the submissions received by the City during the 42 day consultation period, there was greater support for amending clauses 20 (4)(c)(ii) and 20 (4)(h)(i) to maintain the R20 zoning until 29 March 2015.

By extending the clauses to 29 March 2015 this will provide sufficient time for the Western Australian Planning Commission to consider Town Planning Scheme No. 2.

In light of the submissions received during the consultation period, it is recommended that the Council adopt the Officer Recommendation to adopt Amendment No. 34 for final approval as advertised with no modifications.

9.1.13 Leederville Activity Centre Structure Plan – Progress Report No. 1 and Pre-Consultation Outcomes

Ward:	South Ward	Date:	1 February 2013
Precinct:	Oxford Centre (P4); Leederville (P3); Cleaver (P5); Smith's Lake (P6)	File Ref:	PLA0147
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	R Marie, Planning Officer (Strategic) T Elliott, Planning Officer (Strategic)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES Progress Report No. 1, as at 1 February 2013;**
2. **NOTES the:**
 - 2.1 **outcomes of the pre-consultation as shown in the 'Consultation' section of this report, to be considered as part of the preparation of the Leederville Activity Centre Structure Plan; and**
 - 2.2 **work undertaken to date on the Leederville Activity Centre Structure Plan and the tasks still to be completed as outlined in the 'Details' Section of this report; and**
3. **ENDORSES the updated Indicative Timeframe, as outlined in the report.**

COUNCIL DECISION ITEM 9.1.13

Moved Cr McGrath, Seconded Cr Pintabona

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Maier was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with a summary of the outcomes of the pre-consultation required as part of the preparation of an Activity Centre Structure Plan and an update on the progress of Leederville Activity Centre Structure Plan.

BACKGROUND:

In August 2010, the State Government released State Planning Policy 4.2 (SPP 4.2) – Activity Centres for Perth and Peel. The SPP 4.2 recognised Leederville as a Secondary Centre. As a result, the City is required to prepare a Structure Plan for the centre, which is to be endorsed by the Western Australian Planning Commission (WAPC).

History:

Date	Comment
31 August 2010	SPP 4.2 was published in the Government Gazette.
27 March 2012	The Council resolves to prepare the Structure Plan 'in house' and allocate funds to be used for consultancy fees to assist with the preparation of the Structure Plan.
April – November 2012	<ul style="list-style-type: none"> • Preparation of Structure Plan. • Appointed Traffic Consultants, City of Perth, to undertake traffic modelling. • Appointed MacroPlan Dimasi and Planning Solutions to undertake the Retail Sustainability Assessment. • Undertook initial consultation with service providers, Western Power and Water Corporation. • Consulted with the Department of Planning in relation to the Structure Plan preparation.
November/December 2012	The City undertook pre-consultation for the preparation of the Activity Centre Structure Plan.
11 December 2012	An overview of the Leederville Activity Centre Structure Plan was provided at a Council Member Forum. The City's consultants, MacroPlan Dimasi and Planning Solutions provided an overview of the Retail Sustainability Assessment.
18 December 2012	The Council considered Progress Report No. 13 relating to the Leederville Masterplan and established a Management Committee to oversee the implementation of the Leederville Masterplan.

Previous Reports to Council:

This matter was previously reported to the Council on 18 December 2012.

The Minutes of Item 9.5.3 from the Ordinary Meeting of Council held on 18 December 2012 relating to this report is available on the City's website at the following link:
http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes.

DETAILS:

A Structure Plan is a planning document prepared to cover all aspects of development within a particular area. A Structure Plan covers elements such as built form, land uses, infrastructure, traffic, services and sustainability.

The City of Vincent has been allocated a dedicated officer at the Department of Planning (DoP) who will assist the City with any day to day enquiries. To date, the DoP have been satisfied with the progress and direction the City is moving to progress the Structure Plan. The City will continue to liaise with the DoP throughout the entire process.

There are a number of key elements to be considered as part of the preparation of a Structure Plan. These matters are discussed below.

Structure Plan Document

The format and content of Structure Plans are guided by SPP 4.2 and the WAPC's Structure Plan Guidelines. Structure Plans maps are guided by the WAPC's Digital Data and Mapping Standards. Structure Plans are divided into two parts as detailed below:

Part One (Statutory Section) outlines all provisions and standards which have statutory effect under the relevant local and region planning scheme and must align with local planning scheme and relevant WAPC policy requirements.

Part Two (Explanatory Section) serves as an explanatory guide to explain and reference the implementation of the statutory provisions outlined in Part One. It covers elements such as the context, activity, movement, urban form, resource conservation and implementation.

These are being prepared internally with assistance provided from external sources where necessary.

Retail Sustainability Assessment

SPP 4.2 requires the preparation of a Retail Sustainability Assessment which '*assesses the potential economic and related effects of a significant retail expansion on the network of activity centres in a locality.*'

The City engaged MacroPlan Dimasi and Planning Solutions to undertake a Retail Sustainability Assessment to address the following key aspects:

- Population figures and projections;
- Employment data and projections;
- Floor space figures on existing and future land uses;
- Tenancy mixes and patronage trends;
- Character analysis;
- Future dwelling forecasts; and
- Comparisons with surrounding centres.

This document has now been completed. The information produced in the Retail Sustainability Assessment will feed into the Structure Plan, providing statistical data to reinforce the recommendations made in the Structure Plan. The whole Retail Sustainability Assessment will sit as an appendix to the Structure Plan.

Traffic Modelling

The City met with Main Roads WA, Department of Transport (DoT), Public Transport Authority (PTA) in June 2012 to discuss potential traffic and transport issues within Leederville. As part of the Structure Plan the City will be required to undertake traffic modelling to gain an understanding of how the centre will function with the proposed increase in population and commercial floor space. The City of Vincent has contracted the City of Perth to undertake the traffic modelling through an extension of their SATURN model.

Services

The City met with the Water Corporation and Western Power in June 2012 to discuss service provision in the centre. The City is continuing to liaise with both agencies to determine the capacity of these services within the Leederville Town Centre and will aim to develop sustainable practices to improve energy and water efficiency.

The Water Corporation has indicated no real concerns in relation to provision of water and waste water infrastructure, however there may be a need to investigate developer contributions for upgrades. Western Power however has advised that there are potential issues for power supply due to the proposed level of redevelopment. Preliminary advice has indicated that there may be a need for a zoned substation in the vicinity to accommodate the proposed redevelopment. The City is working closely with Western Power to provide accurate data on the indicative redevelopment (based on the outcomes of the Retail Sustainability Assessment) to determine what upgrades are required.

Sustainability

A section of the Structure Plan relates to resource conservation. The City is investigating engaging an environmental sustainable design consultant to assist with this component of the Structure Plan. The sustainability controls that are developed will form part of the Statutory Section.

Consultation

There are two stages of consultation required for a Structure Plan, the pre-consultation and formal consultation.

The WAPC has prepared Structure Plan Preparation Guidelines, which provide a framework for the Structure Plan preparation process. The guidelines suggest that consultation is best undertaken prior to preparing a Structure Plan. This allows the City to gain an understanding of the issues, opportunities and constraints up front prior to preparing the Structure Plan, rather than making major modifications towards the end. The outcomes of this pre-consultation are discussed below in consultation/advertising section of this report.

Once the Structure Plan has been prepared, the Council will consider the document and endorse the draft for advertising. Following this, the document will undergo a formal consultation period where community members and government and non-government agencies will be able to make comment on the draft.

Indicative Timeframes

It is noted that the City is awaiting the finalisation of Scheme Amendment No. 32 which includes provisions into the Town Planning Scheme No. 1 which will allow the City to adopt Structure Plans. Once this has been completed the City will be able to adopt the Leederville Activity Centre Structure Plan. It is noted that an officer at the Department of Planning advised they do not believe the City will be prevented from advertising the Structure Plan while the provisions have not been incorporated into the Scheme, however it may affect its status for the intended purpose, and make it open to successful challenge.

It is therefore recommended that the City await the finalisation of Scheme Amendment No. 32 prior to advertising the Draft Structure Plan. It is envisaged that Scheme Amendment No. 32 will be complete by mid 2013 as the amendment is unlikely to be approved until after the State election. This also gives the City time to properly consider the Structure Plan and all the elements that need to be included to make it a sound and effective planning document. In light of this, an updated indicative timeframe has been provided.

Key Task	Estimated Completion Date
Pre-Consultation	Nov/Dec 2012
Retail Sustainability Assessment	December 2012
Traffic and Transport	February/March 2013
Sustainable Design Provisions	January March 2013
Explanatory Section	February March 2013
Statutory Requirements	February March 2013
Design Advisory Committee Referral	February April 2013
Council approval to advertise	March-May 2013*
Consultation (Statutory 42 days)	March/April/May May/June/July 2013
Council Approval	June August/September 2013
Finalisation by WAPC	After June August/September 2013

*Subject to confirmation of Structure Plan provisions in Scheme Amendment No. 32

CONSULTATION/ADVERTISING:

The City wrote to all landowners and occupiers within the Structure Plan area and walkable catchment, which included areas within the Town of Cambridge, City of Perth and City of Subiaco. All businesses in the activity centre were notified and a number of government and non-government organisations. The City asked the following questions to all the landowners and occupiers:

- What do you like about the Leederville Town Centre?
- What don't you like about the Leederville Town Centre?
- What would you like to see more of?
- What would you like to see change?

The following questions were asked to the government and non-government agencies:

- What are the opportunities in the Leederville Town Centre?
- What are the potential issues in the Leederville Town Centre?
- What are the potential constraints about developing in the Leederville Town Centre?
- Are there any particular matters that the City would need to address in the preparation of the Structure Plan that relates to your agency?

The questions posed to the landowners and government/non-government agencies were worded differently due to the nature of the issues affecting the different parties; however the intention of the questions was the same.

This form of consultation was to gain an understanding what the community want for Leederville and trying to build these ideas into the Leederville Activity Centre Structure Plan (ACSP), rather than developing a plan that does not necessarily reflect the community's desires for the area.

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Consultation Period: 20 November 2012 – 17 December 2012

Consultation Type: Letters to land owners and occupiers, flyers distributed to businesses, displayed at Administration Centre, Library and Local History Centre and Beatty Park, information on the City's website, advert in Guardian Express and Officers were available at the Leederville Festival City of Vincent stall.

Comments received: 106 submissions were received from landowners, occupiers and businesses.
12 submissions were received from government agencies.

The key comments raised from the consultation are outlined below for each of the four questions raised. Submissions are considered and assessed by issue rather than by individual submitter for clarity. The comments raised by the government agencies have been considered separately below based on agency.

What do you like about the Leederville Town Centre?

Summary of Comments Received:	Officers Comment:
<p><i>Character and Atmosphere</i></p> <ul style="list-style-type: none"> • Eclectic mix of uses. • Vibrant and friendly. • Organic growth of the centre – not clinical. • Independent traders, lack of chain stores. • Late night trading. • Buildings of an older and retro style. • Al fresco areas. • Trees • Well maintained centre. • Desire to not become like other centres e.g. Subiaco and Claremont. 	<p>The Leederville ACSP will require that a mix of land uses be maintained in the centre and that smaller retail spaces be encouraged as they may be more appealing to small independent retailers rather than chain/franchise stores.</p> <p>Work with the local businesses will also aim to maintain this character and vibrancy to ensure that Leederville remains unique.</p>

Summary of Comments Received:	Officers Comment:
<p><i>Diversity of Land Uses</i></p> <ul style="list-style-type: none"> • Good mix of land uses – cafes, shops, restaurants. • Independent retailers rather than franchises. • Good facilities – Cinema, park, library, Leederville Oval, skate park, festivals. 	<p>The Retail Sustainability Assessment undertaken as part of the Leederville ACSP examines the existing and required land use mix. Leederville generally has a good mix of uses, however this will need to be maintained and built on through statutory measures in the ACSP e.g. zoning tables specific for different precincts within Leederville, design of street fronts for street activation.</p>
<p><i>Traffic, Transport and Accessibility</i></p> <ul style="list-style-type: none"> • Close to public transport, particularly the train station. • Pedestrian friendly centre. • Easy to access the centre. • One hour free parking is supported. 	<p>The ACSP recognises the importance of the sustainable modes of transport and movement including pedestrian, cyclist and public transport. The ACSP will look to develop a mode shift from private car to sustainable transport and aim to improve the pedestrian, cyclist and public transport realm in and around Leederville.</p>
<p><i>Location</i></p> <ul style="list-style-type: none"> • Leederville is closely located to the City, train station, shopping, cafe strip, freeway, library, civic centre, Northbridge, Subiaco. 	<p>Leederville has the advantage of being closely located to a number of services, amenities and facilities. This is recognised through the ACSP and the ACSP will aim to build on these connections.</p>
<p><i>Scale</i></p> <ul style="list-style-type: none"> • Low rise and the lack of high rise. • Eclectic architectural style. 	<p>The City recognises that part of Leederville's charm and character is attributed to its lower scale and original building stock. The ACSP will aim to build on the existing character and this will need to be considered by new developments. Where greater height is promoted, it will be essential that the existing character is protected.</p>

What don't you like about the Leederville Town Centre?

Summary of Comments Received:	Officers Comment:
<p><i>Size and Scale</i></p> <ul style="list-style-type: none"> • Too small – need more shops, bars and cafes. • Low density. 	<p>The ACSP will allow for an increase in the retail floor space to accommodate the proposed increase in population; however the mix of uses needs to be managed. Higher density will be promoted in appropriate areas.</p>
<p><i>Safety</i></p> <ul style="list-style-type: none"> • The centre is not child friendly. • Concerns with safety at night – anti social behaviour, drunken behaviour. • Concern associated with the Leederville Hotel. • Lack of lighting behind IGA. 	<p>The ACSP will aim to look at movement and connectivity through the centre, to ensure the safety is improved for pedestrians, including investigating new street lighting.</p> <p>The City has established a Leederville Town Centre Enhancement Group who will provide advice on streetscape enhancements and art projects for the Town centre. This includes upgrades to the Oxford Street Reserve.</p>
<p><i>Price</i></p> <ul style="list-style-type: none"> • The shops are expensive. • High rents have meant shops have become vacant. 	<p>Unfortunately this is out of the City's control; however the City is investigating options for short term leases which could activate vacant shops and incorporating the requirement for some smaller retail space to ensure start ups, independent and small retail can be attracted to and retained in Leederville.</p>

Summary of Comments Received:	Officers Comment:
<p><i>Connectivity and Movement</i></p> <ul style="list-style-type: none"> • Poor access to the train station. • The entry under the freeway is poor for pedestrians. • Poor connection between the skate park and the rest of the centre. • Poor connection to Cambridge Street, Loftus Street and Railway Road. • Close off Oxford Street and create a pedestrian mall. 	<p>The ACSP investigates connectivity throughout the town centre and aims to improve it for all modes of transport. The public realm will also be investigated for potential improvements.</p> <p>Pedestrian malls are not always the best solution to improving the public realm. Passing vehicle traffic can often improve the safety of an area. It would be more beneficial to look at traffic slowing mechanisms rather than a pedestrian mall.</p>
<p><i>Aesthetics</i></p> <ul style="list-style-type: none"> • Need to improve the area behind Oxford Street. • The centre looks run down and dirty. • The Oxford Street Reserve needs updating. • There are empty shops throughout the centre. • Lack of trees, plants, landscaping, streetscaping. • The footpaths are narrow. • Behind IGA and the shops (adjacent to The Avenue Car Park), the bins are smelly and dirty. • The public toilets are poor quality. • There is often a smell that lingers in the morning after 'big nights' in Leederville. 	<p>The City has established a Leederville Town Centre Enhancement Working Group. This group aims to improve and upgrade the public realm in Leederville. The ACSP will also emphasise the need to ensure a good quality public realm.</p>
<p><i>Governance</i></p> <ul style="list-style-type: none"> • There has been a lack of long term planning. 	<p>The Leederville Masterplan Built Form Guidelines, adopted as a Local Planning Policy pursuant to Town Planning Scheme No. 1, currently provides guidance on development in the centre. The ACSP is required by the State Government and will coordinate all elements that relate to the future development of the town centre. This holistic document will bring everything together to provide a clear vision for Leederville and enable more coordinated implementation.</p>
<p><i>Traffic and Parking</i></p> <ul style="list-style-type: none"> • The traffic is bad. • The cars travel too fast along Oxford Street. • Turning at the intersection of Oxford and Vincent Streets and Oxford and Newcastle Streets is difficult. • There needs to be more round-a-bouts. • Cyclists should use bike paths rather than ride along Oxford Street. • No parking/lack of parking. • There is a need for a multi storey car park that does not have the appearance of a multi storey car park. • Non residential cars are parking in residential streets. • Lack of bicycle parking. 	<p>As part of the ACSP the City will be undertaking traffic modelling for the centre. This will examine the existing traffic conditions and aim to provide recommendations on how to manage the future parking.</p> <p>Parking requirements will be investigated and implemented through the statutory section of the ACSP. Given the location of Leederville with public transport and the congested surrounding road network, consideration is being given to maximum parking requirements to support a shift to non car based transport and ensure the centre is not dominated by cars and car parking areas.</p> <p>Cycle parking will also be investigated. It is</p>

Summary of Comments Received:	Officers Comment:
	noted that through the Leederville Town Centre Enhancement Working Group, a temporary bicycle parking structure will be erected in the Leederville Town Centre as a trial.
<p><i>Business</i></p> <ul style="list-style-type: none"> • The Leederville Hotel is big and noisy. • There is a loss of local shops to chain shops. • There should be an expansion of shops north of Vincent Street. 	The ACSP looks at the different types of land uses and where they should be located based on the surrounding land uses and amenity.

What would you like to see more of?

Summary of Comments Received:	Officers Comment:
<p><i>Diversity of Land Uses</i></p> <ul style="list-style-type: none"> • Multicultural shops/cafes/events. • Venues for craft • More bars, cafes etc. • More variety in shops. • Expansion up Oxford Street e.g. restaurants with residential above. • Access to affordable fresh produce e.g. farmers markets. • Late night opening hours. • More retail. • High rise. • Lane way shops. • Youth and elderly facilities. • Suggestions – gym, butcher, fruit and vegetable shop, theatre/cultural events and play areas for children. • Big multi storey shopping centre. 	<p>The Retail Sustainability Assessment will make recommendations on the types of land uses that are appropriate in the centre to sustain the economic viability of the centre based on the projected population and catchment. The ACSP will designate areas appropriate for different uses to maintain the character and vibrancy of the centre.</p> <p>Smaller retail spaces will be encouraged over larger developments as a mechanism to maintain the character and vibrancy of Leederville.</p>
<p><i>Aesthetics</i></p> <ul style="list-style-type: none"> • More trees. • Cleanliness e.g. the street and pavement. • Colour. • Seating. • Sculptures, public art, fountain piazza style, town clock. • Improvements to older buildings, but maintain the character. • Graffiti control. • Upgrade to park. • Lane way culture. • More bins. 	<p>The Leederville Town Centre Enhancement Working Group can consider these proposed improvements, however where possible these recommendations will be incorporated into the ACSP where possible. For example:</p> <ul style="list-style-type: none"> • Small retail and shop developments can be encouraged at the rear of properties to activate lane ways. • Character retention of older style buildings will be required and alterations and additions will need to be sympathetic of this. • The Oxford Street Reserve could be reorientated and upgraded to create a civic, piazza space and is being considered as part of the Leederville Town Centre Enhancement Work.
<p><i>Community Spaces and Events</i></p> <ul style="list-style-type: none"> • More festivals, markets and events for families. • Cultural events including concerts. • Closing of Oxford Street for events. • Weekend markets. • Communal piazza. 	<p>A strong sense of community is established and strengthened through community events. It also adds vibrancy to the area. Where possible, the City through liaison with the businesses can assist to facilitate and encourage regular events in Leederville. The ACSP will aim to plan the centre so that it is compatible with such community events.</p>

Summary of Comments Received:	Officers Comment:
<ul style="list-style-type: none"> Regular night markets. 	
<p><i>Al Fresco</i></p> <ul style="list-style-type: none"> More al fresco. More outdoor seating. Street vendors. Remove on street parking on Oxford Street (between Vincent Street and Leederville Parade) and widen the footpaths. 	<p>Al fresco uses are considered to activate streets and where possible should be encouraged. The City will investigate appropriate locations for al fresco dining and retail areas. Where possible, widening of footpaths can be considered to improve pedestrian movement. The City is currently trialling an on-road cafe, which has removed two on street car bays and replaced it with an al fresco cafe area for all Town Centre users. The Leederville Town Centre Enhancement project is also investigating the streetscape design.</p>
<p><i>Parking</i></p> <ul style="list-style-type: none"> More parking. More short term, long term, free, time restricted parking. Restricted on the street – no parking on the weekends. Multi storey parking on the fringe. More bicycle parking. Undercover parking. 	<p>The City will be investigating changing parking requirements in the town centre to encourage better use of public transport.</p> <p>Cycle parking will also be investigated. It is noted that a temporary bicycle parking structure will be erected in the Leederville Town Centre as a trial.</p>
<p><i>Traffic and Transport</i></p> <ul style="list-style-type: none"> 30km/h along Oxford Street. Free transport or light rail to the City via Newcastle Street. Public transport from Oxford Street to Hay Street, West Perth. More buses to the City. CAT bus to the City and Northbridge. More public transport options on the weekend. Links between Mount Lawley, North Perth, Leederville, Subiaco, the University and West Perth. 	<p>Traffic modelling will be undertaken as part of the preparation of the ACSP. From this, it may provide recommendations for improved public transport.</p> <p>A Green CAT bus is being proposed from the Esplanade to Leederville.</p> <p>The City is currently investigating a community bus to improve the east-west connections in the City through a recent project with Curtin University.</p>
<p><i>Independent Businesses</i></p> <ul style="list-style-type: none"> Keep large shops out – quirky shops not chains. Butchers, grocers, independent cafes/bars. 	<p>In order to maintain the vibrancy and character of Leederville, the ACSP will encourage smaller retail spaces through design requirements.</p>
<p><i>Family</i></p> <ul style="list-style-type: none"> More family/child secure areas. Regular family activities. Bigger playground. More shade. Water playground. 	<p>The civic square space proposed in the ACSP will aim to create more secure family areas. This is also being investigated by the Leederville Town Centre Enhancement Group.</p>
<p><i>Residential</i></p> <ul style="list-style-type: none"> Residential above the north side of Oxford Square. Multi storey apartments. Medium density with mixed use. Inner core 2-3 storeys to allow for more multi use and residential. More family style apartments (3-4 bedrooms) but not luxury price. 	<p>Higher density residential development will be required in Leederville; however a range of dwellings types and form will be encouraged through the ACSP.</p>

Summary of Comments Received:	Officers Comment:
<p><i>Cycling</i></p> <ul style="list-style-type: none"> • More cycle paths (not in the way of the Oxford Street footpath). • More cycle parking. • Separate bike lanes. 	<p>Improving movement for cyclists will be investigated through the ACSP and the City's Bike Plan. The ACSP looks at a mode shift towards more sustainable modes of transport therefore more cyclist facilities will be implemented in the centre such as bike racks and end of trip facilities.</p>
<p><i>Pedestrians</i></p> <ul style="list-style-type: none"> • More shading e.g. trees. • Benches. • Lighting to and from the tennis courts. • Crosswalks. • Fewer cars, more pedestrians. • Make Oxford Street one-way. • Develop a pedestrian mall at the end of Newcastle Street. • Weekend street closures. • Malls, walkways, cycle ways. 	<p>Pedestrian movement throughout the centre is a key component of the ACSP. It is essential that pedestrians can move freely through the centre in a safe environment. More facilities such as benches will be considered and awnings in the town centre will be mandatory for weather protection. Road closures for events is appropriate, however permanent road closures may be detrimental to the centre, as passing traffic provide surveillance for safety.</p>
<p><i>Security</i></p> <ul style="list-style-type: none"> • More security cameras, CCTV. • Control anti-social behaviour and noise from the Leederville Hotel. 	<p>The ACSP will aim to plan Leederville to be a safer centre through building design and improved pedestrian movement routes. The City's safer Vincent Team will also monitor safety in Leederville.</p>
<p><i>Connectivity</i></p> <ul style="list-style-type: none"> • Better connections for pedestrians crossing the street amongst car traffic. • Better links across Loftus/freeway to City/Kings Park. • Public access way Cambridge Street to train station. 	<p>The ACSP will investigate connectivity to and from the Leederville town centre for all modes of transport and investigate ways to improve this.</p> <p>The City of Vincent and Town of Cambridge are currently working together to improve the connectivity between Leederville and West Leederville over the train station.</p>

What would you like to see change?

Summary of Comments Received:	Officers Comment:
<p><i>Density</i></p> <ul style="list-style-type: none"> • Increase density for residential and business. 	<p>The ACSP will have higher densities to accommodate the proposed increase in population in the town centre.</p>
<p><i>Noise</i></p> <ul style="list-style-type: none"> • Sound proof night clubs. • Traffic noise. • Music from outdoor venues. 	<p>The developments within the ACSP will need to address issues relating to sound attenuation.</p> <p>Traffic modelling is being undertaken as part of the ACSP. Whilst this may not necessarily address traffic noise, it will investigate where traffic is likely to increase which may indicate where more stringent noise prevention mechanisms should be employed.</p>
<p><i>Family</i></p> <ul style="list-style-type: none"> • Better family facilities including public toilets. • Community Gardens. • Playground for all ages. 	<p>The Leederville Town Centre Enhancement Working Group are considering these proposed improvements, however where possible these recommendations will be incorporated into the ACSP where possible. For example:</p> <ul style="list-style-type: none"> • Allocating areas for town square uses. • Allocating areas where community gardens could be appropriate.

Summary of Comments Received:	Officers Comment:
<p><i>Connectivity, Movement and Pedestrians</i></p> <ul style="list-style-type: none"> • Vincent Street cuts the lower end of Oxford Street from the north. • More alfresco areas. • Remove on street car bays and widen the footpaths and add a bike lane and bike parking. • Pedestrians only on Oxford Street (between Vincent Street and Leederville Parade) and Newcastle Street to Carr Place. Create a new road between Carr Place/Newcastle Street/Leederville Parade. • Light rail down Vincent Street to Mount Lawley and Harbourne Street to Subiaco. • Pedestrian bridge across Vincent and Loftus Streets. • Part time pedestrianisation of Oxford Street west. • Street closures (similar to festival) and only allow access by bus, taxi, residents and delivery vehicles. • Integration of train station with town centre. • Better pedestrian and cycle connectivity to Lake Monger. • Better pedestrian connectivity between Carr Place, Newcastle Street and Leederville Parade. • Connect Frame Court to Newcastle Street with any development at the Water Corp site. • Zebra crossing at Oxford and Newcastle Streets. 	<p>Pedestrian and cyclist movement will be given priority through the centre. Improving links will be a key aim of the ACSP. Traffic modelling is being undertaken for the centre which will aim to investigate traffic movements through the centre and provide recommendations on how to best manage this into the future.</p> <p>Road closures for events is appropriate, however permanent road closures may be detrimental to the centre, as passing traffic provide surveillance for safety and short term parking for local businesses.</p> <p>Light rail routes are a State Government matter. No light rail routes were proposed between Leederville and Mount Lawley in the Department of Transport's 'Public Transport for Perth in 2031' document however there is a long term vision for a proposed light rail route between Subiaco and Glendalough however the exact route was not specified in the document.</p>
<p><i>Security</i></p> <ul style="list-style-type: none"> • More lighting near IGA. • Drunken crowds and noise associated with the Leederville Hotel and nightclub scene. • Open for longer hours. • Control of homes west tenants. • Move power poles and better lighting and residential streets. 	<p>The ACSP will aim to plan Leederville to be a safer centre through building design and pedestrian movement routes. The City's safer Vincent Team will also monitor safety in Leederville.</p>
<p><i>Parking</i></p> <ul style="list-style-type: none"> • Sink the car parks and replace it with public spaces. • More parking on the edge of the town centre. • One hour free is too short. • Rangers to police Richmond Street. • Multistorey or underground parking. • Free motor bike/scooter parking. • Post paid parking. 	<p>Parking in the town centre is being investigated as part of the ACSP. The City recognises that the centre has a number of parking issues. A new approach to parking, will be investigated.</p>

Summary of Comments Received:	Officers Comment:
<p><i>Government</i></p> <ul style="list-style-type: none"> • Less red tape. • More consideration to the residents not just businesses. • Not every house needs to be developed. • Need to focus on expanding up Oxford Street. • No smoking in the centre. • Sustainable design. 	<p>The ACSP is a requirement of the State Government under State Planning Policy 4.2 – Activity Centres for Perth and Peel. The ACSP will provide a clear plan for Leederville and will take into consideration all aspects of its development including land uses, traffic, services, sustainability and community facilities.</p>
<p><i>Diversity</i></p> <ul style="list-style-type: none"> • More shops, cafes and small bars. • Small business and stalls at the park. • More uses between Vincent and Bourke Street. • Relocate some uses north of Vincent Street that attract traffic e.g. IGA, banks. • Residential stays. • No night clubs, sex shops, gambling facilities. • Farmers markets. • High density. • Shopping mall. 	<p>The Retail Sustainability Assessment will provide recommendations on the appropriate mix of land uses within the centre. Locations and the mix will be specified in the ACSP. Leederville has a unique mix of land uses which the City wishes to maintain.</p>
<p><i>Traffic and Transport</i></p> <ul style="list-style-type: none"> • More bus routes, especially at night. • Cleaner bus shelters. • Option for CAT bus. Potentially route Oxford Street-Scarborough beach Road-Loftus Street. • More free public transport. • Pedestrian tunnel from the train station to the centre for weather protection. • A lift at West Leederville train station for disability access. • Light rail on Loftus or Oxford Street or east/west. • Bus links from Lake Monger to Hyde Park and Beaufort Street. • One way on Oxford Street. • Turning arrows at Vincent and Oxford Streets. • Allow for cyclists. • Round-a-bout at Oxford and Richmond Streets. • Pedestrian priority. 	<p>Traffic modelling is being undertaken which will investigate traffic movements through the centre and provide recommendations on how to best manage this into the future. It may include recommendations on public transport.</p> <p>A green CAT bus is being proposed between the Esplanade and Leederville train station.</p> <p>Many of these initiatives require coordination with the State Government. The City is working with these agencies to consider some of these matters including free public transport and light rail routes.</p>
<p><i>Aesthetics</i></p> <ul style="list-style-type: none"> • Use vacant sites. • More greenery – trees, native vegetation. • Upgrade to buildings but retain the character. • Ban smoking. • Clean the town centre e.g. footpaths, bin area behind shops that back on to the Avenue Car Park, graffiti and after ‘party nights’ in Leederville. • New public toilets. • Less poles and signs. 	<p>The Leederville Town Centre Enhancement Working Group can consider these proposed improvements, however where possible these recommendations will be incorporated into the ACSP where possible. For example:</p> <ul style="list-style-type: none"> • Allocating areas for town square uses. • Developing planning provisions to activate the rear of shops. • Encouraging more street tree plantings and requiring landscaping in certain developments.

Summary of Comments Received:	Officers Comment:
<ul style="list-style-type: none"> • Develop a piazza. • More active town square. • Public malls. • More 'up market'. • Christmas lights. • Underground power. 	

Government Agencies

It is noted that many of the government agencies commended the City on undertaking consultation at the early stages of the structure plan development.

City of Perth

The City of Perth requests that the City of Vincent take into consideration the following projects occurring within the City of Perth.

- Amendment No. 25 relating to plot ratio and bonus plot ratio.
- Amendment No. 24 relating to the Hamilton Precinct.
- The finalisation of a Community Infrastructure Plan.
- Creation of a third lane in the Graham Farmer Freeway and the diversion of Riverside Drive in mid 2013.
- State Government's proposal for light rail on Fitzgerald Street and proposed Green CAT bus.

Department of Education

The Department would welcome any information on the proposed increase in population to determine the impact of any increased student yield in the area.

Department of Health

A scoping tool was enclosed which may assist to identify potential public health risks. The Department also suggested that the City may wish to consider incorporating Health Impact Assessment and/or Public Health Assessment principles in the decision making process.

Department of Planning

The Department commends the City on the progress being made and at this point does not have any comments to offer.

Department of Sport and Recreation

Any increase in population must consider the relationship to existing passive and active recreation spaces and the impact on the community, usage, accessibility and availability. The Department in conjunction with Curtin University's Centre for Sport and Recreation Research suggest that as a guide the provision of open space should allow 6.5m² per person for sporting spaces excluding sporting infrastructure and surrounding passive public open space.

The Department trusts that the provision of public open space will be managed effectively to provide adequate space for future growth and provide linkages for pedestrians and cyclists.

The Department supports the retention of the youth drop-in centre and skate park.

Department of Transport

The Department has liaised with the Public Transport Authority and Main Roads WA and commends the City on their initiative to invite comments from the key stakeholders and agree that the Structure Plan should be developed in accordance with the WAPC's structure plan preparation guidelines, which provide a template for considering movement networks.

Main Roads WA

Main Roads were pleased to note that the City will be undertaking a transport impact assessment for the Structure Plan area and area keen to be involved in the identification and development of transport network scenarios to be modelled. All previous comments provided in relation to the Leederville Masterplan still stand. Until outputs from the transport modelling can be considered and assessed, Main Roads is not in a position to comment further.

Metropolitan Redevelopment Authority

No comment.

State Heritage Office

There are two State Registered and six locally listed heritage places within the affected area. The Draft Structure Plan should consider *SPP 3.5 Historic Heritage Conservation* and the State and locally listed properties.

Swan River Trust

The Trust has no objections to the proposed structure plan.

Western Power

Western Power provided information in relation to working within proximity of overhead powerlines.

Water Corporation

The Water Corporation are interested in the servicing capacity (water, sewerage and main drainage) current limitations and upgrade requirements. A review of the major system has been scheduled; however the Corporation is awaiting updated data from the City of Vincent.

Upgrades to reticulation less than 300mm will be the responsibility of the City of Vincent or individual developer and the most efficient mechanism to do this is through a Developer Contribution Scheme. The Structure Plan should consist of an engineering report that builds on the work undertaken for the Masterplan.

LEGAL/POLICY:

- State Planning Policy 4.2 – Activity Centres for Perth and Peel;
- Planning and Development Act 2005;
- Town Planning Regulations 1967;
- City of Vincent Town Planning Scheme No. 1; and
- Scheme Amendment No. 32.

Activity Centre Structure Plans for Secondary Centres require approval from the WAPC.

RISK MANAGEMENT IMPLICATIONS:

The City is required to prepare a Structure Plan for Leederville in accordance with SPP 4.2 and is to be approved by the WAPC. No large developments (as specified in SPP 4.2) can be approved in the centre without the adoption of a Structure Plan.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"2.1 Progress economic development with adequate financial resources

2.1.4 Implement the Leederville Masterplan and West Perth Regeneration Project."

SUSTAINABILITY IMPLICATIONS:

All the objectives of the City's Sustainable Environment Strategy 2011 – 2016 are relevant to the Leederville Activity Centre Structure Plan.

The following tables outline the applicable sustainability issues for this Structure Plan:

ENVIRONMENTAL	
Issue	Comment
The structure Plan will aim to improve the open space areas and promote new street and verge plantings to improve green linkages.	
The Structure Plan will also be investigating ways to mandate environmental standards into the built form that aim to reduce water and energy use.	

SOCIAL	
Issue	Comment
The pre-consultation allows the City to gain an understanding of what the community like and don't like about Leederville. The City will aim to implement this feedback into the Structure Plan to create a Town Centre that has been planned for the community.	

ECONOMIC	
Issue	Comment
By mandating sustainable practices into new buildings, there will be a long term economic benefit.	

FINANCIAL/BUDGET IMPLICATIONS:

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

Budget Amount: \$100,000
Spent to Date: \$77,360 (committed and actual)
Balance: \$22,640

COMMENTS & CONCLUSION:

The City of Vincent is progressing with the Structure Plan and it is considered that the document will be well rounded and address all aspects of development. Once complete, it is envisaged that the Structure Plan will replace the Leederville Masterplan and previously prepared associated documents. The vision and objectives of the Leederville Masterplan, including developing Leederville as a high density transit oriented Town Centre and the general precinct areas will carry through to the Structure Plan however the concept of the Masterplan will be superseded. It is considered that the Structure Plan provides a greater level of detail relating to the centres development and aims to coordinate all aspects that contribute to the areas development. The format of the Structure Plan provides the background and justification to the statutory provisions therefore creating a sounder planning tool. The Structure Plan will also provide clear guidance for the City's statutory officers when considering development applications in this area.

The pre-consultation undertaken was considered to be highly successful and the feedback gained was invaluable to the development of the Structure Plan as it allows the City to develop a plan that will reflect the community's desires for the centre. It was found that many of the comments raised were consistent and provided the officers with a clear vision for how the community wish to see Leederville develop. It is noted that the outcomes of the consultation are also consistent with many of the recommendations and observations made in the Retail Sustainability Assessment. It is also considered that the outcomes from this consultation be considered by the Leederville Town Centre Enhancement Working Group.

Whilst the City's officers have proposed to extend the timeframes of the completion of the Structure Plan, this is considered to be in accordance with orderly and proper planning as it ensures that the document is advertised and endorsed in accordance with adopted Town Planning Scheme provisions and it also allows sufficient time to consider all relevant aspects of the Structure Plan thoroughly.

In light of the above information, it is recommended that the Council adopt the Officer recommendation to note the outcomes of the consultation, the tasks undertaken to date on the Structure Plan and endorse the updated indicative timeframes.

9.1.14 North Perth MasterPlan – Adoption

Ward:	Both	Date:	1 February 2013
Precinct:	North Perth Centre (P9); Smith's Lake (P6); Norfolk (P10)	File Ref:	PLA0229
Attachments:	001 – Summary of Submission 002 – List of Major Changes 003 – North Perth MasterPlan 004 – Implementation Plan		
Tabled Items:	Nil		
Reporting Officer:	R Marie, Planning Officer (Strategic)		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **CONSIDERS** the summary of submissions received during the consultation period as shown in Appendix 9.1.14A; and
2. **NOTES** the key changes made to the MasterPlan based on the comments received as shown in Appendix 9.1.14B;
3. **ADOPTS** the:
 - 3.1 **North Perth MasterPlan** as shown in Appendix 9.1.14C, as a working document to guide future development of the North Perth Town Centre and to be used to guide amendments to Local Planning Policies and the Town Planning Scheme; and
 - 3.2 **Implementation Plan** as shown in Appendix 9.1.14D, to be used to implement the recommendations of the North Perth MasterPlan; and
4. **NOTES** a report will be submitted to the Council by June 2013 to initiate a review of the relevant Precinct Policies within the MasterPlan area.

Moved Cr Topelberg, Seconded Cr Pintabona

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

- “3. **ADOPTS** the:
 - 3.1 **North Perth MasterPlan** as shown in Appendix 9.1.14C, as a working document to guide future development of the North Perth Town Centre and to be used to guide amendments to Local Planning Policies and the Town Planning Scheme, subject to page 14 of the MasterPlan being amended as follows: and
 - 3.1.1 **‘Increase residential density along Fitzgerald Street and Angove Street and provide a range of diverse housing choice; including affordable, aged and student housing;’ and”**

Cr Carey departed the Chamber at 7.29pm.

Debate ensued.

Cr Carey returned to the Chamber at 7.31pm.

AMENDMENT 1

Moved Cr McGrath, Seconded Cr Carey

“That a new Clause be inserted on page 38, in Section 3.11 in the North Perth MasterPlan:

3.11 Built Form Plan

- **Taller Buildings will step down to the heights of surrounding residential areas.”**

Debate ensued.

AMENDMENT 1 PUT AND CARRIED (7-1)

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

Against: Cr Topelberg

(Cr Maier was an apology for the Meeting.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Maier was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.1.14

That the Council;

1. **CONSIDERS** the summary of submissions received during the consultation period as shown in Appendix 9.1.14A; and
2. **NOTES** the key changes made to the MasterPlan based on the comments received as shown in Appendix 9.1.14B;
3. **ADOPTS** the:
 - 3.1 **North Perth MasterPlan** as shown in Appendix 9.1.14C, as a working document to guide future development of the North Perth Town Centre and to be used to guide amendments to Local Planning Policies and the Town Planning Scheme subject to page 14 and 38 of the MasterPlan being amended , respectively as follows;
 - 3.1.1 **‘Increase residential density along Fitzgerald Street and Angove Street and provide a range of diverse housing choice; and**
 - 3.11 **Built Form Plan**
 - **Taller Buildings will step down to the heights of surrounding residential areas; and**
 - 3.2 **Implementation Plan** as shown in Appendix 9.1.14D, to be used to implement the recommendations of the North Perth MasterPlan; and
4. **NOTES** a report will be submitted to the Council by June 2013 to initiate a review of the relevant Precinct Policies within the MasterPlan area.

PURPOSE OF REPORT:

The purpose of this report is for the Council to consider the comments raised during the consultation of the Draft North Perth MasterPlan and endorse the final MasterPlan and Implementation Plan as working documents.

BACKGROUND:

The North Perth MasterPlan was prepared to provide guidance on how the City wish to see the North Perth Town Centre develop into the future and how the centre will develop in response to the State Government’s light rail proposal.

History:

Date	Comment
19 April 2011	Council approved Project Brief for the preparation of a North Perth MasterPlan and authorised the Chief Executive Officer to call for quotations.
15 June 2011	The City's Executive Management Team approved consultants Hames Sharley to undertake the preparation of the North Perth MasterPlan.
17 August 2011	The City hosted a preliminary workshop, facilitated by Hames Sharley, with the business and land owners within the North Perth Town Centre to gain an understanding of the issues, constraints and opportunities that exist in North Perth.
28 September 2011	The City hosted a preliminary workshop, facilitated by Hames Sharley, with the residents surrounding the North Perth Town Centre to gain an understanding of the issues, constraints and opportunities that exist in North Perth.
13 December 2011	Consultants Hames Sharley presented the North Perth MasterPlan to a Council Member Forum to outline the key outcomes of the consultation and the recommendations of the MasterPlan.
24 April 2012	The Council authorised the advertisement of the draft North Perth MasterPlan.
5 June 2012	The 28 day consultation began.
14 June 2012	As part of the consultation, the City held an 'Open Day' at the North Perth Plaza which allowed the community to view the plans and discuss the proposal with the City's Officers.
3 July 2012	The 28 day consultation closed.
17 July 2012	The City's officers presented the outcomes of the consultation to a Council Member Forum.

Previous Reports to Council:

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

The Minutes of Item 9.1.5 from the Ordinary Meeting of Council held on 24 April 2012 relating to this report is available on the City's website at the following link:

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

DETAILS:

The purpose of the MasterPlan was to provide an overarching strategic framework to assist in the future development and revitalisation of the North Perth Town Centre. The MasterPlan is not considered to be a statutory planning tool; but rather a strategic document that provides the context for future development and informs statutory planning tools.

A MasterPlan incorporates all elements that influence the physical and non-physical (social and cultural) development of an area, such as infrastructure, movement, land uses, character, built form, open space and activity. A MasterPlan provides a holistic vision of the future development of a place, taking into consideration the State and local planning framework that exists.

The North Perth MasterPlan focuses on how the centre will develop and respond to the State Government's proposal for light rail that will run the length of Fitzgerald Street, through the City of Vincent. The MasterPlan will help inform how the City manages growth in this centre and be the guiding document to inform amendments to Local Planning Policies and potential future amendments to the Town Planning Scheme.

The MasterPlan has two key areas, one which focuses on the built form and another which focuses on the public realm. The built form recommendations can be incorporated through Local Planning Policies however many of the public realm recommendations cannot. As a result, an Implementation Plan has been prepared to address the different components of the MasterPlan. The Implementation Plan can be viewed in Appendix 9.1.14D.

The majority of the changes made to the document were based on the outcomes of the consultation or recommendations provided by the City to provide greater clarity and consistency to the document. The key changes include:

- Providing a section about 'how to use the document.' There was confusion about how the MasterPlan would inform planning in the area. This section therefore provides detail about how the MasterPlan will inform other planning documents.
- Incorporating a section relating to the surrounding residential area. This was to address concerns raised from residents about how the increased development would impact the area.
- Including new actions based on comments provided through the consultation.
- Reviewing the heights in the MasterPlan based on the outcomes of the consultation. Heights were amended based on the centre context and where greater heights are most appropriate.

A list of all the changes made can be viewed in Appendix 9.1.14D. It is noted that the page numbering in this attachment relates to the original draft that was advertised. As there were a number of amendments made, the page numbering has changed for some sections of the final document.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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The Draft MasterPlan was advertised in accordance with the City's Community Consultation Policy No. 4.1.5.

Consultation Period: 28 days

Consultation Type: Letters were sent to affected land owners and businesses, those people who attended the community workshops, relevant government and non-government agencies, an advert was placed in the Guardian Express, the Draft MasterPlan was displayed at the City of Vincent Administration and Civic Building and Library and Local History Centre and an open day was held at the North Perth Plaza.

53 submissions were received during the consultation period. Of the 53 submissions received, 44 were from residents/land owners/occupiers, seven (7) were from government agencies and two (2) were not stated. The breakdown of submissions was as follows:

Table 1: Submissions from Owners, Occupiers and those that didn't state

Position	No. of Submissions Received	Percentage
Support	16	34.78
Support in Principle	1	2.17
Neither support nor object, but have some concerns	12	26.09
Object	12	26.09
Comment only	3	6.52
Support and object	1	2.17
Not stated	1	2.17
Total	46	100

Note: One submission was counted per property.

Table 2: Submissions from Government Agencies

Position	No. of Submissions Received	Percentage
No Objection	3	42.86
Support in Principle	3	42.86
Comments Only	1	14.29
Total	7	100

The key issues that were raised during the consultation are outlined below, along with an officer response. A full copy of the submissions received is shown in Appendix 9.1.14A.

Issue	Comment
<p><i>Heights</i></p> <ul style="list-style-type: none"> The heights are too high. The heights are not high enough. 	<p>The heights were further reviewed based on the various comments received. It was considered that the greatest height should be concentrated in the centre of larger sites, where it will have less of a detrimental impact on the surrounding residential areas. Heights to the street should be mindful of the existing character and pedestrian realm. Therefore heights to the street are to be 1-2 storeys, with greater height being permitted in the centre of the site. The City's Planning Policy 3.5.11 – Exercise of Discretion for Development Variations will provide provisions to consider greater height.</p>
<p><i>Traffic</i></p> <ul style="list-style-type: none"> Concern raised regarding the impact on the surrounding residential area. Traffic calming measures need to be investigated. 	<p>Through the Implementation Plan, the City will recommend that traffic in and around the centre be investigated. It is noted that traffic will be investigated as part of the implementation of the light rail by the State Government.</p>
<p><i>Parking</i></p> <ul style="list-style-type: none"> Concern whether there will be sufficient public car parking available. Concern with the impact on parking for residents. 	<p>Car parking, particularly in town centres, is currently being investigated through the implementation of the Car Parking Strategy. Public car parking will be provided in the centre and residential car parking permits could be investigated. The City is also currently investigating Parking Benefit Districts which proposes to share resident and commercial parking bays.</p>
<p><i>Access</i></p> <ul style="list-style-type: none"> Connections to and from North Perth are poor. 	<p>The City, in conjunction with Curtin University, is currently investigating a community bus that will aim to improve the east-west connections through the City of Vincent. This will likely improve connections to and from North Perth. The light rail will also connect North Perth to the wider metropolitan areas.</p>
<p><i>Cyclist Environment</i></p> <ul style="list-style-type: none"> There was support for improving the bicycle network. Improve the cycle infrastructure in the centre. Concern with changing the Perth Bike Network from Raglan Road to Alma Road. 	<p>The City is currently reviewing the City of Vincent Bike Plan. The aim of this will to investigate appropriate cycle route. Recommendations for improved infrastructure (e.g. cycle parking) will be included in the Implementation Plan.</p>

Issue	Comment
<p><i>Surrounding Residential Area</i></p> <ul style="list-style-type: none"> • Suggestion to review the surrounding residential zonings. • There needs to be greater consideration for the impact on the surrounding residential area. 	<p>The review of zonings can be included in the Implementation Plan and be considered under the new Town Planning Scheme No. 2 once adopted or under any proposed Activity Centre Structure Plan. Elements such as parking and traffic and their impact on the surrounding residential area can be included in the Implementation Plan.</p>
<p><i>Housing</i></p> <ul style="list-style-type: none"> • The MasterPlan should recommend size rather than type of occupant e.g. student, aged. • Alternative housing options should be investigated. • It is better to encourage housing choice and innovation rather than saying 'affordable housing'. 	<p>A range of housing types should be provided in North Perth to accommodate all demographics. North Perth is and will be connected to a diverse range of services and facilities and therefore an ideal location for all demographics. The MasterPlan has been amended to reflect this.</p>
<p><i>Character</i></p> <ul style="list-style-type: none"> • Maintain the character of Angove Street. • The MasterPlan should provide an inventory of buildings it believes positively contribute to the character and identity of the centre. • Ensure vibrancy of the centre. 	<p>North Perth has a strong sense of community and there is a character which should be maintained. Any future development would need to be mindful of the existing character. The City currently has a Policy which can consider developments of a greater height where character buildings have been retained.</p> <p>By encouraging a range of land uses, the vibrancy of the centre will be enhanced.</p>
<p><i>Built Form</i></p> <ul style="list-style-type: none"> • Concern with security, adequate lighting and good visibility. • Need to incorporate accessible design for persons with disabilities. 	<p>Developments will need to ensure they are designed with the key principles of Crime Prevention Through Environmental Design (CPTED) in mind. Developments must also comply with building standards that allow for disability access.</p>
<p><i>Amenities</i></p> <ul style="list-style-type: none"> • Underground the power • Provide public toilets 	<p>These comments will be addressed through the Implementation Plan.</p>
<p><i>MasterPlan Boundary</i></p> <ul style="list-style-type: none"> • Concern was raised over the extent of the boundary and the relevance of the 400 metre radius. • Concern with the walkable catchment not aligning with the provisions of State Planning Policy 4.2 – Activity centres for Perth and Peel. 	<p>The boundary was based on the land uses that currently exist in centre and are reflective of a town centre. The 400m radius represents a five minute walk from the centre. If a Structure Plan is developed for the centre, the walkable catchment may require further review.</p>
<p><i>Development on Private Land</i></p> <ul style="list-style-type: none"> • Concern raised in relation to proposal of public park on the St Hilda's Church site. • Potential for pedestrian link behind the Rosemount Hotel. 	<p>The City will not compulsorily acquire private land. All reference to the park at St Hilda's Church have been removed. The City has liaised with the owners of the Rosemount Hotel in relation to potential pedestrian links. Further discussion is required.</p>

LEGAL/POLICY:

Nil – MasterPlans are not a statutory planning document.

RISK MANAGEMENT IMPLICATIONS:

The masterplan has been updated to include “how to use this document” section which should reduce the risk of confusion for the community and stakeholders.

STRATEGIC IMPLICATIONS:

The City’s Strategic Plan 2011-2016 states:

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

SUSTAINABILITY IMPLICATIONS:

The MasterPlan aims to create a sustainable, diverse town centre that builds on the principles of Transit Oriented Development.

ENVIRONMENTAL	
Issue	Comment
The MasterPlan focuses around the development of the light rail prepared by the State Government, which promotes improved use of public transport and reduced dependency on private car.	

SOCIAL	
Issue	Comment
The MasterPlan aims to create a town centre that builds on the North Perth sense of community and is respectful of the existing culture and character. Where possible, the suggestions and recommendations made by the community, have been incorporated into the final plan.	

ECONOMIC	
Issue	Comment
The North Perth MasterPlan aims to increase the diversity of land uses and provide opportunity for increase commercial and residential development.	

FINANCIAL/BUDGET IMPLICATIONS:

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

Strategic Planning and Heritage Services - Consultants

Budget Amount: \$10,000
Spent to Date: \$ 4,660
Balance: \$ 5,340

Note: The Consultants requested additional funds to complete the North Perth MasterPlan as it was considered that the proposed changes were significant, therefore the final payment was made from the above account.

COMMENTS & CONCLUSION:

As noted above, the MasterPlan is not a statutory document however will be used to inform amendments to the City's existing and future planning documents, including the Town Planning Scheme and Local Planning Policies. The MasterPlan is considered to provide a clear vision for the centre's development, particularly in light of the light rail proposal announced by the State Government.

It should be noted that the City has recently been liaising with the Department of Planning and Department of Transport to manage how the light rail will be implemented. It is envisaged that the State will lead the project and the City of Vincent will be a key stakeholder in the process. The City will continue to liaise with the State Government to progress any planning for this system.

It is noted that in the future, the City may be required to prepare a Structure Plan to manage the development of the centre as a result of the light rail and the centres status as a 'district centre' under State Planning Policy 4.2 – Activity Centres for Perth and Peel. It is recommended that no structure plans are prepared until more detailed information is made available on the light rail as this will significantly affect the function, design and character of the centre and the State Government commits funding to its construction.

In light of the above, it is recommended that the Council endorse the North Perth Masterplan to be used as a working document to guide future amendments to the Town Planning Scheme and Local Planning Policies.

9.2.4 Forrest Park, Mt Lawley – Consideration of Submissions for Proposed Improvement Options – Progress Report No. 3

Ward:	South	Date:	1 February 2013
Precinct:	Forrest (14)	File Ref:	RES0003
Attachments:	001 – Option Plans 002 – Summary of Comments		
Tabled Items:			
Reporting Officer:	J van den Bok, Manager Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

Mayor Hon. Alannah MacTiernan has declared an Proximity Interest in Item 9.2.4.
Chief Executive Officer John Giorgi has declared an Impartiality interest in Item 9.2.4.

OFFICER RECOMMENDATION:

That the Council;

1. **CONSIDERS** the 338 submissions received in relation to the three (3) concept improvement options for Forrest Park recently advertised for public comment;
2. **NOTES** that the overwhelming majority of submissions (180: 12.11%) favoured Option 3: “No Change”
3. **TAKES NO FURTHER ACTION** at Forrest Park, with regards to the proposal to install any form of physical barrier across the park to separate the dog exercise area from the ‘active’ sports area;
4. **APPROVES** the Director Technical Services to install additional park benches, on Forrest Park, where appropriate; and
5. **CONTINUES** to manage the reserve and surrounding area in accordance with existing policies and procedures.

Mayor Hon. Alannah MacTiernan vacated the Chair at 7.32pm and assumed her position in Cr McGrath’s seat.

Deputy Mayor Cr Warren McGrath assumed the Chair at 7.32pm and presided for this item.

COUNCIL DECISION ITEM 9.2.4

Moved Cr Carey, **Seconded** Cr Harley

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST (2-6)

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

(Cr Maier was an apology for the Meeting.)

REASON FOR REFUSAL OF THE OFFICER RECOMMENDATION

1. There is an agreed need to have a formal barrier in between the areas on the park.
2. The potential benefits for amenity and landscaping of the park.

ALTERNATIVE RECOMMENDATION ITEM 9.2.4

ALTERNATIVE RECOMMENDATION:

Moved Cr Mayor Hon. Alannah MacTiernan, Seconded Cr Pintabona

That the Council;

- 1. CONSIDERS the 338 submissions received in relation to the three (3) concept improvement options for Forrest Park recently advertised for public comment;**
- 2. APPROVES the implementation of Option 1 as shown in Plan No. 3009-CP-01A, subject to the approval by the Council of the type of moveable fencing/barrier to be used;**
- 3. APPROVES BY AN ABSOLUTE MAJORITY to:**
 - 3.1 Carry out the works as described in the report for Option 1 to the value of \$33,000;**
 - 3.2 Authorise the Chief Executive Officer to identify a source of funds to implement Option 1;**
- 4. APPROVES the Director Technical Services to install additional park benches in Forrest Park; and**
- 5. ADVISES the respondents and Perth Junior Soccer Club of its decision;**

Debate ensued.

The Mover, Mayor Hon. Alannah MacTiernan advised that *she* wished to *change her* Alternative Recommendation to delete Clause 3 and *reword Clause 2 as follows*; The Seconder, Cr Pintabona agreed.

CLAUSE 2

- “2. SUPPORTS IN PRINCIPLE the erection of a partial/full barrier in Forrest Park based on Options 1 and Option 2, as shown in Plan No. 3009-CP-01A and Plan No. 3009-CP-01B; and**
 - 2.1 RECEIVES a further report at the Ordinary Meeting of Council to be held on 12 March 2013;”**

The Presiding Member Deputy Mayor Cr Warren McGrath advised that the recommendation would be voted in two parts.

CLAUSE 2 PUT AND CARRIED (6-2)

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

Against: Cr McGrath, Cr Topelberg

(Cr Maier was an apology for the Meeting.)

CLAUSES 1 & 4

4. **APPROVES** the Director Technical Services to install additional park benches in Forrest Park;

CLAUSE 1 AND 4 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Maier was an apology for the Meeting.)

ALTERNATIVE MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Maier was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.2.4

That the Council;

1. **CONSIDERS** the 338 submissions received in relation to the three (3) concept improvement options for Forrest Park recently advertised for public comment;
2. **SUPPORTS IN PRINCIPLE** the erection of a partial/full barrier in Forrest Park based on Options 1 and Option 2, as shown in Plan No. 3009-CP-01A and Plan No. 3009-CP-01B; and
3. **RECEIVES** a further report at the Ordinary Meeting of Council to be held on 12 March 2013; and
4. **APPROVES** the Director Technical Services to install additional park benches in Forrest Park.

ADDITIONAL INFORMATION:

Option 1: Part Permanent (formal) barrier /Part Semi Permanent Barrier (Refer to Plan No. 3009-CP-01A):

Total No. of Responses Received per Street	Street Address
6	Harold ST
3	Lord ST
2	Wright ST, Smith ST
1	Broome ST, Edinboro ST, Lincoln ST, Stirling ST, Summers ST
18	TOTAL

Indicative Cost - Option 1	
Purchase of barriers	\$9,000.00
Purchase of 4 x benches (\$1,900 each)=	\$7,600.00
Purchase of 3 x picnic tables (\$3,200 each)=	\$9,600.00
Removal/disposal of turf	\$2,000.00
Purchase and planting of trees	\$3,500.00
Alterations to reticulation	\$1,300.00
Total	\$33,000.00
Annual On-Going Costs	
Erection and removal of temporary barriers	\$5,000.00

Option 2: - Permanent (formal) Vegetative Barrier (Refer to Plan No. 3009-CP-01B):

Total No. of Responses Received per Street	Street Address
18	Harold ST
16	Smith ST
14	Raglan RD
8	Wright ST
7	Barlee ST
6	Beaufort ST, West PDE
5	Broome ST, Lord ST
3	Edinboro ST
2	Oxford ST, Walcott ST, Alma RD, Pansy ST, Parry ST, Stirling ST
1	Lincoln ST, Loftus ST, Clarence ST, Farnley ST, Railway PDE, Vincent ST, Chelmsford RD, Roy ST, Nova LNE, York ST, Alfonso ST, Clieveden ST, Elizabeth ST, Farmer ST, Fitzgerald ST, Knutsford ST, Luce LNE, Mabel ST, Magnolia ST, Marmion ST, Norham ST, Ruby ST, Sholl LNE, Vine ST, Wasley ST, Woodville ST, Chapman ST, Summers ST, Windsor ST, Cantle ST, Carr ST, Eden ST, Ivy ST, Victoria ST, Plunkett ST, 2 x No Address Given
137	TOTAL

Indicative Cost - Option 2	
Purchase of barriers	\$0.00
Purchase of 3 x benches (\$1,900 each)=	\$5,700.00
Purchase of 3 x picnic tables (\$3,200 each)=	\$9,600.00
Removal/disposal of turf	\$8,000.00
Purchase and planting of trees	\$12,000.00
Earth mounding	\$11,000.00
Removal of cricket pitch and re-instatement of turf	\$8,500.00
Alterations to reticulation	\$1,300.00
Total	\$56,100.00 45,100

There are NO funds in the Budget 2012/13 for either Option 1 or 2

Items to be listed for Consideration on Draft Budget 2013/14

Electric BBQ	\$17,000.00
Lights (2 poles additional training lights)	\$35,000.00

Option 3: - No Change – leave Forrest Park as it is: (Refer to Plan No.3009-CP-01C):

Total No. of Responses Received per Street	Street Address
11	Harold ST
7	Fitzgerald ST, Wright ST
6	Alma RD, Barlee ST, Bondi ST, Chatsworth RD, Roy ST
5	Dunedin ST, Newcastle ST, Smtih ST
4	Bruce ST, Plunkett ST, Scarborough Beach RD, Turner ST, William ST
3	Anzac RD, Clarence ST, Eton ST, Faraday ST, Flinders ST, Forrest ST, Kadina ST, Kingston AVE, Shakespeare AVE, West PDE
2	Barnet PL, Coogee ST, Egina ST, Emmerson ST, Joel TCE, Kalgoorlie ST, Marian ST, Matlock ST, Melrose ST, Persimmon ST, Salisbury ST, Waugh ST
1	Bennelong PL, Brentham ST, Britannia RD, Broome ST, Burt ST, Buxton ST, Cantle ST, Cavendish ST, Charles ST, Curtis ST, Deague CT, Farmer ST, Fleet ST, Gerald ST, Harrow ST, Leicester ST, Lincoln ST, Loftus ST, London ST, Lord ST, Mary ST, Pakenham ST, Redfern ST, Richmond ST, Scott ST, Stirling ST, Summers ST, Sydney ST, The Boulevarde, Walcott ST, Wasley ST, Wilberforce ST, 4 x No Address Given
180	TOTAL
29*	Not Signed/No Address Shown - <i>*Not included in Total</i>
3	No option chosen with other comments
367	Total Responses (including Not Signed/No Address Shown)

Trees

It is proposed to purchase/plant 18 x semi-mature native Eucalyptus tree species for the following reasons:

Native trees have been planted along the fence line of the croquet club and around the playground area and this will be a natural extension of that planting theme

Proposed Garden Bed

The width of the garden bed is recommended to be at least 3 metres wide – for the following reasons:

To provide an area wide enough to accommodate back to back seating and a native shrubbery that will create an attractive screen between the dog exercise area and the 'active' sports area.

PURPOSE OF REPORT:

The purpose of the report is to advise the Council of the submissions received concerning the further community consultation undertaken in relation to the concept improvement options for Forrest Park.

BACKGROUND:

Over previous years, there have been numerous reports about the use of Forrest Park. Considerable resources have been allocated to consult with the community, in an attempt to ensure that Forrest Park is used by all in a fair, acceptable and harmonious manner.

Ordinary Meeting of Council held on 4 December 2012:

A further report was presented to the Council in relation to proposed improvement options for Forrest Park, where the following decision was made.

"That the Council;

1. *PROCEEDS to consult on the following three (3) options;*
 - 1.1 Option 1

the proposed Works at Forrest Park, Mount Lawley, as shown in Appendix 9.2.1 on attached Plan No. 3009-CP-01, which includes a part permanent/part semi permanent barrier (the latter to be in place for a period of six (6) months trial period from the beginning of April to the end of September, annually) to provide a clear delineation between the active and passive recreation uses;
 - 1.2 Option 2

the proposed Works at Forrest Park, Mount Lawley, as shown in Appendix 9.2.1 on attached Plan No. 3009-CP-01B, which includes a permanent barrier comprising mature trees, garden beds and park benches to provide a clear delineation between the active and passive recreation uses and removal of the southernmost cricket pitch; and
 - 1.3 Option 3

No change to Forrest Park, Mount Lawley.
2. *AUTHORISES further Community Consultation to be carried out regarding the proposal, commencing on 8 December 2012 and closing on 25 January 2013, in accordance with the City's Consultation Policy, with residents, and all other users of the park, including the attendees at the public forum held on 24 October 2012; and*
3. *NOTES that a further report will be submitted to the Council in February 2013, at the conclusion of the consultation period."*

DETAILS:

Community Consultation:

In accordance with the Council's decision on 8 December 2012 1,500 letters and attached plans were distributed around Forrest Park in accordance with the City's Consultation Policy.

The following information was also included in the consultation package:

Option 1: Part Permanent (formal) Barrier/Part Semi Permanent Barrier (Refer to Plan No. 3009-CP-01A):

This option will create a part permanent (formal) barrier/part semi permanent barrier comprising of semi mature shade trees, garden beds and park benches, together with a removable/temporary fence. The removable/temporary fence to be in place for a trial period of six (6) months from the beginning of April to the end of September, (annually) to provide a clear delineation between the active and passive recreation areas.

Advantages:

This option will provide a five (5) metre permanent tree barrier which does not interfere with existing cricket or soccer activities, but provides shade.

It would provide a physical barrier to ensure dogs are kept out of the soccer pitches/field of play during organised sport on the park over the winter season/period. This would also allow dogs to be off – leash south of the barrier at all times during the winter season/period. At present when active sport is in progress, dogs must be on - leash.

Existing soccer and cricket activities will be able to continue.

Disadvantages:

This option may compromise Forrest Park as an area of Public Open Space over the winter period/season and will have moderate cost implications for the installation/removal of the removable/temporary fencing.

Ongoing maintenance costs will be applicable with installation of a part vegetative/part physical barrier and this would add to the overall maintenance costs of the reserve due to disrupted mowing patterns, plant replacement and general care of the plantings. Dogs will still need to be on-leash during the summer season/period, whenever there is active sport played on the park.

Option 2: - Permanent (formal) Vegetative Barrier (Refer to Plan No. 3009-CP-01B):

This option will create a permanent (formal) vegetative barrier comprising of semi mature shade trees, garden beds and park benches, to provide a clear delineation between the active and passive recreation areas. This option also includes removal of the southernmost cricket pitch.

Advantages:

This option would provide a (formal) vegetative barrier to ensure dogs are restricted onto the field of play during organised sport on the park and vice versa. It will increase biodiversity within the park and will improve visual amenity with the addition of plantings and park furniture. This would also allow dogs to be off – leash, south of the barrier, at all times throughout the year. At present, when active sport is in progress, dogs must be on - leash.

Disadvantages:

This may compromise Forrest Park as an area of Public Open Space and includes removal of an item of infrastructure (cricket pitch) that is currently utilised.

Ongoing maintenance costs will be applicable with installation of a (formal) vegetative barrier and this would add to the overall maintenance costs of the reserve due to disrupted mowing patterns, plant replacement and general care of the plantings.

Option 3: - No Change – leave Forrest Park as it is: (Refer to Plan No.3009-CP-01C):

This option will provide no alterations to the configuration of the park or provide any barrier to delineate the active area from the dog exercise area / the “status quo” remains.

Advantages:

This option does not compromise the current area of public open space. There will be no cost implications of installation and ongoing maintenance and will allow normal grounds maintenance schedules to be continued.

Disadvantages:

There will be no clear delineation between the active area and the dog exercise area other than a painted line across the grassed surface. Dogs will be required to be on-leash at all times that active sport is in progress.

At the close of the consultation period **338 responses** were received. A response rate of **22.53%**.

A summary of the comments for and against the various options have been attached at attachment 9.2.4 and the results are outlined below:

Option 1: Part Permanent (formal) barrier /Part Semi Permanent Barrier (Refer to Plan No. 3009-CP-01A):

- **In Favour: 18 (1.2% response)**

Option 2: - Permanent (formal) Vegetative Barrier (Refer to Plan No. 3009-CP-01B):

- **In Favour: 137 (9.13% response)**

Option 3: - No Change – leave Forrest Park as it is: (Refer to Plan No.3009-CP-01C):

- **In Favour: 180 (12.11% response)**

Officer's comments

Whilst the majority of respondents wanting some form of segregation between the existing dog exercise area and the 'active' sports area were in favour of Option 2, it is obvious following the consultation period that the majority of respondents want the status quo to remain, particularly after recent newspaper articles referring to the lack of public open space within the Perth metropolitan area.

There will always be arguments for and against this proposal, however the Council now has to make a decision and the community and users need to accept that decision so that officers can get on with managing the reserve and surrounds in the most effective way possible, given the issues that arise from time to time, particularly during the winter soccer season.

CONSULTATION/ADVERTISING:

Further community consultation in relation to three (3) improvement options for Forrest Park was undertaken in accordance with the City's Consultation Policy. On 8 December 2012, 1500 letters and information were posted to residents around Forrest Park. Consultation closed on 25 January 2013.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: A physical barrier if installed may improve the amenity/safety of all park users.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

As indicated in previous reports if the Council was to consider the segregation of the dog exercise area from the 'active' sports area by creating a vegetative barrier consisting of native plants this would ultimately result in increased biodiversity, however would not necessarily reduce groundwater use given the design of the existing in-ground reticulation system.

FINANCIAL/BUDGET IMPLICATIONS:

Funding is available within the 2012/2013 capital works budget for the supply and installation of various items of basic parks furniture.

Additional park benches have been purchased and are ready for immediate installation. Additional lighting is also proposed to be installed on the TAFE side of the park. This will allow the soccer players to train away from the current area set aside for dog exercise.

COMMENTS:

Extensive consultation, including two (2) community forums has now been undertaken in regard to Forrest Park and the majority of respondents have indicated they do not want the existing public open space divided by any form of barrier.

While there will always be differing views from different people on what should and should not occur in this reserve it is obvious from the results of the consultation that a large number of respondents do support a permanent vegetative barrier however the majority do not.

Therefore based on the results of the consultation the officers recommend that the Council does not install a barrier in the park to separate the dog exercise area from the 'active' sports area.

9.4.4 Residents Only Parking Restrictions Surrounding nib Stadium – Assessment of Continued Need

Ward:	North	Date:	1 February 2013
Precinct:	Beaufort; P13	File Ref:	RES0051
Attachments:	001 – nib Stadium (Current) Residential Parking Zones 002 – nib Stadium (Proposed) Residential Parking Zones		
Tabled Items:	Nil		
Reporting Officer:	J MacLean, Manager Ranger and Community Safety Services		
Responsible Officer:	R Boardman, Director Community Services		

Mayor Hon. Alannah MacTiernan has declared a Proximity Interest in Item 9.4.4.

OFFICER RECOMMENDATION:

That the Council;

- 1. APPROVES IN PRINCIPLE a review of the Residents Only Parking Restrictions in the area surrounding nib Stadium, with a view to reducing the operating area to that proposed in Appendix 9.4.4B above;**
- 2. AUTHORISES the Chief Executive Officer to undertake community consultation of the nib Stadium “Residents Only” parking restricted area, to establish the needs of the community, when an event is held at nib Stadium and to consider a reduction of the operating area to that proposed in Appendix 9.4.4B above; and**
- 3. REQUESTS that a further report be submitted to the Council, after the conclusion of the public consultation, to make the Council aware of the responses and to recommend any appropriate change to the nib Stadium restrictions for the period from 1 July 2013 to 30 June 2014.**

COUNCIL DECISION ITEM 9.4.4

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

Cr Carey departed the Chamber at 8.16pm.

Debate ensued.

Cr Carey returned to the Chamber at 8.17pm.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Maier was an apology for the Meeting.)

PURPOSE OF REPORT:

To assess whether the Resident Only Parking Restrictions in the area surrounding nib Stadium continue to meet the community need and whether the extent of the restricted area requires review.

BACKGROUND:

When the Perth Glory Football Club made Perth Oval (now nib Stadium) its home ground, it was decided that parking restrictions needed to be introduced in the surrounding area to prevent local streets being filled with spectators' cars.

It was decided that the most appropriate approach would be to restrict parking, to residents and their visitors, when football games or other events were being held. There was a great deal of debate about how far the restrictions should operate and the Council decided on the area as shown in Appendix 9.4.4A – nib Stadium (Current) Residential Parking Zones. The operating area for the restrictions was recommended for review in 2002, but it was decided that the existing area should remain.

The Stadium is now home to Perth Glory Football Club and Western Force Rugby Club and it is being considered for use by a new Perth Rugby League team. It is also a sought after venue for concerts and other entertainment events, all of which create parking congestion in the surrounding residential areas.

DETAILS:

For some years, it has been suspected that the nib Stadium "Residents Only" Parking Restrictions extend too far from the venue. It has been suggested that very few people would consider parking in (say) Mary Street and walking to nib Stadium for an event, especially if they are parked close to the western end of the street.

It has also been suggested that there are only a few residences in Edward and Parry Streets, so the need for "Residents Only" restrictions in these streets may not be valid. In most cases, the residential properties in Edward and Parry Streets have off-street parking facilities, so there may not be any adverse effects by Stadium parking.

Council Members have reconsidered the extent of the area covered by the nib Stadium Residential parking Restrictions on previous occasions, but on each occasion have decided to preserve the status quo.

The City receives a large number of complaints from people who have been issued with an infringement notice when parked in Mary Street, Vincent Street, Chatsworth Road, Harley Street, Cavendish Street and St Albans Avenue. The majority of these complaints relate to the drivers being fined for patronising local restaurants and cafés, but very few relate to attendance at a Perth Glory game, or a Western Force game. As a result, while there is no dispute that these streets are well used by people who are patronising local businesses, it is difficult to justify the retention of the nib Stadium restrictions.

Parking congestion on the streets west of Beaufort Street is almost a daily occurrence, but nib Stadium restrictions only operate on an average of once per fortnight, so it is suggested that the nib Stadium Residential Parking Restriction Area are not necessary in this area. However, it is suggested that it would be appropriate to monitor these streets to ensure that the parking congestion remains at a manageable level. It should be noted that a separate report, regarding the introduction of two hour (2P) parking time restrictions on the north side of Mary Street, Highgate, is being considered at the same Ordinary Meeting of Council on 12 February 2013.

With respect to Edward Street and Parry Street, Perth, it may also be appropriate to remove the current "Residents Only" parking restrictions and to maintain the existing parking time restrictions, as a way to manage parking congestion. Since most football and rugby games are held in the evenings, when staff of local businesses have gone home, there may be some inconvenience for the few residents, but it is likely to be short-lived and occasional.

As a result of the above, it is suggested that it may be appropriate to contract the area, containing nib Stadium parking restrictions to the area nominally bounded by Beaufort Street, Brewer Street, Lord Street, Summer Street, West Parade and Harold Street, as shown in Appendix 9.4.4B – "nib Stadium (Proposed) Residential Parking Zones".

CONSULTATION/ADVERTISING:

It will be necessary to undertake a public consultation to establish the level of support for the above proposals.

LEGAL/POLICY:

Parking and Parking Facilities Local Law 2007.

There is no legal impediment to approval of the above recommendation.

RISK MANAGEMENT IMPLICATIONS:

If the proposal is not adopted, it is likely that the parking public will continue to be adversely affected by the extent of the nib Stadium "Residents Only" Parking Restrictions.

STRATEGIC IMPLICATIONS:

This proposal is in keeping with the City's *Strategic Plan 2011 – 2016*, where Objective 1.1.5(a) states:

"Implement the City's Car Parking Strategy and associated Precinct Parking Management Plans."

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The City will need to provide for the replacement of most of the signage for the nib Stadium restrictions in the Draft 2013-2014 Budget, because the existing signs are becoming difficult to read and are chipped and bent. As a result, the above proposal will reduce the amount that needs to be spent in this area.

COMMENTS:

It is suggested that the current nib Stadium "Residents Only" Parking Restrictions cover an area that may be larger than is necessary to manage event parking at nib Stadium. If the area covered was reduced, it is unlikely that there will be any change to the existing congestion in the outlying areas, since most of the offending drivers are not attending a football or rugby game, but are patronising restaurants and cafés.

The proposal to review and possibly reduce the area covered by the nib Stadium Parking Restrictions is recommended for approval.

9.4.7 FURTHER REPORT: Leederville Hotel and The Garden, No. 742 (Lot 30; D/P 42555) Newcastle Street, Leederville – Extending Trading Permit for Ongoing Hours

Ward:	South	Date:	11 February 2013
Precinct:	Oxford Centre; P4	File Ref:	PRO0630; ENS0053
Attachments:	001 – Notice to Residents and Business Owners 002 – Leederville Hotel Trading Hours 003 – Summary of Comments Received		
Tabled Items:	Nil		
Reporting Officers:	C D'Agostino, Environmental Health Officer L Di Nella, Acting Manager Health Services		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the report regarding the Ongoing Extended Trading Permit for the Leederville Hotel, located at No. 742 Newcastle Street, Leederville;
2. **OBJECTS** to the application for ongoing Extended Trading Permit (ETP) as submitted; and
3. **AUTHORISES** the City to submit a formal objection to the ETP to the Director of Liquor Licensing, Department of Racing, Gaming and Liquor by 19 February 2013.

Mayor Hon. Alannah MacTiernan assumed the Chair at 8.20pm.

Moved Cr Topelberg, Seconded Cr Pintabona

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr McGrath

“That a new Clause 4 be inserted to read as follows:

4. **REQUESTS** the matter of telephone communication with licensed venues be investigated and this be raised at the next Vincent Accord Meeting.”

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Maier was an apology for the Meeting.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Maier was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.4.7

That the Council;

1. **RECEIVES** the report regarding the Ongoing Extended Trading Permit for the Leederville Hotel, located at No. 742 Newcastle Street, Leederville;
2. **OBJECTS** to the application for ongoing Extended Trading Permit (ETP) as submitted;
3. **AUTHORISES** the City to submit a formal objection to the ETP to the Director of Liquor Licensing, Department of Racing, Gaming and Liquor by 19 February 2013; and
4. **REQUESTS** the matter of telephone communication with licensed venues be investigated and this be raised at the next Vincent Accord Meeting.

PURPOSE OF REPORT:

The purpose of this report is to advise the Council that Leederville Hotel and The Garden located at No. 742 Newcastle Street, Leederville has applied to the Department of Racing, Gaming and Liquor (DRGL) for an Ongoing Extended Trading Permit in relation to the premises hours of operation.

BACKGROUND:

The City received notification on Friday, 1 February 2013 from the Department Racing, Gaming and Liquor (DRGL) of an application by Leederville Hotel and The Garden for an Extended Trading Permit (ETP). Details of the proposed extended hours are as follows:

- Trading between the hours of 12:00 MIDNIGHT and 1:00AM on Saturday nights in the whole of the licensed area.

At the Ordinary Meeting of Council held on 22 August 2006, this matter was considered and the Council resolved as follows;

“The Council at its Ordinary Meeting held on 22 August 2006 conditionally approved the Partial Demolition of and Additions and Alterations to Existing Hotel, Demolition and Construction of Bottle Shop and Alterations to Car Parking Area and Crossovers - Reconsideration of Conditions. One of the condition’s imposed related to the operating hours as follows (areas attached):

“(xii) The hours of operation for the balcony Area 5 shall be limited to as follows:

*Monday-Saturday: 11am to midnight; and
Sunday: 11am to 10pm; inclusive.*

The hours of operation for balcony Areas 6 and 7 are to coincide with the internal space operating hours as per the attachment dated 21 March 2006 for the proposed ground floor and upper floor trading hours, which currently are subject to an ongoing Extended Trading Permit, as follows:

*Friday – Saturday: midnight to 1am; and
Sunday: 10pm to 11pm inclusive.*

However, should justifiable complaints be received, the hours of operation may be further restricted to an appropriate time; “

The hours of operation for the hotel vary within each section of the hotel attached plans.”

The hours of operation vary within each section of the hotel, as shown in Appendix 9.4.7B. It is noted that the Planning Approval restricted the internal operating space and upper floor trading hours to 1.00am as the premises was subject to an ongoing Extended Trading Permit at the time, allowing trade till 1.00am on Saturday nights. As a result, the Planning Approval currently permits trade till 1.00am in these areas.

DETAILS:

Complaint History

Between 1 January 2011 and 1 February 2013, the City received:

- Thirteen (13) complaints regarding music noise allegedly emitted from the Venue;
- Two (2) complaints regarding alleged anti-social behaviour; and
- One (1) complaint regarding alleged substandard building modifications in relation to outdoor eating area at The Garden.

Of the complaints received, evidence was obtained to support the complaints relating to noise. Sound level measurements were taken by the City's Officers on a number of occasions in 2011 and 2012. As a result, Leederville Hotel has engaged an Acoustic Consultant to maintain long-term compliance with the noise regulations. Routine sound level measurements are being taken by Leederville Hotel, as well as the installation of sound attenuating equipment.

The matter of noise compliance will be addressed by the City's Officers through application of the *Environmental Protection Act 1986* should further complaints be received. The City's Health Services are liaising with Leederville Hotel Management on an ongoing basis regarding this matter.

CONSULTATION/ADVERTISING:

In accordance with *Community Consultation Policy No. 4.1.5*, Community Consultation was undertaken with the distribution of 527 letters to all occupiers and owners within a 200 metres radius of the premises on Monday, 4 February 2013. The closing date for submissions is 12.00pm on Monday, 11 February 2013.

The City received a total of twenty-three (23) objections to the proposal and twelve (12) submissions in favour of the proposal. The relevant comments provided as part of the community consultation are summarised as shown in Appendix 9.4.7C with the comments relating to noise and anti-social behaviour detailed as follows:

Summary of Comments Received:	Officers Technical Comment:
<p><u>Issue: Anti-social Behaviour</u></p> <ul style="list-style-type: none"> • Already have problems with people hanging around out the front of the property in the evenings. • We are concerned that the proposed changes may impact our ability to easily tenant our property. • Often arrive to the office in the morning to find broken drink bottles, food packaging, urine and faeces in our car park and bin store. • This would seem to be an opportunity to give approval subject to the applicant 'tidying up their act' in some other areas. In particular the behaviour of the Wednesday night clients makes the general area more like Northbridge. 	<p>Not supported – A search of the City's records has revealed that the City has not received a large number of complaints relating to anti-social behaviour from patrons of the Leederville Hotel and the Garden. Since January 2011 only two complaints relating to anti-social behaviour were submitted and to the City.</p>

Summary of Comments Received:	Officers Technical Comment:
<ul style="list-style-type: none"> • The anti-social behaviour is out of control with fights every Saturday night. I am sick and tired of having to call Police when someone is being assaulted or stabbed and Hotel Security do nothing to stop it or even help by calling Police. • There are always discarded bottles lying everywhere and the Hotel doesn't pick them up nor do they provide any bins at the rear of the premises. • Hotel Management are unhelpful and at times rude when requests are made to clean up vomit from the back door of my business, and have refused to do so on occasion. • The amount of urine and vomit left in the area, especially at my business' back area is disgraceful. The stench is overpowering even the next day. • The phone number to call the Hotel if there are any problems is always unattended and messages left are never returned. 	
<p><u>Issue: Noise (Amplified Music)</u></p> <ul style="list-style-type: none"> • Concerned about the potential increase in noise created by this venue for extended hours into the early hours of Sunday morning. • A later licence will impact local residences with additional noise/disruption to their quiet occupation of their premises. • I believe noise issues have not been addressed. 	<p>Supported – Given the number and nature of noise complaints received since January 2011, it is expected that the increase in trading hours will result in a greater noise disturbance to the local community. Issues relating to noise from amplified music at the premises are ongoing, with the City liaising with Hotel Management on a regular basis. As a result it is expected that an increase in trading hours will amplify the existing noise problems.</p>

LEGAL/POLICY:

- Liquor Control Act 1988;
- Health (Public Building) Regulations 1992;
- Environmental Protection (Noise) Regulations 1997;
- Planning and Development Act 2005; and
- City of Vincent Town Planning Scheme No. 1.

RISK MANAGEMENT IMPLICATIONS:

The proposed extension of hours may result in an increase of noise and antisocial behaviour complaints in the local area.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2011 – 2016* the following Objectives state:

“Economic Development

2.1.3 *Promote business development and the City of Vincent as a place for investment appropriate to the vision for the City.*

Community Development and Wellbeing

3.1.2 *Promote and foster community safety and security.”*

SUSTAINABILITY IMPLICATIONS:

It is essential within mixed land use areas that the City balances the needs of both residents and business'. It is also essential from a sustainability and business continuity perspective that decision making processes are not unnecessarily prolonged. This is particularly true when the worst case implication of a decision is limited or easily absolved by alternate means.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is recommended that the 'Officer Recommendation' be supported by the Council.

9.1.6 No. 18 (Lot: 7 D/P: 7426) Wellman Street, Perth - Proposed Alterations and Additions to Existing Recreational Facility Including Associated Office, Caretakers Residence, and Storage, and Private Club Including Associated Caretakers Residence (Retrospective Application)

Ward:	South	Date:	1 February 2013
Precinct:	P13 - Beaufort Precinct	File Ref:	PRO3564; 5.2012.377.2
Attachments:	001 – Property Information Report and Development Application Plans 002 – Previously Approved Plans (12 September 2006)		
Tabled Items:	Nil		
Reporting Officer:	S De Piazzzi, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

1. In accordance with the provisions of the City of Vincent Town Planning Scheme No. 1, **REFUSES** part of the application submitted by C Morgan Construction for the proposed Rear Additions and use of Private Club Including Associated Caretakers Residence (Retrospective Application) at No. 18 (Lot 7; D/P 7426) Wellman Street, Perth, and as shown on amended plans stamp-dated 30 October 2012, for the following reasons:
 - 1.1 The development does not comply with the following objectives of the City of Vincent Town Planning Scheme No. 1:
 - 1.1.1 To protect and enhance the health, safety and general welfare of the Town's inhabitants and the social, physical and cultural environment;
 - 1.1.2 To promote the development of a sense of local community and recognise the right of the community to participate in the evolution of localities; and
 - 1.2 Non-compliance with the City's Policy No. 3.7.1 relating to Parking and Access as the Private Club and Caretakers Residence creates a 12.005 car parking bay shortfall which would create an undesirable precedent and have a significant impact on the amenity of surrounding lots which is not in the interest of orderly and proper planning for the locality;
 - 1.3 The unauthorised portion constructed at the rear of the building removed previously approved car bays for a development with a significant parking shortfall;
2. in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1, **APPROVES** part of the application submitted by C Morgan Construction for the proposed Alterations and Additions to Existing Recreational Facility (Retrospective Application) at No. 18 (Lot 7; D/P 7426) Wellman Street, Perth, for the internal upper floor addition and associated uses as shown on amended plans stamp-dated 30 October 2012, subject to the following conditions:
 - 2.1 The unauthorised use of Private Club and associated Caretakers Residence is not supported;
 - 2.2 The unauthorised addition at the rear of the Recreational Centre, for the proposed use of Private Club and associated Caretakers Residence is not supported;
 - 2.3 The Gross floor areas shall be limited to 288 square metres for the Recreational Facility component, 50 square metres for the Office component, and 249 square metres for the Storage component. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the City;
 - 2.4 Windows, doors and adjacent areas fronting Wellman Street shall maintain an active and interactive relationship with the street;
 - 2.5 The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City;

3. **WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS 'APPROVAL TO COMMENCE DEVELOPMENT', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:**
- 3.1 **Building Approval Certificate**
A Building Approval Certificate application along with structural details certified by a Practising Structural Engineer, including plans and specifications of the approved subject unauthorised development (new sections of upper floor in the Existing Recreational Facility), shall be submitted to and approved by the City of Vincent Building Services as required under Sections 51, 52 & 54 of the Building Act 2011, and Regulation 4 of the Building Regulations 2012;
Note: An Occupancy Permit is required to be submitted once the Building Approval Certificate has been granted, including detailed plans depicting the location and provision of laundry facilities for the Ancillary Accommodation at the property;
- 3.2 **Building Classification**
Architectural drawings and a Building Code of Australia (BCA) compliance report for the correct classification of the approved uses, which is prepared by a qualified Practising Building Consultant, shall be submitted to and approved by the City of Vincent Building Services, with all costs of this service to be borne by the applicant/owner;
- 3.3 **Bicycle Bays**
One Class 1 or 2 and one Class 3 bay for the premises shall be provided. Bicycle bays for visitors must be provided at a location convenient to the entrance, publically accessible and within the development and bicycle bays for the residents and employees must be located within the development. The bicycle facilities shall be designed in accordance with AS2890.3;
4. In accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the *Planning and Development Act 2005*, REQUESTS the owner(s) or the applicant on behalf of the owner(s) to comply with the following requirements;
- 4.1 **Demolition**
- 4.1.1 The unauthorised rear additions shall be removed within sixty (60) days of the issue of a Notice, to be issued by the Chief Executive Officer;
- 4.1.2 A Demolition Permit shall be submitted to the City for the demolition of the unauthorised rear additions to the Recreational Facility. A Demolition Management Plan, detailing how the demolition of the development will be managed to minimise the impact on the surrounding area, shall also be submitted to and approved by the City. A Proforma can be found on the City's website; and
- 4.2. **Car Parking**
- 4.2.1 The three (3) car bays shall be reinstated at the rear of the Existing Recreational Facility within thirty (30) days of the demolition of the unauthorised rear additions;
- 4.2.2 Plans are to be provided and approved by the City indicating all verge infrastructure and on-site car bays with a width compliant to AS2890; and
- 4.2.3 The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City; and

5. **REQUESTS the Chief Executive Officer to:**
- 5.1 **Issue a Notice under the *Planning and Development Act 2005* requiring the Owner(s) or the applicant on behalf of the owner(s) to;**
 - 5.1.1 **Remove the unauthorised rear addition at No. 18 (Lot: 7 D/P: 7426) Wellman Street, Perth within sixty (60) days of the service of the Notice; and**
 - 5.1.2 **Reinstate the three car bays at the rear of the Existing Recreational Facility within thirty (30) days of the demolition of the unauthorised rear additions;**
 - 5.2 **Commence legal proceedings against the Owner(s) (and Applicant if applicable) for non-compliance with the *Planning and Development Act 2005*, if compliance with the Notice referred to in Clause 5.1 above is not achieved within the prescribed time periods.**

ADVICE NOTES:

- 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 Wellman Street.**
- 2. **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 Building Permit application, being submitted to and approved by the City prior to the erection of the signage.**
- 3. **The building is subject to the requirements of the *Health (Public Building) Regulations 1992* and will require registration as a Public Building with the City.**

Moved Cr Pintabona, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

AMENDMENT 1

Moved Cr Topelberg, Seconded Cr Buckels

“That Clause 4.2.2 be amended and a new Clause 3.4 be inserted as follows:

- 4.2.2 **Plans are to be provided and approved by the City indicating four car bays within the front setback area, car bay 1 to be landscaped and include the retention of the existing tree, all verge infrastructure, and all on-site car bays with a width compliant to AS2890; and”**

3.4 **Cash-in-Lieu**

Pay a cash-in-lieu contribution of \$2,143.75 for the equivalent value of 0.6225 car parking spaces, based on the cost of \$3,500 per bay as set out in the City's 2012/2013 Budget;

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;”

Debate ensued.

AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Maier was an apology for the Meeting.)

AMENDMENT 2

Moved Cr McGrath, Seconded Cr Buckels

“That a new Advice Note 4 be inserted as follows:

- 4. The approved Storage area located above the Existing Recreational Facility shall be used for storage purposes only and is not to be used for any industrial, recreational, commercial, or habitable purposes.”**

AMENDMENT 2 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Maier was an apology for the Meeting.)

Debate ensued.

Cr Carey requested the item be voted upon in parts.

The Presiding Member Mayor Hon. Alannah MacTiernan ruled that the Officer Recommendation would be voted in parts.

OFFICER RECOMMENDATION 1

1. In accordance with the provisions of the City of Vincent Town Planning Scheme No. 1, REFUSES part of the application submitted by C Morgan Construction for the proposed Rear Additions and use of Private Club Including Associated Caretakers Residence (Retrospective Application) at No. 18 (Lot 7; D/P 7426) Wellman Street, Perth, and as shown on amended plans stamp-dated 30 October 2012, for the following reasons:
- 1.1 The development does not comply with the following objectives of the City of Vincent Town Planning Scheme No. 1:
 - 1.1.1 To protect and enhance the health, safety and general welfare of the Town’s inhabitants and the social, physical and cultural environment;
 - 1.1.2 To promote the development of a sense of local community and recognise the right of the community to participate in the evolution of localities; and
 - 1.2 Non-compliance with the City’s Policy No. 3.7.1 relating to Parking and Access as the Private Club and Caretakers Residence creates a 12.005 car parking bay shortfall which would create an undesirable precedent and have a significant impact on the amenity of surrounding lots which is not in the interest of orderly and proper planning for the locality;
 - 1.3 The unauthorised portion constructed at the rear of the building removed previously approved car bays for a development with a significant parking shortfall;

OFFICER RECOMMENDATION 1 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Maier was an apology for the Meeting.)

Debate ensued.

OFFICER RECOMMENDATION 2

2. in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1, APPROVES part of the application submitted by C Morgan Construction for the proposed Alterations and Additions to Existing Recreational Facility (Retrospective Application) at No. 18 (Lot 7; D/P 7426) Wellman Street, Perth, for the internal upper floor addition and associated uses as shown on amended plans stamp-dated 30 October 2012, subject to the following conditions:
- 2.1 The unauthorised use of Private Club and associated Caretakers Residence is not supported;
 - 2.2 The unauthorised addition at the rear of the Recreational Centre, for the proposed use of Private Club and associated Caretakers Residence is not supported;
 - 2.3 The Gross floor areas shall be limited to 288 square metres for the Recreational Facility component, 50 square metres for the Office component, and 249 square metres for the Storage component. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the City;
 - 2.4 Windows, doors and adjacent areas fronting Wellman Street shall maintain an active and interactive relationship with the street;
 - 2.5 The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City;

OFFICER RECOMMENDATION 2 PUT AND CARRIED (6-2)

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

(Cr Maier was an apology for the Meeting.)

OFFICER RECOMMENDATIONS 3, 4, 5 & ADVICE NOTES

3. **WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS 'APPROVAL TO COMMENCE DEVELOPMENT'**, the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:
- 3.1 **Building Approval Certificate**

A Building Approval Certificate application along with structural details certified by a Practising Structural Engineer, including plans and specifications of the approved subject unauthorised development (new sections of upper floor in the Existing Recreational Facility), shall be submitted to and approved by the City of Vincent Building Services as required under Sections 51, 52 & 54 of the Building Act 2011, and Regulation 4 of the Building Regulations 2012;

Note: An Occupancy Permit is required to be submitted once the Building Approval Certificate has been granted, including detailed plans depicting the location and provision of laundry facilities for the Ancillary Accommodation at the property;
 - 3.2 **Building Classification**

Architectural drawings and a Building Code of Australia (BCA) compliance report for the correct classification of the approved uses, which is prepared by a qualified Practising Building Consultant, shall be submitted to and approved by the City of Vincent Building Services, with all costs of this service to be borne by the applicant/owner;

3.3 Bicycle Bays

One Class 1 or 2 and one Class 3 bay for the premises shall be provided. Bicycle bays for visitors must be provided at a location convenient to the entrance, publically accessible and within the development and bicycle bays for the residents and employees must be located within the development. The bicycle facilities shall be designed in accordance with AS2890.3;

4. In accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the *Planning and Development Act 2005*, REQUESTS the owner(s) or the applicant on behalf of the owner(s) to comply with the following requirements;

4.1 Demolition

4.1.1 The unauthorised rear additions shall be removed within sixty (60) days of the issue of a Notice, to be issued by the Chief Executive Officer;

4.1.2 A Demolition Permit shall be submitted to the City for the demolition of the unauthorised rear additions to the Recreational Facility. A Demolition Management Plan, detailing how the demolition of the development will be managed to minimise the impact on the surrounding area, shall also be submitted to and approved by the City. A Proforma can be found on the City's website; and

4.2. Car Parking

4.2.1 The three (3) car bays shall be reinstated at the rear of the Existing Recreational Facility within thirty (30) days of the demolition of the unauthorised rear additions;

4.2.2 Plans are to be provided and approved by the City indicating all verge infrastructure and on-site car bays with a width compliant to AS2890; and

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

5. REQUESTS the Chief Executive Officer to:

5.1 Issue a Notice under the *Planning and Development Act 2005* requiring the Owner(s) or the applicant on behalf of the owner(s) to;

5.1.1 Remove the unauthorised rear addition at No. 18 (Lot: 7 D/P: 7426) Wellman Street, Perth within sixty (60) days of the service of the Notice; and

5.1.2 Reinststate the three car bays at the rear of the Existing Recreational Facility within thirty (30) days of the demolition of the unauthorised rear additions;

5.2 Commence legal proceedings against the Owner(s) (and Applicant if applicable) for non-compliance with the *Planning and Development Act 2005*, if compliance with the Notice referred to in Clause 5.1 above is not achieved within the prescribed time periods.

ADVICE NOTES:

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 Wellman Street.
2. 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 Building Permit application, being submitted to and approved by the City prior to the erection of the signage.
3. The building is subject to the requirements of the *Health (Public Building) Regulations 1992* and will require registration as a Public Building with the City.

**OFFICER RECOMMENDATION 3, 4, 5 & ADVICE NOTES
PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Maier was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.1.6

That the Council;

1. In accordance with the provisions of the City of Vincent Town Planning Scheme No. 1, REFUSES part of the application submitted by C Morgan Construction for the proposed Rear Additions and use of Private Club Including Associated Caretakers Residence (Retrospective Application) at No. 18 (Lot 7; D/P 7426) Wellman Street, Perth, and as shown on amended plans stamp-dated 30 October 2012, for the following reasons:
 - 1.1 The development does not comply with the following objectives of the City of Vincent Town Planning Scheme No. 1:
 - 1.1.1 To protect and enhance the health, safety and general welfare of the Town's inhabitants and the social, physical and cultural environment;
 - 1.1.2 To promote the development of a sense of local community and recognise the right of the community to participate in the evolution of localities; and
 - 1.2 Non-compliance with the City's Policy No. 3.7.1 relating to Parking and Access as the Private Club and Caretakers Residence creates a 12.005 car parking bay shortfall which would create an undesirable precedent and have a significant impact on the amenity of surrounding lots which is not in the interest of orderly and proper planning for the locality;
 - 1.3 The unauthorised portion constructed at the rear of the building removed previously approved car bays for a development with a significant parking shortfall;
2. in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1, APPROVES part of the application submitted by C Morgan Construction for the proposed Alterations and Additions to Existing Recreational Facility (Retrospective Application) at No. 18 (Lot 7; D/P 7426) Wellman Street, Perth, for the internal upper floor addition and associated uses as shown on amended plans stamp-dated 30 October 2012, subject to the following conditions:
 - 2.1 The unauthorised use of Private Club and associated Caretakers Residence is not supported;

- 2.2 The unauthorised addition at the rear of the Recreational Centre, for the proposed use of Private Club and associated Caretakers Residence is not supported;
 - 2.3 The Gross floor areas shall be limited to 288 square metres for the Recreational Facility component, 50 square metres for the Office component, and 249 square metres for the Storage component. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the City;
 - 2.4 Windows, doors and adjacent areas fronting Wellman Street shall maintain an active and interactive relationship with the street;
 - 2.5 The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City;
3. **WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS 'APPROVAL TO COMMENCE DEVELOPMENT', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:**
- 3.1 **Building Approval Certificate**

A Building Approval Certificate application along with structural details certified by a Practicing Structural Engineer, including plans and specifications of the approved subject unauthorised development (new sections of upper floor in the Existing Recreational Facility), shall be submitted to and approved by the City of Vincent Building Services as required under Sections 51, 52 & 54 of the Building Act 2011, and Regulation 4 of the Building Regulations 2012;

Note: An Occupancy Permit is required to be submitted once the Building Approval Certificate has been granted, including detailed plans depicting the location and provision of laundry facilities for the Ancillary Accommodation at the property;
 - 3.2 **Building Classification**

Architectural drawings and a Building Code of Australia (BCA) compliance report for the correct classification of the approved uses, which is prepared by a qualified Practicing Building Consultant, shall be submitted to and approved by the City of Vincent Building Services, with all costs of this service to be borne by the applicant/owner;
 - 3.3 **Bicycle Bays**

One Class 1 or 2 and one Class 3 bay for the premises shall be provided. Bicycle bays for visitors must be provided at a location convenient to the entrance, publically accessible and within the development and bicycle bays for the residents and employees must be located within the development. The bicycle facilities shall be designed in accordance with AS2890.3;

3.4 Cash-in-Lieu

Pay a cash-in-lieu contribution of \$2,143.75 for the equivalent value of 0.6225 car parking spaces, based on the cost of \$3,500 per bay as set out in the City's 2012/2013 Budget;

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

4. In accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the *Planning and Development Act 2005*, REQUESTS the owner(s) or the applicant on behalf of the owner(s) to comply with the following requirements;

4.1 Demolition

4.1.1 The unauthorised rear additions shall be removed within sixty (60) days of the issue of a Notice, to be issued by the Chief Executive Officer;

4.1.2 A Demolition Permit shall be submitted to the City for the demolition of the unauthorised rear additions to the Recreational Facility. A Demolition Management Plan, detailing how the demolition of the development will be managed to minimise the impact on the surrounding area, shall also be submitted to and approved by the City. A Proforma can be found on the City's website; and

4.2. Car Parking

4.2.1 The three (3) car bays shall be reinstated at the rear of the Existing Recreational Facility within thirty (30) days of the demolition of the unauthorised rear additions;

4.2.2 Plans are to be provided and approved by the City indicating four car bays within the front setback area, car bay 1 to be landscaped and include the retention of the existing tree, all verge infrastructure, and all on-site car bays with a width compliant to AS2890;

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

5. REQUESTS the Chief Executive Officer to:

5.1 Issue a Notice under the *Planning and Development Act 2005* requiring the Owner(s) or the applicant on behalf of the owner(s) to;

5.1.1 Remove the unauthorised rear addition at No. 18 (Lot: 7 D/P: 7426) Wellman Street, Perth within sixty (60) days of the service of the Notice; and

5.1.2 Reinstatement the three car bays at the rear of the Existing Recreational Facility within thirty (30) days of the demolition of the unauthorised rear additions;

- 5.2 Commence legal proceedings against the Owner(s) (and Applicant if applicable) for non-compliance with the *Planning and Development Act 2005*, if compliance with the Notice referred to in Clause 5.1 above is not achieved within the prescribed time periods.**

ADVICE NOTES:

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 Wellman Street.
2. 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 Building Permit application, being submitted to and approved by the City prior to the erection of the signage.
3. The building is subject to the requirements of the *Health (Public Building) Regulations 1992* and will require registration as a Public Building with the City.
4. The approved Storage area located above the Existing Recreational Facility shall be used for storage purposes only and is not to be used for any industrial, recreational, commercial, or habitable purposes.

OFFICER COMMENT:

As a result of the proposed amendment, a one bay reduction in the on-site car parking from five to four in the front setback area, will change from being a surplus to a shortfall. This in turn will bring the application back to non compliance with car parking and in the event of approval, a cash-in-lieu contribution will be required.

PURPOSE OF REPORT:

The application is referred to Council for determination given the proposal relates to an 'SA' use, which received seven objections, and the proposal is retrospective.

BACKGROUND:

Date	Comment
22 August 2006	The Council conditionally approved a change of use application from Warehouse to Recreation Facility (Martial Arts Fitness Centre).
5 December 2012	The development was discussed at a Safer Vincent Crime Prevention Partnership Meeting.

Previous Reports to Council:

The previous application for the proposed change of use from Warehouse to Recreational Facility (Martial Arts Fitness Centre) was presented to Council at its Ordinary Meeting held on 22 August 2006. The plans approved at the meeting vary from the currently proposed plans (and existing building) in the following ways;

Approved	Proposed (All existing)
<p><u>Ground floor comprising (≈338m²)</u></p> <ul style="list-style-type: none"> • Recreational Facility (≈288m²) • Office (≈50m²) • Six (6) parking bays, two in front of the building and four covered bays at the rear 	<p><u>Ground floor comprising (≈405m²)</u></p> <ul style="list-style-type: none"> • Recreational Facility (≈288m²) • Office (≈50m²) • Five (5) parking bays, all in front of the building (non compliant in depth)

Approved	Proposed (All existing)
Upper floor comprising (≈54m ²) <ul style="list-style-type: none"> • Storage (≈38m²) • Bathroom and Kitchen (≈16m²) 	<ul style="list-style-type: none"> • Private Club (≈67m²) Upper floor comprising (≈357m ²) <ul style="list-style-type: none"> • Storage (≈249m²) • Caretakers residence associated with Recreational Facility (≈68m²) (for the most part over approved existing floor space) • Caretakers residence associated with Private Club (≈40m²) (in the rear unauthorised portion)
Total approved floor area ≈ 392m²	Total proposed floor area ≈ 762m²

The gross floor area of the Recreational Facility was conditioned on the approval to not exceed 310 square metres. The facility was found to be operating over 537 square metres during a compliance site visit. The size of the area proposed for Recreational Facility in the current application has not changed from that approved as they proposed to remove the current upper floor gym and make it storage.

The minutes of Item 10.1.12 from the Ordinary Meeting of Council held on 22 August 2006 relating to this report is available on the City's website at the following link:

<http://www.vincent.wa.gov.au/files/82a565f6-3bc4-49ce-a973-9ebc00a5e080/20060822.pdf>

DETAILS:

The application is for retrospective approval of the following:

- Increased floor area (≈263m²) to the upper floor of the approved Recreational Facility, with the proposed use of additional Storage and an associated Caretakers Residence.
- Two storey addition (≈107m²) to the rear of the Recreational Facility with the proposed use of Private Club and associated Caretakers Residence.

Landowner:	Tekwise Pty Ltd
Applicant:	C Morgan Construction
Zoning:	Commercial
Existing Land Use:	Recreational Facility
Use Class:	Recreational Facility Including Associated Office, Caretakers Residence, and Storage, and Private Club Including Associated Caretakers Residence
Use Classification:	Caretakers Residence and Office "P" Recreational Facility "AA" Club "SA"
Lot Area:	541 square metres
Right of Way:	N/A

ASSESSMENT:

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

Design Element	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Building Setbacks	✓		
Boundary Wall	✓		
Building Height	✓		
Building Storeys	✓		
Bicycles	✓		
Access & Parking			✓
Privacy	✓		

Town Planning Scheme Detailed Assessment

Car Bay Requirement	
<p>Car parking requirement (nearest whole number)</p> <ul style="list-style-type: none"> • Caretakers Residence – One space required per residence Two residences (requires 2 car bays) • Office - 1 space per 50m² gross floor area 50m² Office gross floor area (requires 1 car bay) • Storage (assessed under “Warehouse” requirements) - 3 spaces for the first 200m² of gross floor area and thereafter 1 space per 100m² of gross floor area or part thereof 249m² Storage gross floor area (requires 3 car bays) • Recreational Facility – 1 space per 30m² of gross floor area 288m² Recreational facility gross floor area (requires 10 car bays) • Club – 1 space per 3.8m² of public floor area or per 4.5 persons of maximum number of persons approved for the site, whichever is the greater 44m² Private Club public floor space (requires 12 car bays) <p>Total car bays required = 28 car bays</p>	28 car bays
<p>Adjustment factors</p> <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop/station) • 0.85 (within 400 metres of one or more existing public car parking place(s) with in excess of a total of 75 car parking spaces) <p>Total adjustment factor = 0.7225</p>	20.23 car bays
Minus the car parking provided on-site	5 car bays (non-compliant)
Minus the previously approved on-site car parking shortfall 3.225 Shortfall Approved at OMC 22/08/2006	3.225 car bays
Resultant Shortfall/Surplus	12.005 car bays

Car Bay Requirement (With the recommended removal of the rear addition (Clubhouse and associated Caretakers Residence) and reinstatement of three car bays to the rear)	
<p>Car parking requirement (nearest whole number)</p> <ul style="list-style-type: none"> • Caretakers Residence – One space required per residence One residence (requires 1 car bay) • Office - 1 space per 50m² gross floor area 50m² Office gross floor area (requires 1 car bay) • Storage (assessed under “Warehouse” requirements) - 3 spaces for the first 200m² of gross floor area and thereafter 1 space per 100m² of gross floor area or part thereof 249m² Storage gross floor area (requires 3 car bays) • Recreational Facility – 1 space per 30m² of gross floor area 288m² Recreational facility gross floor area (requires 10 car bays) <p>Total car bays required = 15 car bays</p>	15 car bays
<p>Adjustment factors</p> <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop/station) • 0.85 (within 400 metres of one or more existing public car parking place(s) with in excess of a total of 75 car parking spaces) <p>Total adjustment factor = 0.7225</p>	10.8375 car bays
Minus the car parking provided on-site	8 car bays
Minus the previously approved on-site car parking shortfall 3.225 Shortfall Approved at OMC 22/08/2006	3.225 car bays
Resultant Shortfall/Surplus	0.3875 car bays

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Consultation Period:	20 November 2012 to 11 December 2012.
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Comments Received:	One (1) support, one (1) general comments, and eight (8) objections.
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Summary of Comments Received:	Officers Technical Comment:
<p><u>Issue: Car Parking</u></p> <ul style="list-style-type: none"> Car parking provisions on site are inadequate. There is already overspill from commercial uses into the nearby residential streets creating congestion and frequent illegal parking. 	<p>Supported – Given the significant shortfall of twelve bays from the site created by the unauthorised additions, unauthorised removal of car bays and increase in intensity of use, it is considered that the land use is too intensive for the size of the site and the parking is inadequate. Through removal of the rear addition to the Recreational Facility and reinstatement of rear car bays, the car parking is brought into full compliance and the intensity of use appropriate for the site and context.</p>
<p><u>Issue: Private Club 'SA' Use</u></p> <ul style="list-style-type: none"> Objection to the Private Club use as it is considered an inappropriate location given its close proximity to the nearby residential properties, in particular the Brookman and Moir Street Heritage Precinct. Activity from the property has historically had little impact on the nearby residents/businesses, however in the past year activity in the area has become considerably more sinister and disruptive. Behaviour of Private Club users has been anti-social and intimidating to nearby residents and business owners. Concern regarding the safety of nearby residents, both from the users of the Private Club, but also any overspill from other parties who may be in dispute with the users of the Private Club. Noise from motorbikes frequently exceeds comfort levels both outdoors and indoors, resulting in a significant loss of amenity particularly to nearby residential properties. The noise has significantly reduced since the advertising and comment period. Concern that approval for the Private Club use will result in further and increased disturbance of nearby uses should it be legitimised. 	<p>Supported – Given the number and nature of complaints received from adjoining land owners and the contentious 'SA' use category, it can be considered that the Private Club has had a negative impact on the local area in its recent operation in regards to residential amenity.</p> <p>Negative impacts reported include excessive noise, an increase in anti-social behaviour, increased traffic, and a general concern for safety around the development.</p> <p>While the unauthorised Private Club is located on a commercially zoned lot, it is directly adjacent a residentially zoned Heritage Precinct. This significantly increases the potential for detrimental impacts on the residential users, and there is often conflict between the two users making them incompatible. Further the proposed Private Club increases the intensity of approved use as a Recreational Facility and car parking requirement on a site which already has an existing car parking shortfall and a substantial Recreational Facility.</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

The following legislation and policies apply to the proposed application for Retrospective Alterations and Additions to Existing Recreational Facility Including Associated Storage, Caretakers Residence, Office, and Private Club:

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Parking and Access Policy No. 3.7.1; and
- Beaufort Precinct Policy No. 3.1.13.

RISK MANAGEMENT IMPLICATIONS:

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

Should the Council approve the application for development approval; the proposal will be in conflict with the City's Town Planning Scheme No. 1, Parking and Access Policy 3.7.1, and Beaufort Precinct Policy 3.1.13; creating an undesirable precedent for development in the surrounding area.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Natural and Built Environment

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

Community Development and Wellbeing

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

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

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

ENVIRONMENTAL	
Issue	Comment
Nil.	

SOCIAL	
Issue	Comment
The proposal maintains the existing Recreational Facility which is a positive service to the local community, however the unauthorised Private Club has been reported as having a negative impact on the local community to both residents and businesses and is assessed to not meet planning requirements relating to provision of parking and protection of residential amenity.	

ECONOMIC	
Issue	Comment
The Recreational Facility will maintain the existing employment opportunities which it currently provides.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Recreational Facility including associated Office, Storage and Caretakers Residence, is for the most part an approved use, with the exception of increased storage and a new Caretakers Residence (located for the most part in the existing approved upper floor portion of the approved Recreational Facility). The total car parking requirement for this portion of the development comes to 15 bays and after adjustment factors has a shortfall of 2.6125 bays (not taking into account the Private Club and associated Caretakers Residence in the unauthorised rear portion of the building or any increase in bays which would result from the addition being removed). The use of Recreational Facility and its proposed associated uses all fall under either a 'P' or 'AA' category in the City's Zoning Table, and therefore are generally considered to be compatible and of low/medium impact on the surrounding land uses. As no complaints were received relating to the use of the Recreational Facility which proposes a substantial increase in the second floor for Storage and a Caretakers Residence, the only relevant comments would relate to the parking issues currently experienced on Wellman Street, which would be contributed to by the users of the Facility.

The Private Club including associated Caretakers Residences is both an unauthorised development and use, which is currently located at the rear of the Recreational Facility where four parking bays were previously approved. The total car parking requirement for this portion of the development comes to 13 bays, and after adjustment factors has a shortfall of 12.005 bays (including the Recreational Facility and associated uses).

The use of Private Club falls under the 'SA' use category in the City's Zone Table and is considered to have potential for medium/high impact on surrounding uses. The impacts which have been reported result from the Private Club use and include an increase in noise (primarily relating to motorbikes), and an increase in antisocial and intimidating behaviour in the area. During the consultation period the majority of the comments received were directly relating to the Private Club use and were of a negative nature.

CONCLUSION:

Due to this application being retrospective, a trial period has resulted whereby the nearby landowners have had a chance to experience the impact the proposal would have, should it be approved. Given the relatively strong objection and comments received relating to the Private Club and its operation, it would indicate that its presence in the area has been for the most part, negative. Further, as the site currently has a relatively significant parking shortfall and it has been reported that there has been increased traffic and parking issues, it is in the interest of the City to either require additional parking bays or reduce the need for parking through reducing the intensity of the uses.

The City assesses all development applications, including retrospective, in the same manner. As such, regardless of the nature or size of the unauthorised works, the City should not create any allowances for such works based on it already existing, particularly when such development would not have received approval had the application come in prior to the works being done. If works are carried out without the City's approval it should be made clear that the City will not tolerate such actions, and should the works be deemed to not comply with the requirements of the City's Policies, that retrospective approval will not be granted and the unauthorised works will be required to be removed or made compliant.

In light of the above and due to the negative impacts the Private Club has been reported having on the surrounding area and the significant parking shortfall which it creates for the site, it is not considered to be an appropriate use or development for the property. In this respect it is recommended that the additional Storage and Caretakers Residence associated with the Recreational Facility be supported and the Private Club and its associated Caretakers Residence be refused and the development be brought back into compliance with the City's Town Planning Scheme and associated Policies, while also providing a positive outcome to the main concerns which have been voiced by the local community. As such the proposal, with exception of the Private Club use and its associated Caretakers Residence, is supported from a planning perspective. As such it is recommended to approve the alterations and additions to the Recreational Facility component and refuse the alterations and additions and use for the Private Club component and require the removal (through demolition) of the unauthorised rear two storey portion of the building.

9.1.7 No. 207a (Lot 3; STR: 31909) Brisbane Street, Perth – Proposed Patio Addition to Existing Roof Terrace

Ward:	South	Date:	1 February 2013
Precinct:	Hyde Park, P12	File Ref:	PRO0175; 5.2012.468.1
Attachments:	001 – Development Application Plans and Property Information Report		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Planning Officer (Statutory)		
Responsible Officer:	C Eldridge, Director Planning Services		

CORRECTED OFFICER RECOMMENDATION:

That the Council;

~~“1. The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 207B Brisbane Street in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork; and~~

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

21.1 Privacy Screening

The eastern ~~and western~~ elevations of the upper roof terrace shall be screened with a permanent obscure material to a minimum height 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. Prior to the issue of a Building Permit, 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 2010; and

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

ADVICE NOTES:

1. 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 Brisbane Street.

~~2. The owners shall make application to obtain the consent of the owners of No. 207B Brisbane Street for entry of their land.”~~

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

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Cr McGrath departed the Chamber at 8.55pm.

Debate ensued.

Cr McGrath returned to the Chamber at 8.57pm.

Debate ensued.

Cr Carey departed the Chamber at 8.58pm.

Debate ensued.

Cr Carey returned to the Chamber at 9.00pm.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Maier was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.1.7

That the Council;

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

- 1.1 **Privacy Screening**

The eastern elevations of the upper roof terrace shall be screened with a permanent obscure material to a minimum height 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. Prior to the issue of a Building Permit, 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 2010; and

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

ADVICE NOTE:

1. **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 Brisbane Street.**

PURPOSE OF REPORT:

The application is referred to a meeting of Council as there is no delegation to approve additional development to an existing three storey dwelling.

BACKGROUND:

Date	Comment
14 April 1998	Council resolved to approve an application for Two (2) Additional Three Storey (Plus Roof Deck) Grouped Dwellings Behind an Existing Dwelling.

DETAILS:

Landowner:	K Dickinson
Applicant:	Apollo Patios (WA)
Zoning:	Residential R80
Existing Land Use:	Grouped Dwelling
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	430m2
Right of Way:	Rear, South, Sealed, 4.0 metres width

The proposal involves the construction of a flat roofed patio to the existing roof deck of the existing eastern grouped dwelling. The proposed patio incorporates an area of 21.60 square metres and a height of between 2.1 metres – 2.5 metres.

ASSESSMENT:

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

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

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

Issue/Design Element: Building Setback	
Requirement:	Patio Western – 4.8 metres Eastern – 4.8 metres
Applicants Proposal:	Patio Western - Nil Eastern - 2.2 metres
Performance Criteria:	Buildings setback from boundaries other than street boundaries so as to: <ul style="list-style-type: none"> • provide adequate direct sun and ventilation to the

Issue/Design Element: Building Setback	
	<p>building;</p> <ul style="list-style-type: none"> • ensure adequate direct sun and ventilation being available to adjoining properties; • provide adequate direct sun to the building and appurtenant open spaces; • assist with protection of access to direct sun for adjoining properties; • assist in ameliorating the impacts of building bulk on adjoining properties; and • assist in protecting privacy.
Applicant justification summary:	No justification provided.
Officer technical comment:	<p>The proposed patio abuts an existing boundary wall of the adjoining grouped dwelling on its western elevation therefore not impacting the provision of light and ventilation to the subject and adjoining property. On the eastern façade the structure is afforded a greater setback at 2.2 metres which allows for a greater provision of light and ventilation to the adjoining eastern property. The patio structure is of a lightweight material and is not any greater in height than the subject dwelling.</p> <p>The location of the patio structure in the middle of the lot will ensure any overshadowing generated by the structure at the winter solstice will occur over the subject grouped dwelling.</p> <p>Furthermore, obscure screening required to a minimum height of 1.6 metres above the finished floor level of the patio is proposed on both the eastern and western facades to inhibit overlooking of the adjoining properties and is recommended to be conditioned accordingly.</p>

CONSULTATION/ADVERTISING:

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
Comments Period:	9 November 2012 to 22 November 2012		
Comments Received:	2 comments received, no objections and 2 in support.		

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

City of Vincent Town Planning Scheme No. 1 and associated Policies.
Residential Design Codes WA 2010

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

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

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

ENVIRONMENTAL	
Issue	Comment
More efficient use of the subject land by utilising an existing portion of the dwelling.	

SOCIAL	
Issue	Comment
The use of an outdoor living area will enhance the liveability of the dwelling by incorporating greater outdoor usable space.	

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS & CONCLUSION:

It is considered the proposed construction of a patio to the existing roof deck of the grouped dwelling being of a light weight material, scale and of no greater maximum height than the existing building will have minimal impact on the adjoining property owners. Furthermore the utilisation of the area will be of no greater impact to the adjoining properties as it is already a decked area for the property owners. In addition, to ensure privacy is maintained, a condition is included to ensure overlooking cannot be further impacted to the adjoining property owners.

In light of the above it is recommended the proposed patio be supported subject to the aforementioned conditions.

9.1.8 FURTHER REPORT: Amendment No. 97 to Planning and Building Policy Manual – Finalisation of Appendix 17 – Design Guidelines for Lacey Street, Perth and Designation of Lacey Street as a Heritage Area

Ward:	South Ward	Date:	1 February 2013
Precinct:	Beaufort; P13	File Ref:	PLA0241
Attachments:	001 – Appendix 17 – Design Guidelines for Lacey Street, Perth		
Tabled Items:	Nil		
Reporting Officers:	T Young, Manager Strategic Planning, Sustainability and Heritage Services		
Responsible Officer:	C Eldridge, Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **DEFERS** the consideration of designation of a Heritage Area for No. 5 (Lot 52), No. 6 (Lot 16), No. 7 (Lot 53), No. 8 (Lot 17), No. 9 (Lot 12), No. 10 (Lot 18), No. 11 (Lot 11), No. 12 (Lot 19), No. 13 (Lot 10), No. 14 (Lot 20), No. 15 (Lot 9), No. 16 (Lot 21), No. 17 (Lot 8), No. 18 (Lot 22), No. 19 (Lot 7), No. 20 (Lot 23), No. 21 (Lot 6), No. 22 (Lot 24), No. 23 (Lot 5), No. 24 (Lot 25), No. 26 (Lot 26), No. 28 (Lot 27), No. 30 (Lot 28) and No. 32 (Lot 29) Lacey Street, Perth in accordance with clause 24 of the City of Vincent Town Planning Scheme No. 1, until such time as a dedicated Local Planning Policy has been prepared to guide the process for the adoption of a Heritage Area, in particular with respect to the response rates required from affected owners and the percentage of the positions received in the responses;
2. **ADOPTS** the final version of Appendix 17 – Design Guidelines for Lacey Street, Perth pursuant to clause 24 (2) of the City of Vincent Town Planning Scheme No. 1, as shown in Appendix 9.1.8; and
3. **AUTHORISES** the Chief Executive Officer to advertise the final amendments to Appendix No. 17 – Design Guidelines for Lacey Street, as shown in Appendix 9.1.8, in accordance with Clause 47(6) of the City’s Town Planning Scheme No. 1.

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

Cr Pintabona departed the Chamber at 9.02pm.

Debate ensued.

Cr Harley departed the Chamber at 9.03pm.

Debate ensued.

Cr Pintabona returned to the Chamber at 9.04pm.

Debate ensued.

Cr Harley returned to the Chamber at 9.10pm.

Debate ensued.

AMENDMENT NO 1

Moved Cr McGrath, Seconded Cr Wilcox

“That Clause 1 be amended to read as follows:

- 1. DEFERS the consideration of designation of a Heritage Area for No. 5 (Lot 52), No. 6 (Lot 16), No. 7 (Lot 53), No. 8 (Lot 17), No. 9 (Lot 12), No. 10 (Lot 18), No. 11 (Lot 11), No. 12 (Lot 19), No. 13 (Lot 10), No. 14 (Lot 20), No. 15 (Lot 9), No. 16 (Lot 21), No. 17 (Lot 8), No. 18 (Lot 22), No. 19 (Lot 7), No. 20 (Lot 23), No. 21 (Lot 6), No. 22 (Lot 24), No. 23 (Lot 5), No. 24 (Lot 25), No. 26 (Lot 26), No. 28 (Lot 27), No. 30 (Lot 28) and No. 32 (Lot 29) Lacey Street, Perth in accordance with clause 24 of the City of Vincent Town Planning Scheme No. 1, until such time as a dedicated Local Planning Policy has been prepared to guide the process for the adoption of a Heritage Area; ~~in particular with respect to the response rates required from affected owners and the percentage of the positions received in the responses;~~**

AMENDMENT NO 1 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Maier was an apology for the Meeting.)

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Maier was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.1.8

That the Council;

- 1. DEFERS the consideration of designation of a Heritage Area for No. 5 (Lot 52), No. 6 (Lot 16), No. 7 (Lot 53), No. 8 (Lot 17), No. 9 (Lot 12), No. 10 (Lot 18), No. 11 (Lot 11), No. 12 (Lot 19), No. 13 (Lot 10), No. 14 (Lot 20), No. 15 (Lot 9), No. 16 (Lot 21), No. 17 (Lot 8), No. 18 (Lot 22), No. 19 (Lot 7), No. 20 (Lot 23), No. 21 (Lot 6), No. 22 (Lot 24), No. 23 (Lot 5), No. 24 (Lot 25), No. 26 (Lot 26), No. 28 (Lot 27), No. 30 (Lot 28) and No. 32 (Lot 29) Lacey Street, Perth in accordance with clause 24 of the City of Vincent Town Planning Scheme No. 1, until such time as a dedicated Local Planning Policy has been prepared to guide the process for the adoption of a Heritage Area;**
- 2. ADOPTS the final version of Appendix 17 – Design Guidelines for Lacey Street, Perth pursuant to clause 24 (2) of the City of Vincent Town Planning Scheme No. 1, as shown in Appendix 9.1.8; and**
- 3. AUTHORISES the Chief Executive Officer to advertise the final amendments to Appendix No. 17 – Design Guidelines for Lacey Street, as shown in Appendix 9.1.8, in accordance with Clause 47(6) of the City’s Town Planning Scheme No. 1.**

FURTHER REPORT:

The Council at its Ordinary Meeting held on 9 October 2012, considered the report to designate Lacey Street as a Heritage Area, adopt the final amended version of Appendix 17 – Design Guidelines for Lacey Street and for the Chief Executive Officer to authorise the final advertising of Appendix 17 and to authorise that all owners of properties within a designated Heritage Area be eligible for assistance through the City’s Heritage Assistance Fund, of which the Council resolved as follows:

“That the Item be DEFERRED to the Ordinary Meeting of Council to be held on 23 October 2012, to clarify the degree of support or otherwise amongst the owners of the Lacey Street Properties.”

The Minutes of the Ordinary Meeting of Council held on 9 October 2012, can be found at:
http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes.

Additional Consultation

Directed by the resolution above and discussions held by the Council at its Ordinary Meeting held on 9 October 2012, the City’s Officers undertook further consultation with all owners of properties in Lacey Street affected by Appendix 17 – Design Guidelines for Lacey Street and/or the proposed designation of a Heritage Area to gauge the degree of support for the City’s proposal. The consultation comprised the distribution of a Fact Sheet, a Survey and a Reply Paid Envelope for ease of convenience for owners to provide feedback on the proposal. Given the time to prepare this documentation and to allow for suitable time for feedback, it was not possible to report back to the Council by the 23 October 2012.

Letters and an accompanying Survey and Fact Sheet were distributed to the twenty-four (24) owners of places that are affected by the proposed Heritage Area designation and the Appendix 17 – Design Guidelines for Lacey Street.

Letters and an accompanying Survey and Fact Sheet were also distributed to the owners of the five (5) ‘gateway’ properties which are affected only by the Appendix 17 – Design Guidelines for Lacey Street and not the previously proposed Heritage Area designation.

Summary of Submissions by Street Address within the Heritage Area

Property Address	Position	Response Type
No. 5 (Lot 52) Lacey Street	N/A	No Response Received
No. 6 (Lot 16) Lacey Street	Support	Round One and Two Submission
No. 7 (Lot 53) Lacey Street	Object	Round One and Two Submission
No. 8 (Lot 17) Lacey Street	Support	Meeting with Planning Staff
No. 9 (Lot 12) Lacey Street	Object	Round One and Two Submission
No. 10 (Lot 18) Lacey Street	N/A	No Response Received
No. 11 (Lot 11) Lacey Street	Support	Round One Submission
No. 12 (Lot 19) Lacey Street	Object	Round One and Two Submission
No. 13 (Lot 10) Lacey Street	Support	Round One and Two Submission
No. 14 (Lot 20) Lacey Street	Support	Round Two Submission
No. 15 (Lot 9) Lacey Street	Support	Round Two Submission
No. 16 (Lot 21) Lacey Street	Support	Round One Submission
No. 17 (Lot 8) Lacey Street	N/A	No Response Received
No. 18 (Lot 22) Lacey Street	Support	Round One Submission
No. 19 (Lot 7) Lacey Street	Object	Round One Submission
No. 20 (Lot 23) Lacey Street	N/A	No Response Received
No. 21 (Lot 6) Lacey Street	N/A	No Response Received
No. 22 (Lot 24) Lacey Street	Support	Round Two Submission
No. 23 (Lot 5) Lacey Street	Support	Email Correspondence
No. 24 (Lot 25) Lacey Street	N/A	No Response Received
No. 26 (Lot 26) Lacey Street	Not Stated	Round One Submission
No. 28 (Lot 27) Lacey Street	N/A	No Response Received
No. 30 (Lot 28) Lacey Street	N/A	No Response Received
No. 32 (Lot 29) Lacey Street	Object	Round Two Submission

Position for Submissions Received

Position	Number Received	Percentage
Support	10	62%
Object	5	32%
Not Stated	1	6%
Total	16	100%

Response Rate

Response	Number	Percentage
Response Received	16	67%
No Response Received	8	33%
Total	24	100%

As shown in the above tables, through the various consultation mechanisms undertaken collectively the City received a 67 per cent response rate to the proposal for Lacey Street to be identified as a Heritage Area. Of the submissions received the City received a 62 per cent response rate in support of the proposal and a 32 per cent response rate in objection to the proposal.

Summary of Submissions by Street Address for Gateway Properties

Property Address	Position	Response Type
No. 33 (Lot 2) Brisbane Street	Object	Round Two Submission
No. 72(Lot 14) Brewer Street	N/A	No Response Received
No. 84 (Lot 51) Brewer Street	N/A	No Response Received
No. 25 (Lot 4) Lacey Street	N/A	No Response Received
No. 1/266 (Lot 1) Stirling Street	N/A	No Response Received
No. 25 (Lots 1 & 2 on Strata Plan 23393) Brisbane Street	Object	Round Two Submission

Position for Submissions Received

Position	Number Received	Percentage
Support	0	0%
Object	2	100%
Not Stated	0	%
Total	2	100%

Response Rate

Response	Number	Percentage
Response Received	2	33%
No Response Received	4	67%
Total	6	100%

As shown in the tables above, there was generally a low response rate received from the owners of the gateway properties, and of the submissions received none supported their properties being part of the Design Guidelines for Lacey Street.

Summary of Comments Received

Below is a summary of the comments received by owners during the two rounds of consultation undertaken. It is to be noted that the submissions have been considered and assessed by issue, rather than individual submitter for clarity and avoidance of repetition.

Summary of Comments Received:	Officers Comment:
Support: There should be more of an expectation that for owners that buy in a character area, that the character is preserved to benefit the broader community.	Support this notion.

Summary of Comments Received:	Officers Comment:
<p>Support: Lacey Street being a Heritage Area will assist to maintain a cohesive streetscape and enhance and retain the character of the street.</p>	<p>Support that this was one of the intentions of the originally proposed Heritage Area. However as an interim measure, until such time as a transparent process for the designation of Heritage Areas is prepared by the City the existing amended Design Guidelines, will continue to ensure the enhancement and retention of the character of the street.</p>
<p>Support: Lacey Street being a Heritage Area will maintain the character of the street and strengthen the application of the Design Guidelines, which in turn will enhance the value of the properties in the street.</p>	<p>Support this notion, however as noted above, however until such time as a transparent process for the designation of Heritage Areas is prepared by the City the existing amended Design Guidelines, will continue to ensure the enhancement and retention of the character of the street. The City is unable to comment on the correlation between preserving the character of the street and property values, as this is not a planning matter.</p>
<p>Object: Decline in property values</p> <p>Object: Lack of flexibility and practicality in undertaking alterations and additions for modern day living.</p> <p>Object: Lacey Street has little heritage value and is ramshackle collection of residential, commercial and car yards of all vintage various mix and match.</p> <p>Support: Lacey Street is a unique character street, which is a driving factor that attracts people to the area.</p> <p>Comment Only: Lighting and security is an issue within Lacey Street.</p> <p>Comment Only: Parking is an issue in Lacey Street</p>	<p>Noted. This is not a planning matter.</p> <p>Not Supported. The Design Guidelines have been prepared to ensure that flexibility is provided to owners to undertaken alterations and additions to the existing properties to meet with modern living standards. All internal fit outs and extensions to the rear are encouraged to address contemporary living standards.</p> <p>Not Supported: All properties identified within the originally proposed Lacey Street Heritage Area, and the contributing properties within the existing Design Guidelines, are of the original housing stock in the street.</p> <p>Noted.</p> <p>Noted. As an inner City area in close proximity to NIB stadium and licenced premises it is inevitable, that there is a high degree of vehicle and pedestrian traffic in the area. This also can assist security by providing casual surveillance along the street. In terms of lighting, residents and business owners can contact the City's Safer Vincent department for information on obtaining sensor lighting if required.</p> <p>Noted. Through the City's Car Parking Strategy the City continues to look at improving the management of parking within the City, including this area.</p>

Summary of Comments Received:	Officers Comment:
<p>Object: Do not like the Council telling land owners what they can and cannot do to a property. Infringement of property rights.</p>	<p>Noted. All new development within the City of Vincent is required to meet with the standards that are set by the City's Town Planning Scheme No. 1 and associated Planning Policies, and guided largely by State Government Policy, in particular the Residential Design Codes of WA, to effectively manage development in these unique inner city areas. The Lacey Street Design Guidelines have been in place since 2006 to guide development in the street, cognisant of the character of the area.</p>
<p>Support: Greater emphasis should be included in the Policy on maintenance and restoration of the properties.</p>	<p>Noted. This sort of detail is not normally included in a local planning policy, however through other avenues such as heritage workshops, fact sheets, and the like, the City actively promotes best practice methods to restore and conserve older style dwellings in the City.</p>
<p>Object: The gateway properties are not in the schematic theme of the other properties in Lacey Street.</p> <p>Support: Design Guidelines should include more explicit provisions to promote restoration of windows and other features and to discourage modern fixtures to facades like roller shutters.</p> <p>Comment: The installation of underground power would further enhance Lacey Street.</p>	<p>Noted. The City recognises this and whilst the gateway properties have been included in the Design Guidelines since they were first adopted in 2006, as they form part of the collective streetscape, they were not proposed to be part of the Heritage Area, and are not subject to the same development standards to the non-gateway properties identified within the Design Guidelines.</p> <p>Noted. Within the Element on 'Existing Building Stock', within the Guidelines, the Design Response has been identified as, 'Retain and restore, intact Federation dwellings.' It is considered that this encompasses promoting restoration of original elements, and avoidance of external features that detract from the streetscape.</p> <p>Noted. The undergrounding of power is a staged process managed by Western Power.</p>

Summary and Conclusion

Whilst the consultation provided a relatively high response rate to the proposal for the designation of Lacey Street as a Heritage Area, responses were not received from all the owners. The statistics illustrated that as a percentage there was a greater response received in support of the proposal, however relatively there was still a considerable number of owners as a percentage of submissions received that did not support the proposal for the designation of Lacey Street as a Heritage Area.

At this point in time, it is considered appropriate that as an interim measure the Council adopt the amended version of Appendix 17 - Design Guidelines for Lacey Street, to ensure that development requirements remain in place to guide site responsive design in the street. The Design Guidelines have been amended to remove any reference to Lacey Street being designated as a 'Heritage Area', which is shown in underline and strike-through in the version of the Design Guidelines attached to this Agenda Report.

In terms of the designation of Lacey Street as a Heritage Area, it is recommended that a dedicated Local Planning Policy relating to Heritage Areas is prepared and endorsed by the Council which states clear parameters in the designation of Heritage Areas, particularly with respect to the required level of response received from land owners and also the degree of support that is required to enable the designation of a Heritage Area. This new Policy is anticipated to be prepared in 2013. Following the adoption of this new Policy, Lacey Street can then be re-considered as a Heritage Area.

In light of the above, it is recommended that the Council support the Officer's recommendation to defer the consideration of the designation of Lacey Street as a Heritage Area until a dedicated Local Planning Policy on Heritage Areas has been prepared, however to proceed with the final adoption of the amended version of Appendix 17 – Design Guidelines for Lacey Street.

9.1.15 Community Energy Efficiency Program (CEEP) Round Two Grant Application – Approval of Additional Funding

Ward:	Both	Date:	4 February 2013
Precinct:	All	File Ref:	FIN0199
Attachments:	001 – CEEP Funding Table		
Tabled Items:			
Reporting Officer:	A Marriott, Sustainability Officer		
Responsible Officers:	C Eldridge, Director Planning Services – Grant Application; R Lotznicker, Director Technical Services – Project Implementation; M Rootsey, Director Financial Services – Project Funding.		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES BY ABSOLUTE MAJORITY; to amend the amount of \$270,000 that is listed for consideration in the Draft Budget 2013/2014 for the Community Energy Efficiency Program (CEEP) geothermal space heating and cooling projects, to \$372,000; and**
2. **NOTES that the City has submitted a granted application, in accordance with the Council Decision of 18 December 2012.**

COUNCIL DECISION ITEM 9.1.15

Moved Cr Topelberg, Seconded Cr Pintabona

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (8-0)**

(Cr Maier was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council that the cost of the geothermal space heating and cooling projects proposed for implementation under the federal government's Community Energy Efficiency Program (CEEP) will be greater than originally estimated. This report seeks approval for additional funding corresponding to the identified shortfall to be listed for consideration in the 2013/2014 Draft Budget.

BACKGROUND:

At its Ordinary Meeting on 18 December 2012, the Council agreed to list for consideration an amount of \$270,000 in the 2013/14 Draft Budget for geothermal space heating and cooling to be implemented across three facilities with assistance from a federal government CEEP grant. The Council also authorised the Chief Executive Officer to engage consultants for the preparation of the CEEP grant application.

DETAILS:

Preparation of the CEEP grant application has involved the completion of a detailed design and business case for the proposed geothermal heating and cooling project. This has revealed that project costs will be greater than originally estimated, requiring the allocation of an additional \$102,000 in the 2013/14 Draft Budget.

However, it has also been revealed that the energy savings from the project will be greater than anticipated, with a 50 per cent reduction in energy use averaged across the facilities in scope. This means that the overall payback period for the project is now reduced to 4.46 years.

The attached table attachment 9.1.15 (001) indicates the cost variation.

CONSULTATION/ADVERTISING:

Community consultation to demonstrate broad-based community support has been completed as part of the grant application process. Part of this consultation process was the consideration of the proposed project by the City's Sustainability Advisory Group. The operators of the Loftus Recreation Centre and Robertson Park Tennis Club were also consulted.

LEGAL/POLICY:

Successful applicants must enter into a funding agreement with the Commonwealth Government prior to the commencement of the project. The funding agreement is a performance-based, legally enforceable agreement between the Commonwealth Government and the successful applicant that sets out the terms and conditions governing the funding provided.

The City's Policy No. 2.2.12 relating to Asset Management states:

"Objectives:

- *Ensure that assets service the community for current and future generations;*
- *Ensure that assets provide a level of service and risk the community is willing to support;*
- *Ensure the sustainable management of assets;*
- *Encourage and support the economic and social wellbeing of our community; and*
- *Allow informed decision making, incorporating life cycle costing principles."*

The City's Policy No. 3.5.10 relating to Sustainable Design states:

"Objectives:

- *To demonstrate the Town's commitment to environmental, economic, and social stewardship, and to contribute to the Town's goals of protecting, conserving, and enhancing the Town's and the State's environmental resources;*
- *To encourage the retention of existing buildings capable of reasonable adaptation and re-use;*
- *To encourage the incorporation of sustainable design principles and features in existing and new development in the Town of Vincent as standard practice; and*
- *To set out the Town's expectations of the sustainability outcomes to be achieved by home owners, developers and builders in new building and renovation projects."*

RISK MANAGEMENT IMPLICATIONS:

Medium: In order to meet viability criteria, the City's grant application will include a comprehensive Risk Management Plan for the proposed project. This plan must be implemented as part of the City's obligations under the funding agreement.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2011-2016* the following Objectives state:

"Natural and Built Environment

- 1.1 *Improve and maintain the natural and built environment and infrastructure*
 - 1.1.3 *Take action to reduce the City's environmental impacts and provide leadership on environmental matters.*
 - 1.1.4 *Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment."*

"Leadership, Governance and Management

- 4.3 *Promote and Implement Knowledge Management and Technology*
 - 4.3.1 *Promote technology opportunities to improve the City's business, communication, security and sustainability."*

In keeping with the City's *Sustainable Environment Strategy 2011-2016* the following Objective states:

"General Actions

Ensure that the City acts in an environmentally sustainable manner in all of its operations.

- F. *Monitor and avail of opportunities for state and federal funding and grants which could fund environmental projects or initiatives.*

Encourage, empower and support the City's community to live in an environmentally sustainable manner.
- J. *Make environmental and sustainability information more readily accessible to the community.*
- K. *Encourage the incorporation of sustainable design principles and features in existing and new development within the City as standard practice.*
- L. *Promote responsible consumption that has a reduced environmental impact."*

"Air and Emissions

Reduce and offset the use of non-renewable energy in the City's operations, and promote the same to the community.

Action 1.7 Continue to investigate and implement the use of alternative lighting technologies, including solar-powered lights and LEDs, in lighting owned by the City.

Action 1.14 Offer guidance and encourage energy efficient design for new developments and retrofitting for existing developments within the City."

SUSTAINABILITY IMPLICATIONS:

The following tables outline the applicable sustainability issues for the proposed efficiency upgrade and retrofit project.

ENVIRONMENTAL	
Issue	Comment
Increased energy efficiency and the adoption of clean energy technologies will translate into significant greenhouse gas emission reductions from the City's operations. This will mitigate the City's contribution to global climate change impacts and help to meet its commitments under the Local Government Declaration on Climate Change – signed on 15 May 2012.	

SOCIAL	
Issue	Comment
Implementation of these measures will demonstrate leadership on climate change mitigation and provide opportunities to engage and inform the City's community about related issues.	

ECONOMIC	
Issue	Comment
Increasing energy costs mean that the efficiency/clean technology measures proposed as part of this project will result in cost savings that will far outweigh the value of energy savings at current market rates.	

FINANCIAL/BUDGET IMPLICATIONS:

Successful CEEP grant application will require a written commitment from the City to meet all co-funding requirements for proposed projects.

COMMENTS:

Advice from the City's energy consultants is that the proposed precinct scale geothermal project is the first of its kind in Australia. Combined with the excellent return on investment figures for the energy efficiency upgrades overall, this make for a very competitive application.

9.2.1 Review of Waste Management Practices in the City of Vincent – Progress Report No. 2

Ward:	Both	Date:	1 February 2013
Precinct:	All	File Ref:	ENS0083
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

That the Council;

1. **ADOPTS the following provisions (to reduce the number of bins being issued to developments), as an interim measure until the review of the Council’s Waste Management Policy No. 2.2.11 is finalised;**

- 1.1 **the revised ‘Generation Rates’ in litres per dwelling per week, for residential waste and recycling, as outlined in the following table, and that these new rates be used as a basis for calculating the number of bins to be provided for developments in an effort to reduce the overall number bins presented for collection; and**

Service	Single Dwelling	2-5 Dwellings	6-20 Dwellings	>20 Dwellings
General Waste	240	180	160	120
Recycling	120	100	90	80

Note: General Waste collected Weekly / Recycling collected Fortnightly

2. **NOTES that;**

- 2.1 **as previously requested by the Council 360 litre Recycling Bins in lieu of 240 litre Recycling Bins are being rolled out to all ‘new Multi-Unit developments, in accordance with the revised generation rates and as per the information as outlined in the report;**
- 2.2 **there will be a \$0.23 cost increase per ‘lift’ for a 360 litre Mobile Recycling Bin and the cost to supply and deliver a 360 litre bin will increase by \$32.00 per bin;**
- 2.3 **these increased costs as outlined in clause 2.2, can be accommodated in this year’s budget however additional funding will be required to be allocated in the 2013/2014 draft budget;**
- 2.4 **the revised policy will make allowance for new larger developments (threshold to be determined) to have bins of a greater size than 360 litre collected by contract in accordance with an approved ‘Development Waste Management Plan’; and**
- 2.5 **the information contained in the report regarding the provision of an additional bin for green waste and whether this would be justified/cost effective should this be considered further;**
- 2.6 **the revised commercial bin allocations for recycling bins as outlined in the report however notes that the NSW Government is currently undertaking a major review of Commercial Waste generation and that when this data is available the proposed commercial recycling and waste bin allocations be further reviewed as part of the revised Waste Management Policy;**

3. **APPROVES BY AN ABSOLUTE MAJORITY** to authorise the Chief Executive Officer to engage a suitably qualified Waste Management Consultant from a funding source to be determined, to provide advice about waste management generally and to work with the City's officers to progress and finalise the review of current Policy No. 2.2.11 "Waste Management", due to the lack of available "in-house" resources and the current heavy workload; and
4. **RECEIVES** a further progress report in March/April 2013.

Moved Cr Harley, Seconded Cr Pintabona

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

That the Council;

1. **ADOPTS** the following provisions (to reduce the number of bins being issued to developments), as an interim measure until the review of the Council's Waste Management Policy No. 2.2.11 is finalised;
 - 1.1 the revised 'Generation Rates' in litres per dwelling per week, for residential waste and recycling, as outlined in the following table, and that these new rates be used as a basis for calculating the number of bins to be provided for developments in an effort to reduce the overall number bins presented for collection; and

Service	Single Dwelling	2-5 Dwellings	6-20 Dwellings	>20 Dwellings
General Waste	240	180	160	120
Recycling	120	100	90	80

Note: General Waste collected Weekly / Recycling collected Fortnightly

~~2. NOTES that;~~

- ~~2.1 as previously requested by the Council 360 litre Recycling Bins in lieu of 240 litre Recycling Bins are being rolled out to all 'new Multi-Unit developments, in accordance with the revised generation rates and as per the information as outlined in the report;~~
- ~~2.2 there will be a \$0.23 cost increase per 'lift' for a 360 litre Mobile Recycling Bin and the cost to supply and deliver a 360 litre bin will increase by \$32.00 per bin;~~
- ~~2.3 these increased costs as outlined in clause 2.2, can be accommodated in this year's budget however additional funding will be required to be allocated in the 2013/2014 draft budget;~~
- ~~2.4 the revised policy will make allowance for new larger developments (threshold to be determined) to have bins of a greater size than 360 litre collected by contract in accordance with an approved 'Development Waste Management Plan'; and~~
- ~~2.5 the information contained in the report regarding the provision of an additional bin for green waste and whether this would be justified/cost effective should this be considered further;~~

~~2.6 — the revised commercial bin allocations for recycling bins as outlined in the report however notes that the NSW Government is currently undertaking a major review of Commercial Waste generation and that when this data is available the proposed commercial recycling and waste bin allocations be further reviewed as part of the revised Waste Management Policy;~~

- 32. APPROVES BY AN ABSOLUTE MAJORITY to authorise the Chief Executive Officer to engage a suitably qualified Waste Management Consultant from a funding source to be determined, to provide advice about waste management generally and to work with the City's officers to progress and finalise the review of current Policy No. 2.2.11 "Waste Management", due to the lack of available "in-house" resources and the current heavy workload; and**
- 43. RECEIVES a further progress report in March/April 2013.**

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Maier was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.2.1

That the Council;

- 1. ADOPTS the following provisions (to reduce the number of bins being issued to developments), as an interim measure until the review of the Council's Waste Management Policy No. 2.2.11 is finalised;**
- 1.1 the revised 'Generation Rates' in litres per dwelling per week, for residential waste and recycling, as outlined in the following table, and that these new rates be used as a basis for calculating the number of bins to be provided for developments in an effort to reduce the overall number bins presented for collection; and**

Service	Single Dwelling	2-5 Dwellings	6-20 Dwellings	>20 Dwellings
General Waste	240	180	160	120
Recycling	120	100	90	80

Note: General Waste collected Weekly / Recycling collected Fortnightly

- 2. APPROVES BY AN ABSOLUTE MAJORITY to authorise the Chief Executive Officer to engage a suitably qualified Waste Management Consultant from a funding source to be determined, to provide advice about waste management generally and to work with the City's officers to progress and finalise the review of current Policy No. 2.2.11 "Waste Management", due to the lack of available "in-house" resources and the current heavy workload; and**
- 3. RECEIVES a further progress report in March/April 2013.**

PURPOSE OF REPORT:

The purpose of this report is to provide information on some progress undertaken to implement aspects of the previous Council decision regarding this matter and approve of the engagement of an external consultant. To assist the City's administration to implement the Council's decision.

BACKGROUND:

Ordinary Meeting of Council 4 December 2012:

The Council considered progress report No 1 where the following decision was made (in part);

“That the Council;...

2. NOTES;

2.1 *The City’s officers are currently undertaking assessments of a number of sites to determine ‘Waste Generation Rates’ to enable the City to amend its policy on the number of Mobile Garbage Bins (MGBs) required based on ltrs/unit/week;*

3. *APPROVES the provision of shared 360 ltr Recycling MGBs in lieu of individual 240 ltr Recycling MGBs to all new Multi-Unit developments, and to progressively replace all of the existing 240 ltr Recycling MGBs with 360 ltr Recycling MGBs to existing Multi – Unit Developments (with the overall aim to reduce the number of MGB’s), as funding becomes available;*

4. *AUTHORISES the Chief Executive Officer to;*

4.1 *revise the current Policy No. 2.2.11 “Waste Management”, to incorporate the principles discussed in the report in relation to Waste generation rates and the design of Multi-Unit and Commercial Development to facilitate improved waste storage/collection etc;*

4.2 *incorporate the provision of 360 ltr Recycling MGBs in lieu of 240 ltr Recycling MGBs to all ‘new Multi-Unit developments;*

4.3 *investigates the benefits/cost implications of providing of an additional MGB for “green waste and food scraps only”, as per the City of Cambridge Trial, as discussed in the report;*

4.4 *further investigate the benefits/cost implications of providing a ‘pre booked’ general junk collection service for multi unit developments based on the City of Sydney model as discussed in the report;*

4.5 *further investigate alternatives to the provision of MGBs for the collection of waste from mixed use and larger scale multiple dwellings developments; and...*

7. *RECEIVES a further report by March/April 2013 on;*

7.1 *the revised Policy No. 2.2.11 “Waste Management”, which incorporates the matters discussed in clause 3 and 4;*

7.3. *whether the provision of bins larger than 360 ltrs (up to 1,100 ltrs) for commercial and large unit developments should be undertaken by the City or developed as private sector services; and*

DETAILS:

Assessment of Waste Generation Rates/provision of Bins:

As previously reported to Council, estimated waste generation rates for Councils in Australia vary.

The City of Sydney for example outlines generation rates in their Policy for Waste Minimisation in New Developments and the Victorian Government has also adopted the City of Sydney figures and included these in their policy. The NSW Government is currently reviewing waste generation rates and once this information is available this information will be assessed.

The City's officers have been undertaking audits in an effort to determine actual generation rates for the City.

Existing Allocations (Residential):

The existing practice of allocating Mobile Garbage Bins (MGBs) and Mobile Recycling Bins (MRBs) calculated back to litres per dwelling per week are based on one (1) or two (2) bedroom dwellings as per the following table

All quantities in litres/dwelling/week (ltr/d/w)

Service	Single Dwelling	2-5 Dwellings		6-20 Dwellings		>20 Dwellings	
		One	Two	One	Two	One	Two
Number of Bed Rooms		One	Two	One	Two	One	Two
General Waste*	240	120	240	120	240	120	240
Recycling*	120	60	120	60	120	60	120
Bin allocation	A	B		C		D	

Note:* General waste collected weekly/Recycling collected fortnightly

- A:** Provision of either 1 x 140 ltr MGB or 1 x 240 ltr MGB and 1 x 240 MRB per dwelling.
- B:** Provision of 1 x 140 ltr MGB and 1 x 240 ltr MRB if stored within a dwelling, or 1 x 240 ltr MGB/MRB (per dwelling) between 2 dwellings if common bin store is provided.
- C:** Provision of 1 x 240L MGB/MRB between two (2) dwellings stored in a common bin store
- D:** Provision of 1 x 240L MGB/MRB between 2 x dwellings stored in a common bin store

Proposed Allocations (Residential):

The officers have undertaken audits of a number of sites and compared the generation rates with the eastern states data and the following information is provided. It is considered that the generation rates be standard per dwelling regardless of whether they comprise one or two bedrooms.

All quantities in litres/dwelling/week (ltr/d/w)

Service	Single Dwelling	2-5 Dwellings	6-20 Dwellings	>20 Dwellings
General Waste	240	180	160	120
Recycling	120	100	90	80

Note:* General waste collected weekly/Recycling collected fortnightly

Officers Comments:

It is recommended that the more realistic, revised, generation rates, outlined above for both Recycling and General Waste be adopted as a basis for calculating the number of bins to be provided to developments in an effort to reduce the overall number bins presented for collection.

Commercial

General Waste (existing):

- One (1) x 240 ltr MGB per commercial premises.
- Additional MGB's based on one (1) 240 ltr MGB per 200 m² of commercial floor space (or part thereof) for a weekly service is also provided at no additional charge.
- The total number of additional MGB's to be provided over and above the above allocations for various land use are as follows:
- Bars/Restaurants- 2 x MGB's
- Offices /Warehouses/Retail- 1x MGB's
- Maximum number of collections at any one premises is (3) times per week or as determined on a case by case basis by the City. Should additional MGB's be required a business may arrange an alternative private waste collection i.e. bulk bin etc. However there is currently no reduction in rates.

Recycling (existing):

- The number of MRBs issued to commercial properties is determined by the floor area or the number of commercial units within the property. It may also be determined by the size of the bin compound. The number of recycling MGB's allocated are as follows:
- One (1) MRB per commercial unit or 200 m² of floor space (or part thereof).
- If a commercial property requires more MRBs upon request, they may be provided up to two (2) additional MRBs per commercial property. There may be negotiation with the City for further
- MRBs at no additional cost if an MGB is exchanged for a MRB.

Proposed Change for commercial recycling:

- Up to 200m² of floor area = One (1) 240 ltr MRB per commercial unit will be provided.
- Between 200m² and 300m² of floor area = (1) 360 ltr MRB per commercial unit will be provided.
- Greater than 300m² of floor area, one (1) 360 ltr MRB per 300m² of floor area
- Should a unit require additional MRBs these will be assessed on a case by case basis.

Officers Comments:

The NSW Government is currently undertaking a major review of Commercial Waste generation rates and when this is available (early this year) the proposed commercial recycling and waste bin allocations may be further reviewed.

Recycling - Provision of shared 360 ltr MRB to all new Multi-Unit developments:

The Council decision (OMC 4 December 2012) was to look at *providing shared 360 ltr MRB to all new Multi-Unit developments.*

Based on the revised generation rates (discussed above) it is proposed to introduce the following recycling bin (MRB) allocations for all new developments.

All quantities in litres/dwelling/week (ltr/d/w)

Service	Single Dwelling	2-5 Dwellings	6-20 Dwellings	>20 Dwellings
Recycling	120	100	90	80
Bin allocation	A	B	C	D

Note:* General waste collected weekly/Recycling collected fortnightly

- A:** Provision of 1 x 240 MRB per dwelling.
B: Provision of one 360 ltr MRB between 2 dwellings (if common bin store is provided).
C: Provision 360 ltr MRBs stored in a common bin store*
D: Provision 360 MRB stored in a common bin store*

Officers Comments:

The Number MRBs to be provided will be calculated on a case by case basis based on the number of dwellings and generation rates. For example for a development of 15 units (whether 1 or 2 bedroom) the number of MRBs will be calculated as follows:

*Example: 15 units x 180 ltrs (C) = 2,700 ltrs divided by 360 ltrs = **8 x 360 ltr MRBs** collected fortnightly.*

Common bin stores are encouraged for development comprising more than 5 dwellings. 360 ltr MRBs will be issues to ALL dwellings with a common bin store area with the number of MRBs required calculated using the above revised generation rates. 240 ltr MRBs will only be issues to units where the MRB can be stored within the individual property.

Costs:

The following table outlines the revised costs associated with collecting and providing a 360 ltr MRB

Service Rates (Collection/Transport & Processing)	Rate
240L Residential	\$1.72
240L Commercial / Multi Residential	\$2.04
<u>360L Residential</u>	<u>\$1.95</u>
<u>360L Commercial / Multi Residential</u>	<u>\$2.25</u>
Special Pensioner Services 240L	\$1.72
<u>Special Pensioner Services 360L</u>	<u>\$1.95</u>
Supply & Delivery of MGB's	Unit Rate
240L Supply & Deliver	\$73.95
<u>360L Supply & Deliver</u>	<u>\$106.03</u>
240L / 360L Removal	\$15.00

Officers Comments:

There is a \$0.23 increase per 'lift' for a 360 ltr MRB due to the increased capacity of the bin (i.e. the lift cost includes pickup and processing. The cost to supply and deliver the 360 ltr bin is increase by \$32.00 per bin. These costs can be accommodated in this year's budget however additional funding will be required to be allocated in the 2013/2014 draft budget.

Provision of an additional MGB for “green waste:

As previously reported to the Council, the Town of Cambridge offers its residents a ‘Green Waste’ service, upon request (240 ltr MGB collected fortnightly (grass clippings, twigs, small branches, leaves, flowers etc).

The Town of Cambridge has a single contractor (Perthwaste) who undertakes its General Waste, Recycling and Greenwaste service.

The Greenwaste service is provided fortnightly on the alternative week to the recyclable collection on an ‘opt in’ basis to single residential and multi residential up to 4 Units.

Given that it is an ‘opt in’ service, it was difficult to cost this service as the collection vehicle would still be required to drive past even if only one or two bins were presented for collection in a particular street and the contractors price (as per the Vincent recycling collection service) is per lift.

Potential Costs:

To date, Cambridge has provided approximately 4,500 Greenwaste bins. Based on a fortnightly collection, the collection cost is approximately \$250,000 per annum.

The cost to supply and deliver the bins was approximately \$375,000.

Cambridge has structured its charges to residents as follows to encourage recycling. The charges are not straight forward and do not represent the full cost recovery of the service provided for example the resident pays for the disposal cost of general waste but not the collections costs etc...

Service	Charge \$/annum	Total Charge \$/annum
240 Ltr Recycling Bin	Nil	\$50
120 ltr general Bin	\$50	
240 ltr Recycling Bin	Nil	\$116
240 ltr Green Bin	\$66	
120 ltr General Bin	\$50	
240 Ltr Recycling Bin	Nil	\$250
240 ltr General Bin	\$250	
240 Ltr Recycling Bin	Nil	\$330
240 ltr Green Bin	\$80	
240 ltr General Bin	\$250	

Cambridge (as with Vincent when the 240 ltr yellow top recycling service was introduced) undertook a survey of residents.

Officer Comments:

The Town of Cambridge unlike the City of Vincent comprises a majority of large single residential blocks. The take up of the Green Bin in Cambridge to date has been 45%. There are many areas in Vincent where there would be no advantage in providing a green bin. In addition the verge areas in Cambridge are larger and more spacious where as in Vincent there is not the same space available especially in the older suburbs

In addition Cambridge still provide two (2) bulk Green Waste collections per annum. The cost benefits of providing this ‘additional’ service would need to be further explored and a survey of residents would be required once a cost structure was agreed upon.

'Pre booked' general junk collection service for multi unit developments:

As previously reported to Council, the City holds an annual General Junk only Verge Collection and bi-annual Green Waste only Verge Collection for all residential properties, including multi unit developments.

City of Vincent also employs a contractor D & M, to collect dumped rubbish every fortnight. Dumped rubbish is particularly high around laneways and areas with high density living such as Perth, Highgate and Mount Lawley. From July- December 2012 the City spent just under \$15,000 collecting dumped rubbish. Introducing a pre booked general junk collection for multi unit developments would be at an additional cost.

Skip Bin:

A skip bin service may be a preferred option as placement of items on the verge outside of the scheduled collection time could increase further dumping in the area. The skip bin would need to be stored within the multi unit development to avoid other properties, both within and outside of the City, adding items that are unacceptable such as asbestos and building materials, or causing the bin to overflow.

This would not be possible in developments where there is limited space.

The estimated cost to supply/collect a 6m³ skip is around \$320.

Place on Verge:

Under this method the property would pre book the collection by the day before the collection. The items would need to be placed on the verge for collection only on the evening prior to collection. The collection would take place fortnightly. There are advantages and disadvantages re this method as others might add to the pile or if it became popular the areas would constantly look like tip sites and the cost of the service would be difficult to estimate.

A combination of the two is another option.

Officer Comments:

During the annual general junk collection multi residential are entitled to place their junk out for collection and at times a skip is provide to them. This seems to work well. In addition the fortnightly dumped rubbish collection appears to work as there will always be some who will continue to simply dump their rubbish on the verge regardless of whatever the Council; had in place. It is therefore considered that the current practice continue for now and that this be review should a separate rubbish charge is implemented in the future.

Provision of bins larger than 360 ltrs (up to 1,100 ltrs) for commercial and large unit developments:

The following was previously discussed in the report presented to the Council in December 2012.

City of Sydney:

- Multi Unit – Serviced Apartments: (Numbers based on generation rates/number of dwellings)
 - 240l – 1,000l MGBs provided (1,500 or 2,000ltr in special circumstances).
 - Buildings greater than 3 storey at least one Shute is required.

- Commercial Developments:
 - Business are required to have a current contract with a licensed collector for waste and recycling including collection of electrical waste, batteries etc.
- Mixed use Developments:
 - Waste handling/storage/collection from Residential Area is to be kept completely separate and self contained from the Commercial Area. A waste management plan is to identify collection points and management systems for both residential and commercial waste streams.

City of Charles Sturt:

- Alternative Waste Service:
 - Larger Multi Storey/mixed use/multi-unit developments
 - May not utilise Council provided service
 - Provide more flexibility for developer – collection points inside the building, waste/recycling shutes, compaction equipment, larger skip bins up to 3.0m3 requiring front lift vehicles

Officer Comments:

The purpose of providing larger bins is to minimise the number of bins placed on the verge for collection. The City would continue to service exiting developments as for the majority of these there is no scope to fit larger bins within the premises let alone be able to collect these types of bins due to the manoeuvring space required and the current type of collection vehicles owned by the City etc.

The revised policy will be in line with some of the principles mentioned above whereby new developments will be required to 'design in' large bins and collection with different vehicles undertaken by contract.

Review of the current Policy No. 2.2.11 "Waste Management":

The Director Technical Services and his staff have been progressing a number of aspects of the Council decision since late December 2012 and January 2013 (in between Christmas/New year/staff on leave etc) however given the available resources and current workload it is considered that to undertake a comprehensive review of the current policy in line with the Council decision cannot be unachieved within the requested time frame, without additional resources being provided.

It is therefore requested that a suitably qualified Waste Management Consultant be engaged to progress this matter in liaison with the City's officers.

CONSULTATION/ADVERTISING:

Should the Council agree to engage a suitably qualified Waste Management Consultant this will be advertised.

LEGAL/POLICY:

Local Governments receive their statutory authority to provide waste management services through the Waste Avoidance and Resource Recovery Act 2007 (WARR).

RISK MANAGEMENT IMPLICATIONS:

High: Reducing the quantity of waste to landfill is of paramount importance. In addition providing an improved Waste and recycling provision/collection service will improve the amenity for the City's residents.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The proposal is to provide a more sustainable service which will take into account and try to address the many issues associated with waste generation/collection/disposal.

FINANCIAL/BUDGET IMPLICATIONS:

360 Litre Recycling Bins:

As mentioned in the report, there is a \$0.23 increase per 'lift' for a 360 ltr MRB due to the increased capacity of the bin (i.e. the lift cost includes pickup and processing. The cost to supply and deliver the 360 ltr bin is increase by \$32.00 per bin. These costs can be accommodated in this year's budget however additional funding will be required to be allocated in the 2013/2014 draft budget.

Additional Greenwaste Bin:

Also as mentioned in the report, to date, the City of Cambridge has provided approximately 4,500 Greenwaste bins on a request basis. Based on a fortnightly collection the collection cost is approximately \$250,000 per annum. The cost to supply and deliver the bins was about \$375,000.

COMMENTS:

Revised generation rates - Residential:

The report outlines more realistic, revised, generation rates, for both Recycling and General Waste and it is recommended that these new rates be adopted as a basis for calculating the number of bins to be provided to developments in an effort to reduce the overall number bins presented for collection.

Commercial Allocations:

The commercial bin allocations for recycling bins has been revised however as the NSW Government is currently undertaking a major review of Commercial Waste generation rates it is recommended that when this data is available (early this year) the proposed commercial recycling and waste bin allocations be further reviewed.

Provision of 360 litre Recycling MGBs in lieu of 240 litre Recycling MGBs to all 'New Multi-Unit developments:

As per the previous Council decision, this has been investigated and there will be a \$0.23 increase per 'lift' for a 360 ltr MRB due to the increased capacity of the bin (i.e. the lift cost includes pickup and processing. The cost to supply and deliver the 360 ltr bin will increase by \$32.00 per bin. These costs can be accommodated in this year's budget however additional funding will be required to be allocated in the 2013/2014 draft budget.

Provision of bins larger than 360 litre (*up to 1,100 litre*) for commercial and large unit developments:

As mentioned in the report, the purpose of providing larger bins is to minimise the number of bins placed on the verge for collection. There is no scope to fit larger bins (greater than 306 litre) within the majority of existing premises let alone be able to collect these types of bins due to the manoeuvring space required and the current type of collection vehicles owned by the City etc.

It is intended that in the revised policy new developments of a certain size (*this threshold needs to be determined*) may be required to 'design in' large bins and to be collected by contract. In these circumstances the City of Sydney, for example, requires that the development have contracts in place for general waste, recycling etc as per their waste management plan.

9.2.2 Waste Management/Cleaning Services Expenditure for Festivals and Events – Approval of Funds

Ward:	Both	Date:	1 February 2013
Precinct:	All	File Ref:	ENS0083 & TES0596
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- 1. APPROVES BY AN ABSOLUTE MAJORITY to fund the remaining expenditure, estimated at \$37,500, associated with waste/cleaning services for events and festivals for 2012/2013 from the 'Public Events Expenditure' account and from a source to be determined by the Chief Executive Officer; and**
- 2. NOTES that the estimated total cost to fund waste management/cleaning associated with festivals and events in 2013/2014 will be approximately \$71,250 and accordingly lists for Consideration this amount in the 2013/2014 Draft budget the 'Public Events Expenditure' account to cover this estimated expenditure.**

COUNCIL DECISION ITEM 9.2.2

Moved Cr Harley, Seconded Cr Pintabona

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Maier was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council's of the additional funds required for Waste related activities at festivals/events.

BACKGROUND:

Funding for festivals/events Waste Management/Cleanup:

In recent times the City's Technical Services Operational personnel and officers have been becoming more involved in festival and events providing waste management services/providing personnel for the event/providing clean up and removal services. The Technical Services Operating budgets have absorbed these costs to date however no allowance has been made to continue funding this from these budgets for the remainder of this financial year.

DETAILS:

General Rubbish:

Costs include drop off/pickup of bins and any cleaning. The waste costs are higher than for the recycling costs as the staff undertake the setup of all the bins and bin caps etc.

The larger events such as Angove Street, Beaufort Street and the Leederville Street Festivals require greater funding as officers are required to stay throughout the event and monitor overflowing bins and provide clean up services before.

Below are approximate costs only provided by the City's Operations manager based on the size of event, attendance, duration etc.

Recycling:

Costs include drop off/pickup, sorting of materials and disposal of both rubbish (contamination) and recycling for \$25 per bin.

Beaufort Street Festival 2012 cost \$3,500 as there were extra skip bins involved at the cash for cans site etc.

Month	Event	Estimated Attendance	Estimated Waste costs
<u>2012/2013 Financial year</u>			
Nov-2012	Beaufort Street Fest - <i>completed</i>	80,000+	\$16,000
Dec-2012	Leederville Festival - <i>completed</i>	30,000+	\$7,500
Jan-2013	Summer Concert - <i>completed</i>	500-1500	\$1,250
Jan	Summer Concert - <i>completed</i>	500- 1500	\$1,250
Feb	Summer Concert- <i>completed</i>	500- 1500	\$1,250
	Expended from operating budgets to date		\$27,250
Feb	Summer Concert	500- 1500	\$1,250
Mar	Hyde Park Rotary	25,000	\$5,500
Mar	St Patrick's day event	20,000	\$5,500
Mar	Harmony Week	500- 1500	\$1,250
April	Angove St Festival	30,000+	\$7,500
April	William St Festival (TBA)	60,000+	\$10,000
May	International Jazz Festival	10.000 to 15,000	\$6,500
Estimated additional funds required 2012/2013			\$37,500

Month	Event	Estimated Attendance	Estimated Waste costs
<u>2013/2014 Financial year</u>			
Nov-2013	Beaufort Street Festival	80,000+	\$16,000
Dec	Leederville Festival	30,000+	\$8,500
Jan-2014	Summer Concert	500-1500	\$1,250
Jan	Summer Concert	500- 1500	\$1,250
Feb	Summer Concert	500- 1500	\$1,250
Feb	Summer Concert	500- 1500	\$1,250
Mar	Hyde Park Rotary fair	25,000	\$5,500
Mar	St Patrick's day event	20,000	\$5,500
Mar	Harmony Week	500- 1500	\$1,250
April	Angove St Festival	30,000+	\$7,500
Apr	William St Festival	60,000+	\$10,000
May	International Jazz Festival	10.000 to 15,000	\$6,500
-	Mount Hawthorn festival (TBA)	Approx 20,000	\$5,500
Total Estimated funds required 2013/2014			\$71,250

Discussion:

As can be seen from the above table, the estimated cost to provide waste management/cleaning services for the remaining festivals/event in 2012/2013 is \$37,500. A 'Public Events Expenditure' account to supply bins for events was set up in the 2012/2013 budget however this account only has a budget of \$5,000. It is recommended that the remaining expenditure associated with waste for events and festivals be charged to this account and that the over expenditure be dealt with at the end of the financial year.

The total estimated cost to fund waste management/cleaning for festivals/event in 2013/2014 will be in the order of \$71,250 and the 'Public Events Expenditure' account will be increased accordingly to cover this estimated expenditure.

CONSULTATION/ADVERTISING:

New policies are advertised for a period of twenty one (21) days.

LEGAL/POLICY:

The new policy will form part of the City of Vincent Policy Manual once approved.

RISK MANAGEMENT IMPLICATIONS:

No risks have been identified at this time.

STRATEGIC IMPLICATIONS:

The City's *Strategic Plan 2011-2016* and *Sustainable Environment Strategy 2011-2016* state:

"Natural and Built Environment

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

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

"Reduce, Re-use, Recycle

Objective:7 Reduce the use of resources and production of waste within the City in partnership with business, residents and visitors, including through the re-use and recycling of materials;

8 Create, promote and facilitate better and more efficient management of waste within the City; and

9 Reduce the use of toxic and hazardous materials within the City and facilitate the proper disposal of such materials."

SUSTAINABILITY IMPLICATIONS:

With the introduction of a Waste Wise Event policy and Waste Wise Event Guide for the use and compliance of event holders and organisers within the City, the City's support on reducing, reusing and recycling will be accentuated.

FINANCIAL/BUDGET IMPLICATIONS:

The estimated cost to provide waste management/cleaning services for the remaining festivals/event in 2012/2013 is \$37,500. It is recommended that the remaining expenditure associated with waste for events and festivals be charged to the 'Public Events Expenditure' account and that the over expenditure be dealt with at the end of the financial year.

The total estimated cost to fund waste management/cleaning for festivals/event in 2013/2014 will be in the order of \$71,250 and the 'Public Events Expenditure' account will be increased accordingly to cover this estimated expenditure.

COMMENTS:

As mentioned above, in recent times the City's Technical Services Operational personnel and officers have been becoming more involved in festival and events providing waste management services/providing personnel for the event/providing clean up and removal services. To date the existing Technical Services Operating budgets, e.g. precinct cleaning, Waste management Household Collection etc. have absorbed most of these costs however no allowance has been made to continue funding this from these budgets for the remainder of this financial year.

It is therefore recommended that the remaining expenditure associated with waste services for events and festivals for 2012/2013 be charged to the 'Public Events Expenditure' account and that the over expenditure be dealt with at the end of the financial year.

Also the estimated total estimated cost to fund waste management/cleaning for festivals/event in 2013/2014 will be in the order of \$71,250 and the 'Public Events Expenditure' account will be increased accordingly to cover this estimated expenditure.

9.2.8 Palmerston Street between Randall Street and Stuart Street, Perth - Proposed Extension of Perth Bicycle Network, On Road Cycle Lanes, and other improvements – Progress Report No 3

Ward:	South	Date:	1 February 2013
Precinct:	Hyde Park (12)	File Ref:	TES0172
Attachments:	001 – Plan No. 2778-CP-01A 002 – Plan No. 2778-CP-01G		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker; Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

Cr Warren McGrath has declared a proximity interest in this item.

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES that;**

- 1.1 it previously approved the implementation of On Road Cycle Lanes, and other improvements for the section of Palmerston Street between Randall Street and Stuart Street, as shown on plan No. 2778-CP-01A, however following the receipt of a petition and representation from residents the previously approved plan has been revised to incorporate the residents' concerns; and
- 1.2 further consultation was undertaken from November 2012 to January 2013 on the 'revised' Plan No. 2778-CP-01G, which incorporated many of the residents concerns; and

2. **APPROVES** the implementation of the On Road Cycle Lanes and associated works, as shown 'revised' Plan No. 2778-CP-01G estimated to cost \$150,000, as soon as practical to ensure that the City does not lose its Bikewest funding as it is considered the revised option is the best compromise to address residents concerns.

PROCEDURAL MOTION

Moved Cr Carey, Seconded Cr Pintabona

That the item be DEFERRED to further review the proposed works and a report to be submitted to the Ordinary Meeting of Council on 26 February 2013.

Cr McGrath Departed the Chamber at 9.22pm.

PROCEDURAL MOTION PUT AND CARRIED (4-3)

For: Mayor Hon. MacTiernan, Cr Carey, Cr Pintabona, Cr Harley

Against: Cr Buckels, Cr Topelberg, Cr Wilcox

(Cr Maier was an apology for the Meeting.)

(Cr McGrath declared a Proximity interest and was out of the Chamber and did not vote.)

Cr McGrath returned to the Chamber at 9.23pm.

PURPOSE OF REPORT:

The purpose of this report is to approval an alternative 'compromise' proposal for the proposed extension of the existing on road bicycle lanes along Palmerston Street between Randall Street and Stuart Street, Perth.

BACKGROUND:

Ordinary Council Meeting – 5 April 2011

This matter was considered by the Council where the following decision was made:

“That the Council

- (i) APPROVES IN PRINCIPLE the proposal for Proposed Extension of Perth Bicycle Network, On Road Cycle Lanes, and other improvements on Palmerston Street between Randall Street and Stuart Street, Perth estimated to cost \$150,000 as shown on Plan No. 2778-CP-01.*
- (ii) LISTS an amount of \$150,000 for consideration in the draft Budget 2011-2012 for the proposed works;*
- (iii) NOTES that the Town will be applying for contributory Bikewest Funding for the cycling component of the project;*
- (iv) CONSULTS with affected residents in Palmerston Street regarding the proposal; and*
- (v) NOTES that a further report will be submitted to the Council at the conclusion of the consultation period.”*

Special Council Meeting – 30 August 2011

In accordance with clause (iv) of the Council decision on 5 April 2011 a total a forty four (44) letters were distributed to residents along Palmerston Street seeking their comments on the proposal. At the close of consultation on 2 May 2011 only six (6) responses had been received (representing a very low 14% response) with three (3) in favour of the proposal and three (3) against the proposal. The Director Technical Services also met a resident on site during the consultation period however they did not provide any formal comments.

A further report was presented to the Council where the following decision was made:

That the Council;

- “1. NOTES that the City applied for contributory funding from the Department for Planning and Infrastructure 2011/2012 Perth Bicycle Network local government grants program for funding for the Palmerston Street, Perth project however at the time of writing this report no information was available on the status of the City’s funding application;*
- 2. APPROVES the implementation of the proposal for the Extension of Perth Bicycle Network, On Road Cycle Lanes, and other improvements on Palmerston Street between Randall Street and Stuart Street, Perth estimated to cost \$150,000, as shown on ‘revised’ Plan No. 2778-CP-01A, which incorporates a number of comments received during the consultation period, subject to contributory funding being received from the Department for Planning and Infrastructure 2011/2012 Perth Bicycle Network local government grants program; and*
- 3. ADVISES the Palmerston Street residents of its decision.”*

DETAILS:

Previous Objections to the proposal:

During the consultation period some residents advised that they strongly objected to the removal of the grassed verge. This was followed by numerous calls, including site meetings with several residents (on the eastern side of the street), requesting that their grass/landscaped verge be retained.

While some of the comments received during the consultation were incorporated in the revised plan the further comments received and representation from residents after the Council made its decision would have meant a total redesign, hence the project was placed on hold pending further investigation.

Petition – 22 August 2012:

On a petition signed by 14 residents from Palmerston Street was received opposing the removal of verges in Palmerston Street and requesting that further consultation occur to ensure that verges are kept. The petitioners also requested that adequate traffic calming measures be implemented as the increased volume and speed of traffic using this residential street, especially during peak hours, was causing problems for residents.

On road parking:

An assessment of the street indicated that approximately forty (40) parking spaces are available at present (between Randall Street and Stuart Street).

With the *current* approved Plan No. 2778-CP-01A the number of on road parking bays would be reduced by five (5) to thirty five (35) bays.

Construction constraints:

The initial plan was to implement a 'flush kerb' on the western side of the street and lower/reshape/plant the verge area to capture runoff from the road. It soon became evident that this would not be possible due the existence of a high pressure gas main and an old 'shallow' cast iron water main. It should be noted however that stormwater runoff from Palmerston Street is captured and flows into the created Wetland at the south east corner of Robertson Park.

Modified proposal:

Following the initial consultation the plan was modified, wherever possible, to incorporate some of the few comments received. It was considered that the resultant plan was a balance between the requirement to maintain a reasonable level of 'on road' parking, incorporate 1.5m wide cycle lanes while still maintain a two way traffic flow, and provide more 'greening'.

Following receipt of the petition a number of different alternatives were explored however due to the existing verge width, existing services, street verge trees etc there is no real scope to substantially change the layout, from what is basically an extension of what has previously being implemented north of Randall Street and south of Stuart Street.

Given the comments from the petitioners i.e. *opposing the removal of verges, the only way to practically achieve this is to reduce the number of on-street parking bays on the eastern side of the street.*

Therefore Plan No. 2778-CP-01G was prepared resulting in the available on road parking bays being further reduced to twenty seven (27) *i.e. from forty (40) (existing) to twenty seven (27) a net reduction of thirteen (13) parking bays.*

Officer Comments:

Palmerston Street forms part of the Perth Bicycle Network and the City (former Town) previously implemented dedicated on road cycle lanes between Newcastle Street and Stuart Street and between Randall Street and Glendower Street.

This layout was approved by the Council (following recommendations by the LATM Advisory Group (now ITAG) and matches the existing layout in the section of Palmerston Street south of Newcastle Street (in the City of Perth).

The Officers have explored a number of different alternatives for the section of Palmerston between Stuart Street and Randall Street however due to the existing verge width, existing services, street verge trees etc there is no real scope to substantially change the layout. The revised alternative proposal as shown on plan No 2778-CP-01G will achieve what the majority of petitioners (and residents spoken with) are after including allowing for dedicated cycle lanes.

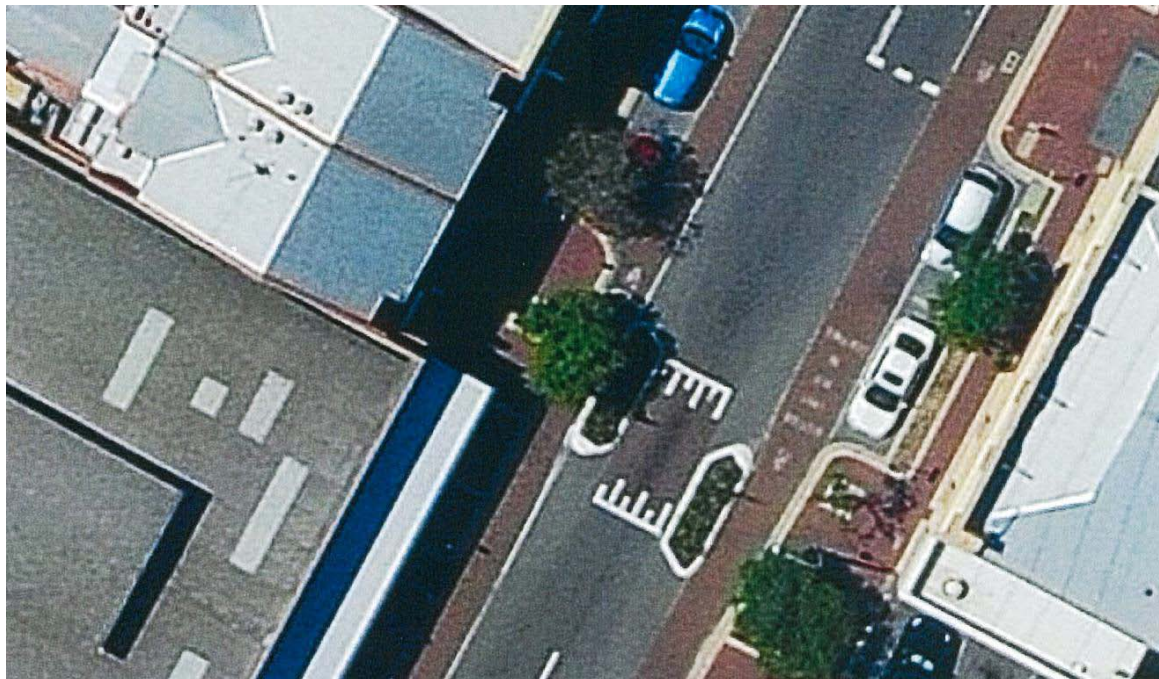
The only compromise being the on-road parking availability will be reduced however residents (and their visitors) would still be able to park on the verge areas.

Traffic Calming:

The average weekday traffic volume in Palmerston is around 3,100 vehicles per day. The street was classified as a Local Distributor however the Council, some years ago reclassified it to an access road. Regardless of this it still functions as a local distributor hence the higher traffic (access road traffic threshold 3,000vpd).

The speeds also vary (85% speed Randal to Brisbane = 40.3kph and Brisbane to Stuart = 51.5kph) and the petitioners have requested that *adequate traffic calming measures be implemented as the increased volume and speed of traffic using this residential street.....*

While the speeds are not excessive, to be consistent with the treatment previously implemented in the other sections of the street it is recommended that low profile speed humps be installed on the approached to the existing roundabout at Brisbane Street and that a landscaped 'single lane slow point' (as currently exists between Stuart Street and Newcastle Street refer photo below) be installed as shown on plan No 2778-CP-01G.



Existing single lane slow point Palmerston Street between Newcastle and Stuart Street

Further Consultation on Revised Proposal (2778-CP-01G):

Further consultation was under taken on 30 November 2012 where sixty eight (68) letters were distributed to residents along Palmerston Street seeking their comments.

At the close of consultation on 25 January 2012 (an extension of time was given for the consultation) only eight (8) responses were received (representing a very low response rate of 11.8%) with two (2) in favour and six (6) against the revised proposal.

Related Comments In Favour of the Proposal:

- I fully support the extension and completion of the bicycle lanes and the traffic calming speed humps on Palmerston Street.
- I supported the previous proposal too.

Related Comments Against the Proposal:

- 1 x against the proposal with no further comment.
- I wish to acknowledge positive changes made. I now lose less of my verge. I support the traffic calming initiative; I am opposed to having a portion of my verge removed.
- I object to the proposed changes that will reduce the parking in the street and is likely to make parking on the front verge outside my property even more difficult...should embayed parking be the result of this consultation process, I request that the profile of the curb is very low so that even small cars with low clearance can mount the kerb easily to park. The loss of 13 parking bays with this proposed plan will put additional pressure on parking in the street....
- The verge at the front of ... Palmerston is used for parking....there is not enough parking as it is so we do not agree with the removal of any parking spaces.
- Palmerston is a unique heritage property in the City of Vincent.....removing part of the verge takes away from the presence of the home... In 2013 PLC celebrates 100years and..Palmerston Street was the original college. They have approached to have 1300 kids outside the house in celebration. This will be an excellent PR opportunity for City of Vincent in showcasing type and significant of properties in the area. Maybe not the time to diminish street appeal....
- At the meeting of residents held here and attended by the Mayor last year, she definitely told us all that if we didn't want to lose our verges, we wouldn't. The current plan clearly goes against what she told us.

Officer Comments:

From the responses received it is evident that the respondents are divide between not wanting to lose on road parking and not losing the verge area however they seem to be ok with the proposal for the bike lanes.

The revised plan is considered to be a fair compromise between keeping as much verge space as possible, maintain as much on road parking as possible and still allowing residents to park on their verges.

CONSULTATION/ADVERTISING:

Residents in Palmerston Street will be advised of the Council's decision.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Medium: Given that Palmerston Street in on the Perth Bicycle network and is heavily used by cyclists on a daily basis the works are considered important to improve safety and amenity.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The City applied for contributory funding from the Department for Planning and Infrastructure 2011/2012 Perth Bicycle Network local government grants program for funding for the Palmerston Street project. The estimated cost of the works is \$150,000 with the contribution from Bikewest of up to \$50,000.

COMMENTS:

Palmerston Street forms part of Perth Bicycle Network (PBN) route NE4. The street is classified as an Access Road (in accordance with the Metropolitan Functional Road Hierarchy) i.e. should carry no more than 3,000 vehicles per day (vpd), have a posted speed limit of 50 kph, and provide access predominantly to residential properties.

The revised proposal is very similar to the previous approved proposal i.e. the creation of 'on-road' cycle lanes similar to what currently exists either side of this section of street however the number of existing on road parking bays have been further reduced from forty (40) (existing) to twenty seven (27) a net reduction of thirteen (13) parking bays.

In addition the design has been simplified by maintaining the existing kerb channel line on the east side of the street to allow for drainage flow, the speed hump locations have been changed and are proposed to now be low profile and a single lane slow point has been included.

It should be noted that various other options were explored. These included, but were not limited to, centre of road bike lanes, separate bike lane in the verge separated by a hedge etc. However these were just not feasible in this situation given the issues raised by a 'minority' of residents and the need to tie into the existing bike lanes north of Randal Street and south of Stuart Street.

It is therefore recommended that the Council adopts the revised proposal and implements the works as soon as possible.

9.3.5 Beatty Park Redevelopment, 220 Vincent Street, North Perth - Progress Report No. 15

Ward:	South	Date:	1 February 2013
Precinct:	Smiths Lake	File Ref:	CMS0003
Attachments:	001 – Progress Photos		
Tabled Items:	Nil		
Reporting Officers:	D Morrissy; Manager Beatty Park Leisure Centre; and M Rootsey, Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** Progress Report No. 15 as at 1 February 2013, relating to the Beatty Park Leisure Centre Redevelopment Project, 220 Vincent Street, North Perth; and
2. **NOTES** that the new addition (entrance, offices, cafe, gymnasium, aerobics rooms, sauna, spa and steamroom) will open to the public on Saturday 16 February 2013; and
3. **APPROVES** of the Mayor and Chief Executive Officer to organise an official opening, in the form of a “cocktail evening or similar”, on a suitable date in late February/March 2013.

Moved Cr Buckels, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Topelberg, Seconded Cr Harley

“That a new Clause 3 be inserted and the remaining Clauses be renumbered as follows:

3. **NOTES that the exterior finish to the new gymnasium is different visually to that which was originally approved by the Council;**
- 3 4. **APPROVES** of the Mayor and Chief Executive Officer to organise an official opening, in the form of a “cocktail evening or similar”, on a suitable date in late February/March 2013.

AMENDMENT NO 1 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Maier was an apology for the Meeting.)

Debate ensued.

AMENDMENT NO 2

Moved Cr Harley, Seconded Cr Buckels

“That Clauses 2 & 3 be amended to read as follows:

2. NOTES that the new addition (entrance, offices, cafe, gymnasium, aerobics rooms, sauna, spa and steamroom) will open to the public on ~~Saturday 16~~ in February 2013; and
3. APPROVES of the Mayor and Chief Executive Officer to organise an official opening, ~~in the form of a “cocktail evening or similar”~~, on a suitable date in late February/March 2013.

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

(Cr Maier was an apology for the Meeting.)

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Maier was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.3.5

That the Council;

1. RECEIVES Progress Report No. 15 as at 1 February 2013, relating to the Beatty Park Leisure Centre Redevelopment Project, 220 Vincent Street, North Perth; and
 2. NOTES that the new addition (entrance, offices, cafe, gymnasium, aerobics rooms, sauna, spa and steamroom) will open to the public in February 2013;
 3. NOTES that the exterior finish to the new gymnasium is different visually to that which was originally approved by the Council; and
 4. APPROVES of the Mayor and Chief Executive Officer to organise an official opening, on a suitable date in late February/March 2013.
-

PURPOSE OF REPORT:

The purpose of the report is to update the Council on the progress of the Beatty Park Leisure Centre Redevelopment Project, 220 Vincent Street North Perth.

BACKGROUND:

Progress Reports

Progress reports have been submitted to the Council on 7 December 2010, 22 November 2011, 20 December 2011, 14 February 2012, 13 March 2012, 10 April 2012, 8 May 2012, 12 June 2012, 10 July 2012, 14 August 2012, 11 September 2012, 9 October 2012, 6 November 2012 and 18 December 2012.

At the Ordinary Meeting of Council held on 23 August 2011, the Council considered the Beatty Park Leisure Centre Redevelopment Project Stage 1 and resolved (in part) the following:

"That the Council;

2. **APPROVES:**

- 2.1 (a) *the Beatty Park Leisure Centre Redevelopment Stage 1 at an estimated Total Project Cost of \$17,065,000 to be funded as follows;*

<i>Federal Government</i>	<i>Nil</i>
<i>State Government - CSRFF</i>	<i>\$2,500,000</i>
<i>State Government – nib Stadium payment</i>	<i>\$3,000,000</i>
<i>Beatty Park Leisure Centre Reserve Fund</i>	<i>\$3,500,000</i>
<i>Loan Funds</i>	<i>\$8,065,000</i>
<i>Total:</i>	<i>\$17,065,000</i>

DETAILS:

1. **CONTRACT DOCUMENTATION**

1.1 **Tender**

Tender No. 429/11 Construction
Advertised: 14 May 2011
Closed: 26 July 2011
Awarded: Perkins Builders

Tender No. 430/11 Geothermal
Advertised: 14 May 2011
Closed: 15 July 2011
Awarded: Drilling Contractors of Australia

Tender No. 436/11 Fire detection system and water tanks
Advertised: 17 September 2011
Closed: 12 October 2011
Awarded: Perkins Builders

1.2 **Contracts**

Construction contract signed on 7 October 2011.

Fire Detection and Water Tanks to be treated as a variation to the Head Agreement.

Geothermal contract signed on 6 September 2011.

1.3 **Contract Variations/Additional Scope of Works**

Construction

- Removal of existing concrete pool concourse;
- Removal of Water Tanks and Water Tank Screens;
- Roof Safety Fall Arrest System;
- Door Hardware;
- Additional Anchor Points to Indoor Pool, Dive Pool and Beginners Pool;
- Removal of Dive Pool windows;
- Kitchen Equipment;
- Temporary Entrance Work;
- Removal of indoor pool marble sheen layer and rendering;
- Signage;
- Removal of building rubble, discovered after excavation;
- Remove and dispose of 50mm screed to existing slab;
- New water supply to slides;

- Replacement of water filter return line;
- Existing pool dive board modifications;
- Rubber floor tiles in gym;
- Removal of trees; (as recommended by the Builder)
- Additional 150mm Stormwater drain;
- Remove and dispose of existing footing;
- Mechanical dilapidation works in plant room;
- Removal of existing render in female change rooms;
- Additional floor waste to change room;
- Replaced 3 way valve to mechanical plant;
- Replaced main entry roof and box gutter;
- Earthing to leisure pool;
- Asbestos pipe investigation and removal;
- Landscaping to raised grassed area;
- Spa upgrade works;
- Tiling to front face of outdoor pool seating;
- Hot water supply to ground floor;
- Remove timber props from void; and
- Additional demolition work for fire services.

Geothermal

- Additional 100m drilling to obtain the required temperature;
- Additional time required to develop production bore;
- Variations to design of injection bore, based on production bore geophysical data;
- Loss of drilling mud due to porous nature of bore;
- Bore testing schedule revised to save costs (both together);
- Variations to pumping controls to cater for slower flow rates required;
- Additional meters required by Department of Water to meet new Licence conditions; and
- Removal of valves and flanges replaced by meters.

1.4 **Cost Variations**

Construction

Provisional Sums:

Description	Provisional Sum	Amount Agreed	Variation
Removal of water tank screens	\$10,000	-	\$10,000
Removal water tanks	\$160,000	-	\$160,000
Removal of screens to mechanical system	\$3,000	-	\$3,000
Concrete seats	\$4,000	-	\$4,000
Temporary Entrance Works	20,000	(\$27,154)	(\$7,154)
Safemaster roof safety system	\$7,000	(\$6,055)	\$945
Door hardware	\$85,000	(\$59,170)	\$25,830
Western Power charges	\$5,000	(\$1,363)	\$3,637
Kitchen equipment	\$200,000	(\$143,887)	\$56,113
Internal bollards and retractable belts	\$5,000	(\$3,680)	\$1,320
Hoist to family accessible change 4	\$6,000	(\$4,037)	\$1,963

Description	Provisional Sum	Amount Agreed	Variation
Signage – additional Crèche	\$8,000	(\$4,390)	\$3,610
Rubber floor tiles to gym	\$10,000	(\$11,349)	(\$1,349)
Entry Turn styles and gates	\$90,000	(\$88,930)	\$1,070
Pool furniture for 50m pool	\$50,000	(\$40,065)	\$9,935
Landscaping to raised grassed area	\$5,000	(\$1,640)	\$3,360
Total	\$668,000	(\$391,720)	\$276,280

Client Requests:

Description	Amount
Anchor points to indoor pool	\$5,016
Additional Pool features/furniture	\$19,789
Removal of marble sheen to indoor pool	\$46,200
Removal of dive pool windows and make good concrete structure	\$9,735
Anchor points to beginners pool	\$3,344
Tree removal (as recommended by Builder)	\$8,250
Paint indoor concrete columns	\$335
Spa upgrade works	\$153,500
Tiling to front face of outdoor pool seating	\$11,550
Additional Conduits & Electrical supply to gym	\$30,538
Sauna & Steam room works	\$16,082
Total	\$304,339

Latent Conditions:

Description	Amount
Removal of original pool concourse	\$29,920
Replacement of indoor pool valves	\$1,595
Removal of building rubble, discovered after excavation	\$2,850
Remove and dispose of 50mm screed to existing slab	\$2,904
Relocation of 300mm stormwater drainage pipe	\$3,434
New water supply to slides	\$7,549
Replacement of water filter return line	\$10,798
Existing pool dive board modifications	\$2,845
Additional 150mm Stormwater drain	\$1,898
Remove and dispose of existing footing	\$501
Mechanical dilapidation works in plant room	\$24,266
Removal of existing render in female change rooms	\$484
Additional floor waste to change room	\$1,019
Replacement of 3 way valve to mechanical plant	\$2,739
Replacement of main entry roof and box gutter	\$6,338
Electrical Earthing to leisure pool	\$10,780
Asbestos pipe investigation and removal	\$1,820
Hot water supply to ground floor	\$8,527
Remove timber props from void	\$5,500
Additional demolition work for fire services	\$2,967
Total	\$128,734

Standard Variations

Various – extensive list of small items	(\$45,332)
Total Variation	(\$45,332)

Summary of Variations

Total Variation Savings	(\$321,611)
Total Variation Additions	\$433,073
Total Variation	\$111,462

Geothermal

Provisional Sum	Description	Variation Amount	Adjustments
Nil	Additional 100m drilling	\$61,000	-\$61,000
Nil	Additional time for production bore development	\$46,500	-\$46,500
Nil	Loss of cement during grouting	\$968	-\$968
Nil	Test pumping of production bore delayed- rescheduled to coincide with injection bore pumping	-\$15,500	\$15,500
Nil	Headworks removed from scope	-\$18,800	\$18,800
Nil.	Variations to design of injection bore, based on production bore geophysical data.	\$3,672	-\$3,672
Nil.	Dorot valve and flanges removed from scope	-\$2,405	\$2,405
Nil.	Bore head meters as required by Department of Water under new Licence conditions	\$10,150	-\$10,150
Nil.	Cooling shroud	\$2,120	-\$2,120
Nil.	Sub Mains	\$8,995	-\$8,995
Total Variation Savings			\$36,705
Total Variation Additions			\$133,405
Total Additional cost			\$96,700

1.5 **Claims**

Not applicable at this time.

1.6 **Insurance**

The City of Vincent insurances have been adjusted to cater for the coverage of existing and constructed buildings, during the construction period.

2. GEOTHERMAL WORKS

2.1 **Groundworks**

Completed.

2.2 **Bores**

Hydro engineering works completed. Bore head works including security enclosure underway.

2.3 **Commissioning**

Application for licence to operate received from Department of Water in January 2013.

2.4 **Pipe works**

Completed.

3. BUILDING WORKS/EXISTING BUILDING

3.1 **Temporary works**

No changes to previous report.

3.2 **Car parking, Landscaping and interim external works**

Proposed new car park layout has been set out by the City's contracted Surveyors and is under further review by the Technical Services section.

3.3 **Earthworks**

Not applicable at this time.

3.4 **Structural and Civil Engineering**

Completed.

3.5 **Hydraulic services**

Completed.

3.6 **Electrical Services**

Completed.

3.7 **Mechanical services**

Commissioned.

3.8 **Environmental services**

Completed.

3.9 **Interior finishing**

Minor defects identified by Architect are still being rectified by builder.

4. BUILDING WORKS-NEW

4.1 **Temporary works**

Not applicable at this time.

4.2 **Earthworks/Demolition**

Completed.

4.3 **Structural and Civil Engineering**

Curved window frames to Café/Gym foyer installed.

Curved plasterboard walls lined and painted.

Alpolic fascia and soffit to entry roof installed.

All doors installed and painted.

4.4 **Hydraulic services**

Fire hydrant installation has commenced.

Lower level female and male change rooms sanitary fit off completed.

4.5 **Electrical Services**

Lighting installation completed.

Public address system and emergency exit equipment installed.

4.6 **Mechanical Services**

Air-conditioning grills installed on all ductwork.

Automatic window louvers installed

4.7 **Environmental Services**

No changes to previous report.

4.8 **Building External and Internal Colour Finishes**

No changes to previous report.

4.9 **CCTV**

A new CCTV system for internal and external of the premises is being investigated.

5. POOLS AND PLANT ROOM

5.1 **Outdoor Main Pool**

Minor defects being rectified include cracks in concourse, chipped tiles and missing expansion gaps.

5.2 **Dive Pool**

Open and operating. Minor issue with lighting tower has resulted in limited use at night time, however this was rectified in late January.

5.3 **New Learn to swim pool**

Completed and now open.

5.4 **Indoor pool/Leisure area**

Defects list still being worked through with builder by the Architect. Indoor water feature issues rectified.

5.5 **Plant Room**

Geothermal switchboard cut over from old heating system may require some form of shutdown in this area, this will be done at night and will not effect operations.

5.6 **Spa, Steam Room and Sauna**

Spa is being filled on 25 January 2013 and the Health Department will be testing week of the 29 January 2013 and open 15 February 2013.

Sauna and steamroom repairs will be completed by 15 February 2013.

5.7 **Pool Concourse**

Concrete pour completed. A couple of areas still need to be sealed.

6. INDICATIVE TIMELINE

6.1 **Progress**

Opening date moved to 16 February 2013 due to issue with mechanical switchboard, delay on major structural curved window frame and late delivery of fire tanks.

6.2 **Days Claimed**

The days claimed is no longer being reviewed as a revised handover date has been agreed between the builders and the City.

7. COMMUNICATION PLAN

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

- Frequently asked questions (FAQ's) posted on the City's website and displayed within the facility;
- A number of mailouts to members, clubs and stakeholders (Newsletter to Members and Swim School patrons during May, July and October 2012);
- City of Vincent quarterly newsletter;
- A letter drop to surrounding residents;
- Fencing signage around geothermal compound;
- Internal signage;
- Website updates, including a photo diary, plans and a detailed project overview; and
- Twitter account @BeattyPark in operation to provide regular updates on the redevelopment and other related information. (143 followers as at 24 January 2013).

8. MEMBERSHIP

Extensions were provided to all current members as at 1 October 2011.

A number of members opted to suspend their membership throughout the redevelopment period. The number of members still on suspension is 162.

A revised membership fee structure was implemented from the 1 December 2011 due to the closure of the indoor pool, spa, sauna and steam room. This structure was well received but reverted back to the normal fee structure once the new change rooms opened on the indoor pool on the 20 August 2012.

The current number of members is 1724 as at 24 January 2013. This has increased from 1527 on 4 December 2012.

9. EMPLOYEE MATTERS

The permanent part time staff that had their hours reduced during the redevelopment have started to recommence to meet the increased workload.

A new pay structure has been implemented to provide fairness and equality across the areas of the Centre and while some areas have had their rates reduced others have been increased. An overall saving of approx 1.5% was achieved compared to budget. Three (3) Lifeguards and one (1) Receptionist have been employed during this reporting period on the new rates.

10. HISTORY AND ANNIVERSARY BOOK

A complete photo history is being compiled throughout the course of the redevelopment. A photo diary has been set up on the City's website which is being regularly updated.

The Library and Local History Centre launched the book to celebrate the history of the facility at the opening of the 50m pool on the 22 November 2012. Sales to date have been steady. Sixty three (63) books have been sold.

In addition to the book, a Heritage room is being planned for Beatty Park. This will be a permanent display of memorabilia for patrons of the centre to celebrate the diversity and history of the facility.

11. OTHER COUNCIL APPROVED ITEMS

At the Ordinary Meeting of Council held 10 July 2012, the Council approved the following:

"That the Council;

1. *RECEIVES Progress Report No. 9 as at 10 July 2012, relating to the Beatty Park Leisure Centre Redevelopment Project, 220 Vincent Street, North Perth; and*
2. *AUTHORISES the Chief Executive Officer to:*
 - 2.1 *Review the branding of the Beatty Park Leisure Centre including engaging suitably qualified persons/organisation, if required;*
 - 2.2 *Investigate suitable uses for the vacated areas in the Centre as a result of the redevelopment and engage suitable qualified professionals to provide information of rental valuations and leasing options;*

- 2.3 *Organise the appropriate events to celebrate the opening of the redeveloped Centre and the fiftieth (50th) Anniversary/Birthday of the Centre;*
- 2.4 *Prepare a Design Brief for the Percent for Art component of the redevelopment project, in accordance with the City's Policy 3.10.7; and*
3. *NOTES that a further report will be submitted to the Council no later than October 2012."*

Listed below is the progress made to date on these matters.

12. MARKET BRANDING

The advice received from marketing companies is to hold off on the brand change until completion of project. This will allow for maximum impact from any new design which may get overlooked when the completed centre opens. Staff will continue to work on the design with a proposed implementation date later in 2013.

An internal working group has now been formed and a company engaged to provide logo concepts for consideration. The new branding options will be reported to the Council for consideration and approval in mid – late march 2013

13. LEASING OF SPACE

Meetings have been held to discern the available space and valuations. Plans are being prepared of the areas and a decision will be made on whether to outsource the leasing depending on the value and complexity of any lease arrangement required.

Quotes for professional assistance have been obtained, however exceeded budget expectation. The matter is currently being further reviewed, likely to be undertaken in house with minimal professional assistance, except where required by legislation.

Further meetings have been held with real estate professionals during January and awaiting further information. Collier International has been appointed to provide valuations and lease considerations.

14. CELEBRATION OF OPENING

50m pool opening and 50th Birthday celebration Completed.

Planning for centre opening in late February/early March 2013 has commenced.

15. PERCENT FOR ART

The requirement for the louvres in the gym has been reviewed by the Architect, Environment Consultant and the City's Officers.

The investigation into this matter with the Environmental Consultant has ascertained that the glass in the gym is "e" glass and as a result, the louvres are not required to the current extent to meet the building code requirements.

As a result, nine (9) strats of louvres will be removed allowing unrestricted views on the eastern and southern aspect of the gym.

The artwork for the facility is now being focused on locations closer to the main entry and a Request for Quote is being prepared. Once completed, the matter will be considered by the City's Arts Advisory Group.

16. CAR PARK

The proposed new car park layout has been set out by the City's contracted surveyors. This has been reviewed by the Technical Services Section, as a result a ramp and path has been included in the front of the new facility to allow better access from the lower car park.

Car park works are anticipated to commence in mid February 2013.

17. New Landscaping

New landscaping will commence, once the carpark works have been completed.

CONSULTATION/ADVERTISING:

The City's Communications Officer created a "Corporate Projects" site on the City's web page and background information together with weekly photographs are included on this site.

A list of frequently asked questions and project plans are also located on the website. The site has been updated on a regular basis.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: The redevelopment project is significant in terms of magnitude, complexity and financial implications as such, the original risk was ranked as "very high". It has required close management to ensure that costs are strictly controlled, particularly as it involves a Heritage listed building which is 50 years old. The risk has been carefully monitored and reviewed, as the bulk of the work has now been completed, the risk has been further downgraded from "medium" to "low".

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

(e) *Implement the Redevelopment of Beatty Park Leisure Centre."*

SUSTAINABILITY IMPLICATIONS:

The redevelopment is committed to a number of sustainability initiatives.

FINANCIAL/BUDGET IMPLICATIONS:

At the Ordinary Meeting of Council held on 23 August 2011. The Council approved this project at a total cost of \$17,065,000.

The construction tender amounts to \$11,987,000 exclusive of GST and the Geothermal Energy System tender amounts to \$2,930,541 exclusive GST.

Building Construction Tender Progress Claim Payments – Perkins Builders

Fifteen (15) progress claims have been received to date, as follows:

Progress Payment Number	Date Received	Amount Requested (excl GST)	Amount Paid (excl GST)	Date Paid
No. 1	14/11/2011	\$168,597.91	\$168,597.91	30/11/2011
No. 2	09/12/2011	\$330,358.48	\$330,358.48	11/01/2012
No. 3	09/01/2012	\$426,642.09	\$426,642.09	08/02/2012
No. 4	09/02/2012	\$262,230.86	\$262,230.86	07/03/2012
No. 5	08/03/2012	\$999,561.79	\$999,361.79	04/04/2012
No. 6	10/04/2012	\$641,879.57	\$641,879.57	02/05/2012
No. 7	15/05/2012	\$1,094,498.76	\$1,094,498.76	18/06/2012
No. 8	11/06/2012	\$1,207,966.69	\$1,207,966.69	09/07/2012
No. 9	13/07/2012	\$991,244.57	\$991,244.57	08/08/2012
No. 10	09/08/2012	\$803,418.12	\$803,418.12	14/09/2012
No. 11	12/09/2012	\$913,043.61	\$913,043.61	09/10/2012
No. 12	08/10/2012	\$549,297.17	\$549,297.17	02/11/2012
No. 13	09/11/2012	\$864,651.44	\$864,651.44	29/11/2012
No. 14	14/12/2012	\$904,339.85	\$904,339.85	31/12/2012
No. 15	11/01/2013	\$1,084,589.59		

Total Paid \$10,157,530.91

Geothermal Tender Progress Claim Payments – Drilling Contractors Australia

Six (6) progress claims have been received to date, as follows:

Progress Payment Number	Date Received	Amount Requested (excl GST)	Amount Paid (excl GST)	Date Paid
No. 1	18/11/2011	\$482,899.18	\$482,899.18	20/12/2011
No. 2	16/12/2011	\$638,710.00	\$638,710.00	25/01/2012
No. 3	31/12/2011	\$501,120.57	\$501,120.57	08/02/2012
No. 4	12/04/2012	\$214,355.86	\$214,355.86	02/05/2012
No. 5	21/05/2012	\$604,149.38	\$604,149.38	18/06/2012
No. 6	17/07/2012	\$781,726.70	\$781,726.70	03/10/2012
No. 7				
No. 8				
No. 9				
No. 10				

Total Paid \$3,222,960.69

Fire Detection and Water Tanks Tender Progress Claim Payments

No progress claims have been received to date as works have only recently commenced.

Progress Payment Number	Date Received	Amount Requested (excl GST)	Amount Paid (excl GST)	Date Paid
No. 1				
No. 2				
No. 3				
No. 4				
No. 5				
Total Paid			Nil.	

Funding

On 15 March 2012, the City received \$5 million from the State Government, being the upfront payment of the nib Stadium Lease. As per the Council decision, \$3 million has been placed in the Beatty Park Leisure Centre Reserve Fund and \$2 million placed in the Hyde Park Lakes Restoration Reserve Fund.

Loan

The Western Australian Treasury Corporation has approved a loan of \$8,065,000 at 5.49% per annum for 20 years.

Loan funds were received on 3 January 2012, repayments to commence on 3 September 2012.

CSRFF Funding

The City of Vincent will claim funds from this Department of Sport and Recreation grant for the Pool, Geothermal and Change room works.

All funds under the CRSFF funding have been received.

Progress Payment Number	Date Requested	Amount Requested (excl GST)	Amount Received (excl GST)	Date Received
No. 1	03/01/2012	\$217,165.69	\$217,165.00	06/01/2012
No. 2	31/01/2012	\$191,614.00	\$191,614.00	06/02/2012
No. 3	17/04/2012	\$839,971.00	\$839,971.00	24/05/2012
No. 4	19/06/2012	\$650,254.00	\$650,254.00	30/06/2012
No. 5	4/10/2012	\$600,996.00	\$600,996.00	29/11/2012
Total Received			<u>\$2,500,000.00</u>	

Additional Funds

The Administration is following up grant enquiries from the following organisations:

- Lotterywest;
 - Liaising with other City of Vincent departments on projects that will be beneficial to the community.
- Healthways;
 - Sponsorship of up to \$50,000 for promoting healthy lifestyles is available per Local Government per year and we will be liaising with other City of Vincent Departments to see what areas or programs would most benefit by applying for this funding.

- Community Sport and Recreation Facility Fund;
 - Small grants are available for local clubs and we are meeting with resident Beatty Park water polo and swimming clubs to coordinate any request to the Department of Sport and Recreation for this funding. Interest has been shown by both Water Polo clubs and the Perth City Swim club in this.

- Community Energy Efficient Program - CEEP;
 - CEEP funding is being applied for by the City to assist with the utilisation of extra energy in other areas of the City from Beatty Park's geothermal bore and to provide heating for the indoor hall at the Centre.

COMMENTS:

The Beatty Park Redevelopment Project has reached another milestone with all pools now back in operation and numerous comments received on the excellent water quality and build quality of the pools. Phantom and Triton water polo clubs are now back in attendance and a successful Vacswim program was held during the January school holidays.

The Indoor Pool and refurbished change rooms continue to be well received, while the additional family/accessible and unisex change cubicles have surpassed expectations in their popularity.

Swim School and membership numbers continue to grow as we head into term 1 and people return from their holidays.

The new extension is scheduled to open on 16 February 2013.

Positive feedback has been received from facility users in regards to how the project is progressing.

Monthly progress reports will continue to be provided to the Council throughout the project.

The Chief Executive Officer, Director Corporate Services and Centre Manager have been carrying out weekly site inspections since mid December 2012. These were increased to twice weekly in January/February, to closely monitor the works, particularly as the project changes almost daily.

Perkins Builders have been very co-operative and are an excellent builder to work with. Progressive handover has allowed the Centre's staff to commence bringing in gym and kitchen equipment and commence familiarisation.

It is very pleasing that the project is progressing within budget and progressive handover is occurring. Once completed, Beatty Park will again be the State's premier Local Government leisure centre.

9.4.2 Woodville Reserve MasterPlan – Adoption

Ward:	North	Date:	1 February 2013
Precinct:	North Perth; P8	File Ref:	RES0010
Attachments:	001 – Draft MasterPlan (Woodville Reserve Overview) 002 – Draft MasterPlan (Woodville Reserve Detailed)		
Tabled Items:	Nil		
Reporting Officers:	A Cole, Acting Senior Community Development Officer J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. RECEIVES Progress Report No. 5 on the Woodville Reserve MasterPlan; and
2. ADOPTS the MasterPlan as shown in Plan No. 2846-CP-01E, as shown in Appendix 9.4.2B;

Moved Cr Buckels, Seconded Cr Pintabona

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr McGrath, Seconded Cr Buckels

“That a new clause 3 be inserted as follows:

3. INVESTIGATES the use of grass-crete in the driveway component next to the Wellness Centre.”

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Maier was an apology for the Meeting.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Maier was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.4.2

That the Council;

1. RECEIVES Progress Report No. 5 on the Woodville Reserve MasterPlan; and
2. ADOPTS the MasterPlan as shown in Plan No. 2846-CP-01E, as shown in Appendix 9.4.2B; and
3. INVESTIGATES the use of grass-crete in the driveway component next to the Wellness Centre.

PURPOSE OF REPORT:

To provide a progress report to the Council on the consultation with the primary stakeholder group and wider community on the Woodville Reserve MasterPlan.

BACKGROUND:

Previous progress reports have been presented to the Council over the past years in relation to the Woodville Reserve MasterPlan; as follows:

Ordinary Meeting held on 12 July 2011

The Council approved 'in principle' the Men's Shed Proposal.

Ordinary Meeting held on 24 April 2012

The Council approved the Implementation Plan for the establishment of a Community Garden and advertising of the Woodville Reserve MasterPlan.

Ordinary Meeting held on 24 July 2012

Results of the community consultation were provided in the second Progress Report to Council where the Council approved the Implementation Plan for the establishment of a Community Garden and did not support using part of the Reserve for car parking.

At this meeting, a separate Planning Services Item No. 9.1.7 was presented and approved for the Men's Shed building to be constructed at the facility, allowing workshop machinery to operate between the hours of 9:00am and 5:00pm.

Ordinary Meeting held on 25 September 2012

The Council approved a Proposed Alternative Recommendation which included approving alterations to existing recreational facilities of Multicultural Services Centre of Western Australia Inc. (MSCWA), investigating urgent negotiations with the MSCWA for a purpose built facility for Home and Community Care (HACC), and support services for the elderly and those with a disability.

Community and Stakeholder Consultation

City's Officers met with the representatives from the MSCWA, Vincent Men's Shed Inc. Steering Committee, and Community Gardens Steering Committee. The representatives were briefed on the request to review the Woodville Reserve MasterPlan with a view to accommodate the Men's Shed, Community Garden and alternative Dog Exercise area in order to accommodate sports training at the Reserve and additional parking.

As a result of this meeting, two (2) MasterPlan options were developed by Technical Services and distributed to immediate residents and extended stakeholder groups for community consultation.

This initial community consultation was advertised on Thursday, 1 November 2012 for a period of twenty-one (21) days, closing at 5pm on Wednesday, 21 November 2012. This included a Public Meeting on Monday, 12 November 2012 at 5:30pm at the Multicultural Services Centre, as well as distribution of information to all stakeholder groups and 707 properties within a one (1) kilometre radius.

Community consultation resulted in ninety-eight (98) people attending the public meeting and twenty-one (21) written community consultation submission forms.

Feedback from the public meeting held on 12 November 2012 and returned written community consultation outlined there to be general consensus of support for each of the proposed community groups, but that the location of each of these community groups on Woodville Reserve required restructuring.

Each of the key comments to emerge as a result of consultation were considered and reviewed in the development of the Draft MasterPlan for Woodville Reserve, Plan No. 2846-CP-01D.

Ordinary Meeting of Council held on 18 December 2012

The Council resolved as follows:

"That the Council;

1. *RECEIVES Progress Report No. 4 on the progress of the Woodville Reserve Masterplan;*
2. *APPROVES IN PRINCIPLE the Draft Masterplan as shown in the attached revised plan at Appendix 9.4.10B depicting the removal of the parking area; increase in public open space; relocation of new buildings and installation of 'grasscrete' to the driveway subject to the hardstand being converted to grasscrete or equivalent where possible;*
3. *AUTHORISES further community consultation to be carried out regarding the Draft Masterplan in accordance with the City's Consultation Policy with the following stakeholders:*
 - 3.1 *Men's Shed;*
 - 3.2 *Community Garden;*
 - 3.3 *Multicultural Services Centre of Western Australia;*
 - 3.4 *Friends of Woodville Community Group;*
 - 3.5 *Current lessees at the Reserve;*
 - 3.6 *Residents; and*
 - 3.7 *All other users of the Reserve and the attendees at the Public Meeting held on 12 November 2012; and*
4. *NOTES that a further report will be submitted to the Council in February 2013, at the conclusion of the consultation period."*

DETAILS:

Following the public meeting held on 12 November 2012, a stakeholder meeting was held on Thursday, 20 December 2012, chaired by the Mayor Hon. Alannah MacTiernan. There were a total of fifteen (15) attendees from stakeholder groups; Men's Shed, Community Garden, MSCWA, Friends of Woodville Community Group, North Perth Tennis Club and Residents of Farmer Street and Namur Street. The City's Officers and Council Members were also in attendance.

Draft MasterPlan, Plan No. 2846-CP-01D, was discussed at this workshop and a consensus was reached on the plan, with several amendments. These amendments have been incorporated in Draft MasterPlan, Plan No. 2846-CP-01E and include:

- Relocating the entrance access and drop off bay to the Wellness Centre to the eastern aspect of the building;
- Relocating the loading bay to the eastern aspect of the Men's Shed; and
- Redesign plants located to the southern aspect of Wellness Centre for a more appealing streetscape.

This new Draft MasterPlan was distributed for community consultation on Tuesday, 8 January 2013 for a period of twenty-one (21) days, closing at 5pm on Tuesday, 29 January 2013.

CONSULTATION/ADVERTISING:

Significant community consultation has been completed to date with respect to the Woodville Reserve MasterPlan with clear feedback received by City Officers. This feedback has been used to develop the Draft MasterPlan, Plan No. 2846-CP-01E, at Appendix 9.4.2B.

In total, the City received twenty-one (21) submission forms; sixteen (16) were in support of the proposal, and five (5) submissions opposed the Draft MasterPlan.

Consultation	
In Support:	Sixteen (16)
Comments Received	Officer Comments
<ul style="list-style-type: none"> The playground on Woodville Reserve and surrounds could benefit from better shade. 	<ul style="list-style-type: none"> Noted.
<ul style="list-style-type: none"> Given the increased usage of amenities located on Farmer Street, parking on the South side of the street should be set as "Residents Only" parking. 	<ul style="list-style-type: none"> A survey of the number of vehicles utilising on-street parking in Namur and Farmer Streets was undertaken by the City's Ranger and Community Safety Services at differing intervals over the course of a day on four separate occasions. The maximum number of vehicles using on-street parking spaces at any one time during the course of the four days surveyed (Thursday 28/6, Sunday 1/7, Thursday 5/7 and Sunday 8/7) was 24 and 29 vehicles in Namur and Farmer Streets respectively. There is a total of 56 and 67 on-street parking bays in Namur and Farmer Streets respectively; as such the maximum utilisation of on-street parking on the days surveyed was 43% for both Namur and Farmer Streets. The traffic and parking should not be greatly impacted by the proposed MasterPlan as the Multicultural Centre will not be gaining more staff or clients; their application for extension is simply to accommodate the clients currently using the service.
<ul style="list-style-type: none"> The current Public Open Space is too hot to enjoy as there is no shade. Trees planted on or around the perimeter that will grow tall enough to provide shade would make this space usable. 	<ul style="list-style-type: none"> Noted.
<ul style="list-style-type: none"> What will the existing Wellness Centre building be retained and used for – will there be restrictions on what it can be used for; for example, short term lease for 21st birthday parties? 	<ul style="list-style-type: none"> The future use of the Wellness Centre has not yet been identified; however any changes will be subject to further consideration by the Council.
<ul style="list-style-type: none"> Additional bike racks at the Soccer Pavillion. 	<ul style="list-style-type: none"> Noted.
<ul style="list-style-type: none"> Continuous path of travel for pedestrians along both Farmer Street and Namur Street. 	<ul style="list-style-type: none"> Noted.
Objections:	Five (5)

Consultation	
Comments Received	Officer Comments
<ul style="list-style-type: none"> Object to the Men's Shed being located at Woodville Reserve due to the potential noise impact on Residents opposite Reserve. 	<ul style="list-style-type: none"> At the OMC held on 24 July 2012, the Council resolved to approve the planning application for the Men's Shed at Woodville Reserve, with an amendment to remove the development of a car park at the Reserve.
<ul style="list-style-type: none"> Lack of detail regarding the style, size and streetscape of the Wellness Centre. 	<ul style="list-style-type: none"> Whilst the location of the Wellness Centre on the Draft MasterPlan on Plan No. 2846-CP-01D was approved by Council on 18 December 2012, this was only an in principle approval and a planning application for the new building is yet to be received by City Officers. This planning application will be required to be advertised for community consultation as part of the planning approval process.
<ul style="list-style-type: none"> Concern regarding parking – where will the members of these community groups park? 	<ul style="list-style-type: none"> Please see above Officer Comment regarding parking.
<ul style="list-style-type: none"> Lack of information regarding the noise levels or hours of operation of the Men's Shed or Wellness Centre. 	<ul style="list-style-type: none"> Council resolved at the OMC held on 24 July 2012 to approve workshop machinery to operate between 9:00am and 5:00pm in the Men's Shed and for the development to comply with all Building, Health, Environmental and Parks Services conditions and requirements.
<ul style="list-style-type: none"> Lack of commitment for the continuing use of the grassed area for dog owners. 	<ul style="list-style-type: none"> There are no plans to make any changes to the grassed area currently used by dog owners, including that of when the soccer pitch is able to be used.

Further community consultation will be required once a planning application has been received by the City for the Wellness Centre under the relevant policy requirements.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

“Community Development and Wellbeing

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

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

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

SUSTAINABILITY IMPLICATIONS:

The Men's Shed has been designed with the intention of being sustainable by *"meeting the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity"*.

The Steering Committee recognises the importance of reducing their impact on the environment and will give consideration to this in the design of the Shed. The Shed will create social benefits by providing a communal space for local men, thereby increasing belonging and a sense of community. The Shed will provide economic sustainability by supporting local businesses.

The approval of the Community Garden Implementation Plan will assist the project in advancing to the planting stage. As outlined in the Plan, the collaboration with Central Institute of Technology (CIT) is a financially sustainable collaboration as much of the costs would be at CIT's expense. This would leave funds remaining in the Community Garden budget for resources, supplies, landscaping and advertising.

FINANCIAL/BUDGET IMPLICATIONS:

Community Gardens

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

Budget Amount:	\$24,100
Spent to Date:	<u>\$ 165</u>
Balance:	\$23,935

Men's Shed

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

Budget Amount:	\$100,000
Spent to Date:	<u>\$ 0</u>
Balance:	\$100,000

This \$100,000 includes a Grant from Lotterywest for \$85,000 for capital works, awarded on 4 July 2012, and is required to be expended by 30 June 2013.

COMMENTS:

The Woodville Reserve MasterPlan aims to create a space that fosters grassroots community projects in a strategically planned and shared reserve facility. Preparing a comprehensive plan to coordinate the current and future uses for the various stakeholder and community users is essential to ensure the valuable public open space is maximised and coordinated to achieve the most effective use of space, and maximise the benefits to the community.

9.4.5 Mary Street, Highgate – Introduction of Parking Restrictions, and Investigation of Embayed/Angled Parking Bays

Ward:	South	Date:	1 February 2013
Precinct:	Hyde Park; P12	File Ref:	PKG0002
Attachments:	001 – Map of Proposed Restrictions (Plan No. 3025-PP-01)		
Tabled Items:	Nil		
Reporting Officer:	J MacLean, Manager Ranger and Community Safety Services		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES;**
 - 1.1 the introduction of a two hour (2P) parking time restriction on the north side of Mary Street, between William Street and Beaufort Street, Highgate, to operate from 8am to midnight, every day subject to undertaking consultation with the residents of Mary Street, Highgate and immediately adjacent areas, as shown in Appendix 9.4.5; and
 - 1.2 an amendment to the conditions relating to existing Mary Street Residential Parking Permits, to make the Permits valid only on the south side of Mary Street, between William Street and Beaufort Street, Highgate;
2. **AUTHORISES THE CHIEF EXECUTIVE OFFICER;**
 - 2.1 to implement the proposed restrictions as outlined in clause 1.1 should no negative responses be received;
 - 2.2 to investigate the feasibility of creating embayed parking bays outside the Sacred Heart Church, at No. 42 Mary Street, Highgate, for use by funeral and wedding vehicles and developing right angled parking bays on the north side of Mary Street having regard to the health of the surrounding trees; and
 - 2.3 should either or both of the matters outlined in clause 2.2 be considered feasible to list funds for consideration in the 2013/2014 Draft Budget to undertake the works; and
3. **UNDERTAKES** a moratorium on issuing parking infringement notices for a period of 14 days, from the date the signage is erected should the restrictions be approved.

Moved Cr McGrath, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr McGrath, Seconded Cr Pintabona

"That Clauses 2.1 and 2.3 be deleted, a new clause 3 be added and the remaining clauses be renumbered as follows:

1. **APPROVES;**
 - 1.1 the introduction of a two hour (2P) parking time restriction on the north side of Mary Street, between William Street and Beaufort Street, Highgate, to operate from 8am to midnight, every day subject to undertaking consultation with the residents of Mary Street, Highgate and immediately adjacent areas, as shown in Appendix 9.4.5; and
 - 1.2 an amendment to the conditions relating to existing Mary Street Residential Parking Permits, to make the Permits valid only on the south side of Mary Street, between William Street and Beaufort Street, Highgate;
2. **AUTHORISES THE CHIEF EXECUTIVE OFFICER;**
 - ~~2.1 to implement the proposed restrictions as outlined in clause 1.1 should no negative responses be received;~~
 - 2.21 to investigate the feasibility of creating embayed parking bays outside the Sacred Heart Church, at No. 42 Mary Street, Highgate, for use by funeral and wedding vehicles and developing right angled parking bays on the north side of Mary Street having regard to the health of the surrounding trees; and
 - ~~2.3 should either or both of the matters outlined in clause 2.2 be considered feasible to list funds for consideration in the 2013/2014 Draft Budget to undertake the works; and~~
3. **REQUESTS that a further report be submitted to the Council after the conclusion of the public consultation; and**
- 3 4. **UNDERTAKES a moratorium on issuing parking infringement notices for a period of 14 days, from the date the signage is erected should the restrictions be approved."**

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Maier was an apology for the Meeting.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Maier was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.4.5

That the Council;

1. **APPROVES;**
 - 1.1 **the introduction of a two hour (2P) parking time restriction on the north side of Mary Street, between William Street and Beaufort Street, Highgate, to operate from 8am to midnight, every day subject to undertaking consultation with the residents of Mary Street, Highgate and immediately adjacent areas, as shown in Appendix 9.4.5; and**
 - 1.2 **an amendment to the conditions relating to existing Mary Street Residential Parking Permits, to make the Permits valid only on the south side of Mary Street, between William Street and Beaufort Street, Highgate; and**
2. **AUTHORISES the Chief Executive Officer to investigate the feasibility of creating embayed parking bays outside the Sacred Heart Church, at No. 42 Mary Street, Highgate, for use by funeral and wedding vehicles and developing right angled parking bays on the north side of Mary Street having regard to the health of the surrounding trees;**
3. **REQUESTS that a further report be submitted to the Council after the conclusion of the public consultation; and**
4. **UNDERTAKES a moratorium on issuing parking infringement notices for a period of 14 days, from the date the signage is erected should the restrictions be approved.**

PURPOSE OF REPORT:

To address a number of concerns from property owners and occupiers in Mary Street, Highgate, regarding parking in the street.

BACKGROUND:

Other than small paid parking areas close to Beaufort Street and a small section of three (3) parking bays, which restrict parking to fifteen minutes (¼P), immediately outside the entrance to the Sacred Heart School, at No. 40 Mary Street, Highgate, the north side of Mary Street has no parking restrictions.

At the Ordinary Meeting of Council held on 12 February 2002, the Council resolved to introduce a "Residents Only" parking restriction on the south side of Mary Street, between William Street and Beaufort Street, Highgate. This resulted from a number of complaints from residents and property owners who were often unable to find parking in the street, because of staff and customers of local businesses.

At the time of the initial discussions, with regard to the restrictions, it was suggested that, if a "Resident Only" restriction was introduced on the south side of the street, it would be appropriate to also consider a parking time restriction on the north side of Mary Street, Highgate. However, this was not approved and the current problems have become apparent over time.

DETAILS:

In recent months, the City has started to receive an increasing number of complaints about abuse of Residential Parking Permits, the inability of funeral and wedding vehicles to find parking and excessive duration of parking by some drivers. This has resulted in a number of parents, who were unable to find parking in the unrestricted section of Mary Street and who regularly assist the school, being issued with infringement notices for parking in the short term parking bays for longer than the time permitted.

It is evident that some vehicles that park on the north side of Mary Street remain there from 7am to 5pm Monday to Friday, but are generally not there at any other time. This suggests that these drivers are staff of local businesses and that they use the free parking area while they are at work. It is further confirmed that Barlee Street Car Park is rarely full at any time, during the day, so this could be utilised for all-day parking. As a result, it is considered appropriate to revisit the parking restrictions in Mary Street, Highgate to provide some respite for residents and occupiers.

One of the other problems that is currently being encountered relates to residents parking on the north side of Mary Street, when they display a Residential Parking Permit. While these residents do not commit any offence, since there are no parking restrictions in this area, by not using the "Residents Only" section, they prevent other vehicles from using the parking facilities on the north side. As a way to increase the usage rate of the "Residents Only" parking restriction on the south side of Mary Street and to free up some of the parking bays on the north side, it is suggested that the Residential Parking Permits for Mary Street should be only valid on the south side of the street. It is further suggested that, irrespective of whether there is community support for parking restrictions on the north side of Mary Street, it would be appropriate to immediately implement restrictions to require the use of the Residential Parking Permits to the south side of the street only.

The Sacred Heart Church has numerous funeral services and wedding services throughout the week, and the associated vehicles are often unable to find a parking space close to the Church. For the most part, this results from the lack of parking restrictions on the north side of Mary Street and many vehicles take the opportunity to park all day, without charge. It has been suggested that, if embayed parking was provided close to the Church, it would reduce the problems created by funeral or wedding vehicles "double parking" to allow passengers to alight at the Church gates. It has also been suggested that in conjunction with the recommended two hour (2P) parking time restriction, if right angled parking bays were introduced on the north side of Mary Street, it would assist with reducing the current congestion, particularly related to the Church and the School.

It is therefore recommended that the City consults with the residents and occupiers of properties in Mary Street, as well as those properties in close proximity to Mary Street, in William and Beaufort Streets, to establish the level of support for embayed and right angled parking bays and the introduction of two hour (2P) parking time restrictions on the north side of Mary Street, Highgate, to ensure that the "churn" of available parking spaces is maintained. These parking time restrictions would be introduced into the currently unrestricted areas and the existing restrictions would be retained.

It is expected that this measure will discourage all-day parking by local staff, which should free up available parking bays to allow drivers to park for up to two hours, for funerals, weddings, shopping or other short term purposes.

If the Council approves the proposal, in principle, and there is a majority support for the measures, the Chief Executive Officer can then implement the proposal, without the need to report again to the Council, and thus will speed up the City's response. However, if the majority of respondents are opposed to the proposal, a further report will be submitted to the Council for their consideration.

If the investigations into the provision of embayed and right angled parking bays on the north side of Mary Street, Highgate are considered to be feasible, there will be a need to allocate funding for the work in the 2013-2014 Capital Budget.

It should be noted that a separate report, recommending a review of the 'Residents Only' Parking Restrictions, surrounding nib Stadium including Mary Street, Highgate, is being considered at the same Ordinary Meeting of Council on 12 February 2013.

CONSULTATION/ADVERTISING:

The City will undertake Public Consultation prior to the introduction of any parking time restrictions. As part of this consultation, the possibility of embayed and right angled parking bays will be canvassed and it will be explained that the Residential Parking Area on the south side of Mary Street should be used by residents and not the north side of the street.

LEGAL/POLICY:

City of Vincent Parking and Parking Facilities Local Law 2007

There is no legal impediment to the above proposal.

RISK MANAGEMENT IMPLICATIONS:

If the proposal is not adopted, it is likely that Residents, Church and School will continue to be adversely affected by all-day parking in Mary Street, Highgate.

STRATEGIC IMPLICATIONS:

This proposal is in keeping with the City's *Strategic Plan 2011 – 2016*, where Objective 1.1.5(a) states:

"Implement the City's Car Parking Strategy and associated Precinct Parking Management Plans."

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Other than the cost for the installation of appropriate signage, there are no financial implications associated with this proposal. It is anticipated that the actual cost will be around \$600 and will be met from the existing "Signage" budget.

COMMENTS:

The above recommendation has resulted from a number of complaints about parking problems in Mary Street, Highgate. The existing "Residents Only" parking restrictions are only in place on the south side of Mary Street and, other than a short area of fifteen minute parking, the north side of the street is unrestricted.

The Church and the School complain that wedding and funeral vehicles are often unable to find a parking space in Mary Street and this creates a problem with "double parking" and obstructions. A possible solution would be for the introduction of embayed parking close to the Church and right angled parking in the remainder of the north side of the street, having regard to the health of the trees lining the carriageway.

There have also been complaints that vehicles are being parked on the north side of Mary Street, displaying a Residential Parking Permit, rather than using the "Residents Only" parking on the south side. This creates the problem of bays being unavailable for other drivers, who are unable to use the "Residents Only" side.

Subject to a public consultation process, the above recommends that the City investigate embayed and right angled parking and a two hour (2P) parking time restriction be introduced on the north side of Mary Street and that the current and future Mary Street Residential Parking Permits are only valid in the "Residents Only" area on south side of Mary Street, Highgate.

The report is recommended for approval.

9.5.3 Items Approved under Delegated Authority 2012-2013 - Receiving of Reports

Ward:	-	Date:	1 February 2013
Precinct:	-	File Ref:	ADM0018
Attachments:	001 – Delegated Authority Report Outcomes 002 – Delegated Authority Reports		
Tabled Items:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the items approved under Delegated Authority over the period 21 December 2012 to 11 February 2013, as shown in Appendix 9.5.3.

COUNCIL DECISION ITEM 9.5.3

Moved Cr McGrath, Seconded Cr Pintabona

That the recommendation be adopted.

**MOTION PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (8-0)**

(Cr Maier was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the items approved under Delegated Authority for the period 21 December 2012 to 13 February 2013.

BACKGROUND:

At the Ordinary Meeting of Council held on 20 November 2012, this matter was considered and Council resolved as follows;

“That the Council APPROVES BY AN ABSOLUTE MAJORITY, pursuant to Section 5.42 of the Local Government Act 1995 to delegate authority to the Chief Executive Officer to deal with any items of business that may arise from 21 December 2012 to 11 February 2013, subject to:

1. The action taken being in accordance with the Officer Recommendation;
2. The Chief Executive Officer being authorised to make minor amendments to the Officer Recommendation which may be necessary, as a result of responses received from Council Members;
3. Reports being issued to all available Council Members for a period of three (3) days prior to approval and a simple majority of the responses received be accepted;
4. Items being displayed in the City of Vincent Administration Centre, the Library and on the City’s website for a period of three (3) days prior to approval;
5. a report summarising the items of business dealt with under delegated authority being submitted for information to the Council at its meeting to be held in February 2013; and
6. A Register of Items Approved under Delegated Authority being kept and made available for public inspection during the period that the delegation applies.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Local Government Act 1995 states:

“Delegation of some powers and duties to CEO

5.42(1) A Local Government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act (other than those referred to in section 5.43 and this power of delegation).”

Matters requiring an Absolute or Special Majority decision of the Council cannot be approved under Delegated Authority.

RISK MANAGEMENT IMPLICATIONS:

Low: It is a statutory requirement to report matters approved under Delegated Authority to the Council.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Plan 2011-2016 - Objective 4 – *“Leadership, Governance & Management”* – 4.1 – *“Provide good strategic decision-making, governance, leadership and professional management”*.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The use of Delegated Authority in keeping with the Council's practice of providing a high standard of customer service to continue processing ratepayer requests and development applications.

A complete list and copy of the reports considered under Delegated Authority are shown in Appendix 9.5.3.

9.5.4 Delegations for the Period 1 October 2012 to 31 December 2012

Ward:	Both	Date:	1 February 2013
Precinct:	All	File Ref:	ADM0018
Attachments:	001 – Delegation Reports		
Tabled Items:	Nil		
Reporting Officers:	J MacLean, Manager Ranger and Community Safety Services; P Morrice, Team Leader Ranger Administration		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

- ENDORSES** the delegations for the period 1 October 2012 to 31 December 2012 as shown at Appendix 9.5.4; and
- APPROVES BY AN ABSOLUTE MAJORITY** to write-off infringement notices/costs to the value of \$58,445 for the reasons as detailed below:

Description	Amount
Details Unknown/Vehicle Mismatched	\$16,050
Other (Financial Hardship, Disability, Police On-duty, Etc)	\$12,795
Failure to Display Resident or Visitor Permit	\$10,970
Ranger/Administrative Adjustment	\$10,260
Ticket Purchased but not Displayed (Valid Ticket Produced)	\$4,560
Interstate or Overseas Driver	\$1,390
Breakdown/Stolen (Proof Produced)	\$925
Dog Act	\$500
Planning Act	\$500
Equipment Faulty (Confirmed by Technicians)	\$240
Signage Incorrect or Insufficient	\$235
Pound Fees Modified	\$20
Penalties Modified	\$0
Litter Act	\$0
Health Act	\$0
TOTAL	\$58,445

COUNCIL DECISION ITEM 9.5.4

Moved Cr McGrath, **Seconded** Cr Pintabona

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (8-0)

(Cr Maier was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly progress report of the delegations exercised by the City's Administration for the period 1 October 2012 to 31 December 2012 and to obtain the City's approval to write-off infringement notices.

BACKGROUND:

The Local Government Act 1995, at Section 5.42, allows for a Council to delegate to the Chief Executive Officer its powers and functions.

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the day to day functions of the Local Government. The Chief Executive Officer, Directors and specific Managers exercise the delegated authority in accordance with the Council's policies.

DETAILS:

The area which results in most Infringement Notices being withdrawn for this quarter is that of where a resident or visitor was not displaying the necessary permits. While the offence is "*Failure to Display a Valid Permit*", it is not considered appropriate to penalise residents and their visitors, since the primary purpose of introducing Residential Parking Zones is to provide respite to them.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Section 5.42 of the Local Government Act 1995 gives power to a Council to delegate to the Chief Executive Officer the exercise of its powers and functions; prescribes those functions and powers which cannot be delegated; allows for a Chief Executive Officer to further delegate to an employee of the City; and states that the Chief Executive Officer is to keep a register of delegations. The delegations are to be reviewed at least once each financial year by the Council and the person exercising a delegated power is to keep appropriate records.

It is considered appropriate to report to the Council on a quarterly basis on the delegations utilised by the City's Administration. A copy of these for the quarter is shown at Appendix 9.5.4.

RISK MANAGEMENT IMPLICATIONS:

Low: It is a statutory requirement to report matters approved under Delegation Authority to the Council.

STRATEGIC IMPLICATIONS:

The above is in accordance with the City's *Strategic Plan 2011-2016* where Objective 4.1.2 (a) states:

"4.1.2(a) Continue to adopt best practise to ensure the financial resources and assets of the City are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced".

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The Council's Auditors recommend that infringement notices be reported to the Council for a decision to write-off the value of the infringement notice. In these cases, it is the opinion of the Co-ordinator Ranger Services and/or the Parking Appeals Review Panel that infringement notices cannot be legally pursued to recover the money or it is uneconomical to take action as this will exceed the value of the infringement notice.

COMMENTS:

It is recommended that the delegations be endorsed by the Council and the write-off of the Infringement Notices be approved.

9.5.5 City of Vincent Local Government Property Local Law – Proposed Amendment to Create an Offence of Camping or Sleeping Overnight in a vehicle on a Thoroughfare

Ward:	Both	Date:	1 February 2013
Precinct:	All	File Ref:	LEG0009
Attachments:	001 – City of Vincent Local Government Property Local Law		
Tabled Items:	Nil		
Reporting Officer:	J MacLean, Manager Ranger and Community Safety Services		
Responsible Officer:	John Giorgi JP, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY** an amendment to clause 3.13(2) of the City of Vincent Local Government Property Local Law 2008, to include a prohibition of camping overnight in a thoroughfare;
2. Under the powers conferred by the Local Government Act 1995 and all other powers enabling it, the Council of the City of Vincent resolve on2012 to make the Local Government Property Amendment Local Law No. 1, 2012, as follows:

**"LOCAL GOVERNMENT ACT 1995 (as amended)
CITY OF VINCENT LOCAL GOVERNMENT PROPERTY LOCAL LAW 2008
AMENDMENT LOCAL LAW NO. 1, 2012**

- 2.1 That the existing clause 3.13(2) - "Permit Required to Park Outside a Facility" be deleted and the following be inserted in its place:
 - "(2) A person shall not without a permit -
 - (a) Camp on, lodge at or occupy any structure at night for the purpose of sleeping on local government property; ~~or~~
 - (b) Erect any tent, camp, hut or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day; or
 - (c) Camp on or occupy any vehicle at night for the purpose of sleeping in a public place.
3. in accordance with the provisions of Section 3.12 of the Local Government Act 1995 as amended, the Council gives a Statewide advertisement, indicating where and when the proposed amendment may be viewed and seeking public comment on the proposed amendment to the City of Vincent Local Government Property Local Law 2008; and
4. **NOTES** that a further report will be submitted to the Council after the expiry of the statutory consultation period.

COUNCIL DECISION ITEM 9.5.5

Moved Cr Harley, Seconded Cr Carey

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED BY AN ABSOLUTE MAJORITY (5-3)

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

(Cr Maier was an apology for the Meeting.)

PURPOSE OF REPORT:

The purpose of the report is to address an anomaly in the current City of Vincent Local Government Property Local Law, whereby a thoroughfare is excluded from an area where camping is not permitted.

BACKGROUND:

In recent years, there has been an increase in the number of complaints being received about people parking and camping overnight in areas close to parks and reserves and in a number of public places.

Rangers currently deal with this type of offence as a contravention of the Parking and Parking Facilities Local Law 2007. However, many of the streets now being used by itinerants and backpackers for camping overnight either have no parking restrictions, or the restrictions cease at 5:30pm. As a result, Rangers have little or no power to require these vehicles to leave.

DETAILS:

Clause 3.13(2) of the current Local Government Property Local Law creates the offence of camping or sleeping overnight on local government property. However, the definition of "Local Government Property" specifically excludes a thoroughfare, so a vehicle that parks in, for example, Farmer Street, adjacent to Woodville Reserve, cannot be moved on. Because the Local Government Property Local Law specifically excludes a thoroughfare from the definition of "Local Government Property", the current clause 3.13(2) is not available to be used in this situation.

Rather than amend the definition of "Local Government Property", which could have unwanted implications in other areas of the Local Law, it is considered more appropriate to add a new clause 3.13(2)(c), which creates the offence of camping or sleeping overnight in a public place. The existing Local Government Property Local Law defines a "*Public Place*" as including a thoroughfare, as follows:

*"**public place**" includes any thoroughfare or place which the public are allowed to use, whether the thoroughfare or place is or is not on private property and includes, parklands, squares, reserves, beaches, and other lands set apart for the use and enjoyment of the public, including local government property, but does not include premises on private property from which trading is lawfully conducted under a written law;"*

In that way, not only will Rangers be able to require a person to move on, if it is apparent that a vehicle is being used for camping on a thoroughfare, but they would be able to assist a

In that way, not only will Rangers be able to require a person to move on, if it is apparent that a vehicle is being used for camping on a thoroughfare, but they would be able to assist a private property owner to require people that are camping on their property, without permission, to leave that public place.

The penalty applicable for this offence would be \$100, but there is no need to amend the penalty schedule, since the penalty already applies to the two existing sub-clauses, 13.3(2)(a) and 13.3(2)(b) and would apply to the proposed new clause, 13.3(2)(c).

CONSULTATION/ADVERTISING:

The proposed amendment will need to be advertised, in accordance with section 3.12 of the Local Government Act 1995, but no other advertising or consulting would be necessary.

LEGAL/POLICY:

- The Caravan Parks and Camping Grounds Act 1995;
- The Local Government Act 1995; and
- The City of Vincent Local Government Property Local Law.

There is no legal impediment to the introduction of the new sub-clause.

RISK MANAGEMENT IMPLICATIONS:

If the new clause is not introduced, it will not be possible for Rangers to effectively deal with the complaints of camping and sleeping overnight, by itinerants and backpackers.

STRATEGIC IMPLICATIONS:

The above recommendation aligns well with the City's *Strategic Plan 2011–2016*, where Objective 2.1.1(b) states:

“Capitalise on the City's strategic location, its centres and commercial areas and ensure appropriately located and adaptable centres of economic activity within the City that provide a complimentary range of business opportunities and services for the community”.

SUSTAINABILITY IMPLICATIONS:

There are no sustainability implications associated with this report.

FINANCIAL/BUDGET IMPLICATIONS:

Other than the advertising costs, there are no financial implications associated with this report.

COMMENTS:

The City has received an increasing number of complaints about itinerant persons, backpackers and others, who park in a number of streets for the purpose of camping overnight.

The City's Local Government Property Local Law prohibits camping on local government property without a permit, but the definition of “Local Government Property” specifically excludes a thoroughfare, which makes it difficult to require offenders to move on.

The Rangers currently make use of the City's Parking and Parking Facilities Local Law, when the operating times of local restrictions permit them to do so, but there are many streets which have either no restrictions, or the restrictions cease at 5:30pm.

If the City adds a clause to the current Local Government Property Local Law, which creates an offence of camping or sleeping overnight in a public place, the enforcement will be easier.

The report is recommended for approval.

10.1 NOTICE OF MOTION: Cr John Pintabona - Request to Investigate a Ferry Service at Banks Reserve Foreshore

That the Council REQUESTS that;

1. The Chief Executive Officer to write to the Minister for Transport and to the Public Transport Authority (PTA) to ascertain if the Swan River Frontage at Banks Reserve can be used as a PTA High Speed Ferry transit port;
2. Subject to a favourable response being received from the PTA, the City reviews the current jetty infrastructure cost and location of a suitable jetty for PTA High Speed Ferry Service at Banks Reserve; and
3. A report to be submitted to the Council by the end of April 2013.

Moved Cr Pintabona, Seconded Cr Wilcox

That the motion be adopted.

Debate ensued.

Cr Carey departed the Chamber at 9.55pm.

Debate ensued.

AMENDMENT 1

Moved Cr McGrath, Seconded Cr Topelberg

“That Clause 2 be deleted as follows:

2. ~~Subject to a favourable response being received from the PTA, the City reviews the current jetty infrastructure cost and location of a suitable jetty for PTA High Speed Ferry Service at Banks Reserve; and”~~

Cr Carey returned to the Chamber at 9.58pm.

Debate ensued.

AMENDMENT PUT AND LOST (3-5)

For: Cr Buckels, Cr McGrath, Cr Topelberg

Against: Mayor Hon. MacTiernan , Cr Carey, Cr Harley, Cr Pintabona, Cr Wilcox

(Cr Maier was an apology for the Meeting.)

Debate ensued.

The Presiding Member Mayor Hon. Alannah MacTiernan advised Cr Pintabona, the Mover, that she wished to change his amendment and reword it The Seconder, Cr Wilcox agreed.

MOTION PUT AND CARRIED (6-2)

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

Against: Cr Buckels, Cr Topelberg

(Cr Maier was an apology for the Meeting.)

COUNCIL DECISION ITEM 10.1

That the Council REQUESTS that;

1. The Chief Executive Officer to write to the Minister for Transport and to the Public Transport Authority (PTA) to ascertain if the Swan River Frontage at Banks Reserve can be used as a PTA Ferry transit port;
 2. Subject to a favourable response being received from the PTA, the City reviews the current jetty infrastructure cost and location of a suitable jetty for PTA Ferry Service at Banks Reserve; and
 3. A report to be submitted to the Council by the end of April 2013.
-

10.2 NOTICE OF MOTION: Mayor Hon. Alannah MacTiernan and Cr Warren McGrath – Request for an amendment to the Multiple Dwellings Policy

That the Council REQUESTS that:

1. the City's Multiple Dwellings Policy be amended to include relevant clause(s) for a workable requirement for multiple dwellings on major roads to be designed such that the rear of the building 'steps down' to the allowable height of the adjacent residential lots; and
2. A report be submitted to the Council no later than 26 February 2013.

BACKGROUND:

Information provided by Mayor Hon. Alannah MacTiernan.

It would appear that the relevant Clause in this longstanding policy was deleted late last year in one of the planning policy reviews.

A number of Councillors were unaware of this change which was recommended because officers deemed R- codes provided adequate setbacks.

However where we have interfacing zonings, the setbacks on the developing property may not be sufficient to reasonably protect residents to the rear.

We have strongly supported higher densities on the main roads but promised to protect the lower rise amenity of the hinterland.

I believe we need that we need the relevant Clause reinstated to help manage that problem.

CHIEF EXECUTIVE OFFICER COMMENTS:

There have been 4 versions of the City's Multiple Dwellings Policy No. [3.4.8](#), considered by the Council and adopted on:

- 28 October 2008
- 11 August 2009
- 9 August 2011
- 20 November 2012.

With respect to the information relating to height and setbacks to control the impact of large multiple dwelling developments along Major Roads interfacing with lower scale residential buildings to the rear, this was included in clause 4 of the version of the Policy No. 3.4.8 adopted by the Council on 11 August 2011 but was removed, and replaced with clause 2 in the version adopted by the Council at its Ordinary Meeting on 20 November 2012.

The key information relating to the Mayor's comments that was not transferred to the most recent version of the Policy is shown in underline and red font; as shown below:

Extract from Policy No. 3.4.8 – Multiple Dwellings (9 August 2011)

4) Building Heights along Major Roads

(i) The maximum building heights along the 'major roads', identified in clause 3 above are to be in accordance with the heights prescribed in Table 4 of the R Codes.

(ii) It is to be noted that not all lots may be able to achieve the maximum height prescribed in the R Codes as factors such as plot ratio, setbacks, open space and overshadowing may influence the extent of the building envelope to ensure there is no adverse impact on adjoining neighbours or the public realm.

(iii) Rear building interface

The impacts of a development will be minimised by applying the following design criteria:

(a) Showing an overall reduction in height and scale to the rear of the property, through staggering of the entire building envelope; and

(b) Locating the proposed developments' height or bulk away from the adjacent property to preserve the buildings' amenity, character and integrity.

Extract from current Policy No. 3.4.8 – Multiple Dwellings (20 November 2012)

2. BUILT FORM CONTEXT

2.1 Plot Ratio

2.1.1 For areas zoned Residential, the plot ratio is to be in accordance with the corresponding R-Coding of the site

2.2 Building Height

2.2.1 For areas zoned Residential R100, the height limit is four storeys (plus loft).

2.2.2 For areas zoned Residential R60 and R80 and are located on *Major Roads*, and the area zoned R80 on Gibney Avenue, the height limit is three storeys (plus loft).

2.2.3 For areas zoned Residential R60 and R80 and are located on *Minor Roads*, and the site is 1000 square metres or greater, the height limit is three storeys (plus loft).

2.2.4 For areas zoned Residential R60 and R80 and are located on *Minor Roads* the height limit is two storeys (plus loft).

2.2.5 For areas zoned Residential R20 to R50 the height limit is two storeys (plus loft).

2.2.6 Additional storeys to the above building heights may be considered for all areas zoned Residential R60 and above, in accordance with the City's Policy No. 3.5.11 relating to Exercise of Discretion for Development Variations.

2.3 Street Setbacks

2.3.1 For areas zoned Residential, the primary and secondary street setback is to be in accordance with the City's Policy No. 3.2.1 relating to Residential Design Elements.

A complete copy of the draft Policy dated 20 November 2012 and final adopted version are shown at Appendix [10.2A](#) and [10.2B](#) respectively.

The Chief Executive Officer advised that it was 10.02pm and in accordance with the Council Meeting Policy, the Council should resolve to extend the meeting, if it wished to continue.

The Presiding Member, Mayor Hon. Alannah MacTiernan requested that a Procedural Motion be moved to extend the meeting time, as the Council's Policy relating to Council Meetings requires meetings to cease by 10.00pm.

PROCEDURAL MOTION

Moved Cr Pintabona, Seconded Cr McGrath

That the meeting continue to allow the remaining items to be considered.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Maier was an apology for the Meeting.)

COUNCIL DECISION ITEM 10.2

Moved Cr McGrath, Seconded Cr Topelberg

That the motion be adopted.

Debate ensued.

Cr Pintabona Departed the Chamber at 10.05pm.

Debate ensued.

Cr Pintabona returned to the Chamber at 10.07pm.

Debate ensued.

Cr Wilcox departed the Chamber at 10.08pm.

Debate ensued.

Cr Wilcox returned to the Chamber at 10.10pm.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Maier was an apology for the Meeting.)

10.3 NOTICE OF MOTION: Cr Warren McGrath - Request a review of the City's Vincent Municipal Heritage Inventory (MHI)

That the Council REQUESTS:

1. The Chief Executive Officer to provide a budget estimate for undertaking a comprehensive review of the City of Vincent Municipal Heritage Inventory (MHI) in the 2013-14 period, consistent with the requirement under the TPS for regular review of the inventory, and that this indicative amount be listed for consideration in the draft budget 2013-14;
2. An interim review of the MHI be carried out of any properties (where that property still exists) previously recommended by the City's Officers for inclusion on the MHI, but not supported by the Council at the time, and a report be prepared with recommendations from the City's Officers for consideration by the Council;
3. Following further consideration by the Council, any proposed additions to the MHI would be advertised for public comment, (together with comments from the land owner), as per requirements of the Town Planning Scheme, before being considered for formal inclusion in the MHI; and
4. A report be submitted to the Council no later than 23 April 2013.

Moved Cr McGrath, Seconded Cr Wilcox

That the motion be adopted.

Debate ensued.

Cr McGrath, the Mover wished to change Clause 1 of his Motion and reword it as follows; The Seconder, Cr Wilcox agreed.

Debate ensued.

- "1. The Chief Executive Officer to provide a budget and timing estimate for undertaking a comprehensive review of the City of Vincent Municipal Heritage Inventory (MHI) ~~in the 2013-14 period, consistent with the requirement under the TPS for regular review of the inventory, and that this indicative amount be listed for consideration in the draft budget 2013-14;~~"

Debate ensued

MOTION (AS CHANGED) PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Maier was an apology for the Meeting.)

COUNCIL DECISION ITEM 10.3

That the Council REQUESTS:

1. The Chief Executive Officer to provide a budget and timing estimate for undertaking a comprehensive review of the City of Vincent Municipal Heritage Inventory (MHI), consistent with the requirement under the TPS for regular review of the inventory;
2. An interim review of the MHI be carried out of any properties (where that property still exists) previously recommended by the City's Officers for inclusion on the MHI, but not supported by the Council at the time, and a report be prepared with recommendations from the City's Officers for consideration by the Council;
3. Following further consideration by the Council, any proposed additions to the MHI would be advertised for public comment, (together with comments from the land owner), as per requirements of the Town Planning Scheme, before being considered for formal inclusion in the MHI; and
4. A report be submitted to the Council no later than 23 April 2013.

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

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

12.1 Nominations - Panel Members and Alternative Members for Local Government Development Assessment Panel

Ward:	-	Date:	1 February 2013
Precinct:	-	File Ref:	LEG0060
Attachments:	001 – Panel Nomination Form		
Tabled Items:			
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That;

- (i) _____ and _____ be nominated as the Local Government Development Assessment Panel (DAP) Members;
- (ii) _____ be nominated as the Local Government Development Assessment Panel (DAP) first Alternate Member; and
- (iii) _____ be nominated as the Local Government Development Assessment Panel (DAP) second Alternative Member.

Moved Cr McGrath, Seconded Cr Buckels

That the Item be approved with nominations.

The Presiding Member Mayor Hon. Alannah MacTiernan called for nominations and the following were received:

**Members: Mayor Hon. Alannah MacTiernan and Cr Dudley Maier;
First Alternate Member, Cr Joshua Topelberg; and
Second Alternate Member, Cr Warren McGrath.**

No other nominations were received.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Maier was an apology for the Meeting.)

COUNCIL DECISION ITEM 12.1

That;

- (i) Mayor Hon. Alannah MacTiernan and Cr Dudley Maier be nominated as the Local Government Development Assessment Panel (DAP) Members;
- (ii) Cr Joshua Topelberg be nominated as the Local Government Development Assessment Panel (DAP) first Alternate Member; and
- (iii) Cr Warren McGrath be nominated as the Local Government Development Assessment Panel (DAP) second Alternative Member.

BACKGROUND:

The City recently received information advising that the terms for the current representatives will expire on 19 February 2013.

It requested the Council to appoint members to the DAP. The City's current members are:

- Mayor Hon. Alannah MacTiernan;
- Cr Dudley Maier;
- First Alternative Member – Cr Joshua Topelberg; and
- Second Alternative Member – Cr Warren McGrath

Development Assessment Panels will consist of the following:

- Three members with specialist knowledge in the areas of City planning, architecture, or other related disciplines;
- Two Council Members from a Local Government authority.

Each DAP will cover a region of Western Australia. The City of Vincent has been included in the Metro West DAP, which also includes:

- Cities of Cambridge, Claremont, Cottesloe and Mosman Park;
- Cities of Nedlands and Subiaco; and
- Shire of Peppermint Grove.

The three specialist DAP members will assess applications for all Local Governments covered by the relevant DAP, however, the Local Government members will only assess applications on the DAP for items relevant to their own Local Government locality.

LEGAL/POLICY:

Legislation: Planning and Development Act 2005; and
Planning and Development (Development Assessment Panels) Regulations 2011.

On 24 March 2011, Part 11A of the *Planning and Development Act 2005* commenced operation. This part contains the Heads of Powers required to introduce DAPs in Western Australia, through the making of regulations by the Governor.

The *Planning and Development (Development Assessment Panels) Regulations 2011* also became effective on this date, which set out provisions including the operation of DAPs and membership of DAPs.

In particular, the following regulations are of importance:

23. LDAP members

(1) *The members of a LDAP are:*

- (a) *2 persons appointed to the LDAP as Local Government members; and*
- (b) *3 persons appointed to the LDAP as specialist members.*

(2) *The members must be appointed in writing by the Minister.*

(3) *Regulation 24 applies to the appointment of Local Government members.*

(4) *Regulation 37 applies to the appointment of specialist members.*

24. Local Government members of LDAP

- (1) *Whenever it is necessary to make an appointment under regulation 23(1)(a), the Minister must:*
 - (a) *in writing, request the Local Government of the district for which the DAP is established to nominate a member of the council of the Local Government for appointment; and*
 - (b) *unless subregulation (2) applies, appoint the person so nominated.*
- (2) *If, within 40 days after the date on which the Minister makes a request to a Local Government under subregulation (1) or such longer period as the Minister may allow, the Local Government fails to nominate a person for appointment in accordance with the request, the Minister may appoint under regulation 23(1)(a) a person who:*
 - (a) *is an eligible voter of the district for which the LDAP is established; and*
 - (b) *the Minister considers has relevant knowledge or experience that will enable that person to represent the interests of the local community of that district.*
- (3) *For the purposes of subregulation (2)(a) a person is an eligible voter of a district if that person is eligible under the Local Government Act 1995 section 4.29 or 4.30 to be enrolled to vote at elections for the district.*

28. Alternate members

- (1) *The Minister may, in writing, appoint:*
 - (a) *an alternate member for any person appointed under regulation 23(1)(a); and*
 - (b) *an alternate member for any person included on the Local Government register under regulation 26; and*
 - (c) *such number of persons eligible to be appointed as specialist members as the Minister considers necessary to form a pool of alternate members for specialist members.*
- (2) *Regulation 24 applies in relation to an appointment under subregulation (1)(a).*
- (3) *Regulation 26 applies in relation to an appointment under subregulation (1)(b).*
- (4) *An alternate member for a Local Government member of a DAP may act in the place of the Local Government member if the Local Government member is unable to perform the functions of the member by reason of illness, absence or other cause.*
- (5) *If a specialist member other than the presiding member is unable to perform the functions of the member by reason of illness, absence or other cause, an alternate member from the pool referred to in subregulation (1)(c) may, on the request of the presiding member, act in the place of the specialist member.*
- (6) *A person cannot act in the place of a specialist member of a DAP if the person is:*
 - (a) *employed under the Local Government Act 1995 section 5.36 by the Local Government of a district for which the DAP is established; or*
 - (b) *a member of the council of the Local Government of a district for which the DAP is established.*
- (7) *An alternate member acting under this regulation may despite anything in these regulations, continue to act, after the occasion for so acting has ceased, for the purpose of completing any determination of a DAP application.*
- (8) *An alternate member, while acting in the place of a DAP member, has the same functions and protection from liability as a DAP member.*

- (9) *No act or omission of a person acting in place of another under this regulation is to be questioned on the ground that the occasion for so acting had not arisen or had ceased.*

29. Term of office

- (1) *A DAP member holds office for the term specified in the member's instrument of appointment.*
- (2) *The term of office specified in an instrument of appointment must not exceed 2 years.*
- (3) *A person's eligibility for reappointment as a DAP member or the term for which a person may be reappointed is not affected by an earlier appointment.*

RISK MANAGEMENT IMPLICATIONS:

Low: Similar to applications determined by Council, the proponent will hold a right of review against the DAPs decision, or any conditions included therein, in accordance with the *State Administrative Tribunal Act 2004* and the *Planning and Development Act 2005*. The DAP, as the decision maker, will defend the decision at the State Administrative Tribunal (SAT).

FINANCIAL/BUDGET IMPLICATIONS:

DAP members, including Local Government members are to be paid \$400 per sitting of the DAP, with the presiding member (one of the specialist members) receiving a payment of \$500 per sitting of the DAP.

Any DAP member who successfully completes training is also entitled to the payment of \$400 from the DoP.

The City will be responsible for receiving the DAP application fees from the applicant and forwarding these to the DAP secretariat. The City may also incur other minor costs which will be reimbursed by the DAP secretariat. The City will still receive application fees to assess and report on applicants.

13. URGENT BUSINESS

Nil.

PROCEDURAL MOTION

At 10.25pm Moved Cr Pintabona, Seconded Cr McGrath

That the Council proceed “behind closed doors” to consider Confidential Item 14.1, as this matter contains information relating to an employee and which relates to a matter to be discussed at the meeting. Confidential Item 14.2, as the matter relates to the personal affairs of a person(s).

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Maier was an apology for the Meeting.)

There were no members of the public present.

The following persons departed the meeting and did not return;

1. John Giorgi, JP, Chief Executive Officer.
2. Rob Boardman, Director Community Services, Carlie Eldridge, Director Planning Services Mike Rootsey, Director Corporate Services and Craig Wilson Acting Director Technical Services.
3. Executive Assistant (Minutes Secretary) – Jerilee Highfield.
4. Journalists David Bell and Yolanda Zaw.

PRESENT:

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath (<i>Deputy Mayor</i>)	South Ward
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward

14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“BEHIND CLOSED DOORS”)

14.1 CONFIDENTIAL ITEM: Review of Chief Executive Officer’s Key Performance Indicators – Appointment of Consultant.

Ward:	-	Date:	1 February 2013
Precinct:	-	File Ref:	
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

Chief Executive Officer John Giorgi has declared a financial interest in Item 14.1. The extent of his interest being that it relates to his Contract of Employment.

OFFICER RECOMMENDATION:

That the Council;

1. pursuant to section 5.23(2) of the Local Government Act 1995 and clause 2.14 of the City of Vincent Local Law Relating to Standing Orders, proceeds “behind closed doors” at the conclusion of the items, to consider the Confidential Report, circulated separately to Council Members, relating to a review of the Chief Executive Officer’s Key Performance Indicators (KPI’s) – appointment of consultant, as this matter relates to an employee; and
2. **AUTHORISES** the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.

Moved Cr McGrath, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr McGrath, Seconded Cr Topelberg

“That a new Clause 1 be inserted, Clause 2 amended and the remaining Clauses be renumbered, as follows:

1. COMMENDS the Chief Executive Officer for the positive action taken to address the recommendations of the Performance Review relating to the appointment of a consultant to review the KPIs;
- ~~4-2.~~ APPROVES of the engagement of a consultant to undertake the review of the CEO’s Key Performance Indicators (KPIs), but defers until May 2013 the appointment of a consultant; and
- ~~23.~~ REQUESTS all Council Members to participate in a workshop to consider and review the KPIs, as outlined in the report.

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Maier was an apology for the Meeting.)

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Maier was an apology for the Meeting.)

COUNCIL DECISION ITEM 14.1

That the Council:

1. **COMMENDS** the Chief Executive Officer for the positive action taken to address the recommendations of the Performance Review relating to the appointment of a consultant to review the KPIs;
 2. **APPROVES** of the engagement of a consultant to undertake the review of the CEO's Key Performance Indicators (KPIs), but defers until May 2013 the appointment of a consultant; and
 3. **REQUESTS** all Council Members to participate in a workshop to consider and review the KPIs, as outlined in the report.
-

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as the matter relates to an employee. In accordance with Section 5.23 of the Local Government Act, the report is to be kept confidential until determined by the Council to be released for public information.

LEGAL:

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

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

"2.14 Confidential business

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

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

In accordance with the legislation, the report is to be kept confidential until determined by the Council to be released for public information.

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

10.40 pm Cr Harley departed the meeting and did not return. Chief Executive Officer John Giorgi JP, entered the meeting.

14.2 CONFIDENTIAL REPORT: Beaufort Street Enhancement Working Group – Appointment of Members

Ward:	-	Date:	1 February 2013
Precinct:	-	File Ref:	TES0237
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. Pursuant to section 5.23(2) of the Local Government Act 1995 and clause 2.15 of the City of Vincent Local Law relating to Standing Orders, PROCEEDS “behind closed doors” at the conclusion of the items, to consider the Confidential Report, circulated separately to Council Members, relating to the appointment of Members to the Beaufort Street Enhancement Working Group, as the matter relates to the personal affairs of a person and which relates to a matter to be discussed at the meeting; and
2. **AUTHORISES** the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.

Moved Cr Carey, Seconded Cr Buckels

That the following recommendation be adopted.

That the Council:

1. **APPOINTS** the following representatives to the Beaufort Street Enhancement Working Group for the term from date of appointment until 12 October 2013, from the following nominees:
 - 1.1 **Three (3) Representatives from the Beaufort Street Network:**
 - 1.1.1 **Mr David Doy** (*Chair of Beaufort Street Network*);
 - 1.1.2 **Ms Pam Herron***; and
 - 1.1.3 **Mr Adrian Tatasciore**;
 - 1.2 **Two (2) Local Residents:**
 - 1.2.1. **Ms Jenny Brandsma*** and
 - 1.2.2. **Ms Angela Hollams***; and
2. **AUTHORISES** the Chief Executive Officer to advertise for two (2) Representatives from the Beaufort Street Local Business Proprietors.

MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Maier was an apology for the Meeting.)

COUNCIL DECISION ITEM 14.2

That the Council:

1. **APPOINTS the following representatives to the Beaufort Street Enhancement Working Group for the term from date of appointment until 12 October 2013, from the following nominees:**
 - 1.1 **Three (3) Representatives from the Beaufort Street Network:**
 - 1.1.1 **Mr David Doy (*Chair of Beaufort Street Network*);**
 - 1.1.2 **Ms Pam Herron; and**
 - 1.1.3 **Mr Adrian Tatasciore;**
 - 1.2 **Two (2) Local Residents:**
 - 1.2.1 **Ms Jenny Brandsma and**
 - 1.2.2 **Ms Angela Hollams; and**
2. **AUTHORISES the Chief Executive Officer to advertise for two (2) Representatives from the Beaufort Street Local Business Proprietors.**

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as the matter relates to the personal affairs of a person and which relates to a matter to be discussed at the meeting. In accordance with Section 5.23 of the Local Government Act, the report is to be kept confidential until determined by the Council to be released for public information.

LEGAL:

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

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

"2.15 Confidential business

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

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

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

PROCEDURAL MOTION

At 10.47pm **Moved** Cr Buckels, **Seconded** Cr Pintabona

That the Council resume an “open meeting”.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Maier was an apology for the Meeting.)

15. CLOSURE

There being no further business, the Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting closed at 10.47pm with the following persons present:

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath (<i>Deputy Mayor</i>)	South Ward
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer

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 12 February 2013.

Signed:Presiding Member
Mayor Hon. Alannah MacTiernan

Dated this day of 2013