



CITY OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

27 AUGUST 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 27 August 2013, commencing at 6.00pm.

1. (a) DECLARATION OF OPENING

The Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting open at 6.00pm and read the following Acknowledgement of Country Statement:

(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Nil.

(b) Members on Approved Leave of Absence:

Mike Rootsey – Director Corporate Services on annual Leave.

(c) Present:

Mayor Hon. Alannah MacTiernan	Presiding Member (until 7.32pm)
Cr Warren McGrath (<i>Deputy Mayor</i>)	South Ward (from 6.04pm)
Cr Matt Buckels	North Ward (from 6.03pm)
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Community Services
Petar Mrdja	A/Director Planning Services
Rick Lotznicker	Director Technical Services
Jerilee Highfield	Executive Assistant (Minutes Secretary)
<u>Employee of the Month Recipient</u>	
Gavan Neil-Smith	Leading Hand Horticulture (until approximately 6.40pm)
<u>Media</u>	
Sara Fitzpatrick	Journalist – <i>"The Guardian Express"</i> (until approximately 9.20pm)
David Bell	Journalist – <i>"The Perth Voice"</i> (from 6.05pm, until approximately 9.20pm)

Approximately 26 Members of the Public

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

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

1. Paul Kotsogolo of Matlock Street, Mount Hawthorn – Item 9.1.5 Stated the following:
 - He spoke on behalf of the owners regarding their application that was presented at the meeting. In summary the proposal did not meet the Residential Design Elements Policy of the Local Authority in relation to roof form, street setbacks, building design, street walls and importantly little adequate street activation. He asked the Council to refuse the application.
2. Tony Monteleone – Item 9.1.8 Stated the following:
 - He spoke on behalf of the owner regarding their application that was presented at the meeting.
 - He asked the Council that the unit facing Kalgoorlie Street be approved as proposed as this was the only solution that did not disturb the two (2) existing street trees and existing power pole and used the existing crossover and complies completely with all the requirements of the Residential Design Codes.
3. Peter Webb – Item 9.1.2 Stated the following:
 - He spoke on behalf of the owner regarding their application that was presented at the meeting.
 - He had circulated an email to the Council about their concerns regarding the Officers Report. The fundamental part of the application by the owner was to protect and restore the property which has been in his family for many years.
 - He had a meeting with the City's Planning Officers and consulted with the owner who had agreed to go along with the City's Recommendation in seeking a deferral of the application and that they will clarify any outstanding issues of concern and the community attitude to this proposal.
4. Marie Slyth of 89 Carr Street, West Perth – Item 9.1.6 Stated the following:
 - She spoke on behalf of the Cleaver Precinct Action Group. The Cleaver Precinct already had a cluster of Heritage Streets a number of which contain valuable history of the area.
 - She asked if the Council could take immediate steps to create a heritage area and at the same time take steps down zoning to R50 of the area.
5. Michael Jorgensen – Item 9.1.5 Stated the following:
 - He spoke on behalf of his client regarding to the proposal at Matlock Street, Mount Hawthorn.
 - They have had significant engagement with the City's Planning Officers at both senior and officer level with regard to the development. It is very important that this is made clear as it is not a case of just submitting a proposal without due respect for the Planning Guidelines, R Codes and Policies that City of Vincent undertakes to develop their process with.
 - He expressed his disappointment in the subsequent proposal of the project and in the engagement of the Elected Members and their seeming lack of response to a request to undertake direct contact regarding the development.
6. Tanya Hughes of 128 Matlock Street, Mount Hawthorn – Item 9.1.5 Stated the following:
 - She objected to the development in Matlock Street, Mount Hawthorn as the houses in the area are all single houses, this development is eight (8) houses away from the Primary School and the kids in the area should be given the opportunity to walk to school.

7.5 **National Disability Awards Finalists**

I am pleased to announce that the City of Vincent Beatty Park Leisure Centre Swim School's Angel Fish program is a finalist in the 2013 National Disability Awards in the category of "Excellence in Accessible Communities".

The Angel Fish program under the auspices of Swim School Co-ordinator, Bev Christmass, is centred on a philosophy of inclusivity and offers individuals with disabilities the opportunity to develop a lifelong swimming skill.

The winners will be announced at an Award Ceremony to be held at Government House, Canberra on 26 November 2013.

Congratulations to Bev Christmass and our Beatty Park Leisure Centre Swim School Team for their outstanding work in this program.

7.6 **Late Reports On Tonight's Agenda**

I have approved of two Late Reports for inclusion on tonight's Agenda as follows:

- Item 9.2.6 - Beaufort Street Enhancement - Proposed Six Month Trial of a Filter Drinking Water Dispenser - Progress Report No. 8

The reason this has been included is to enable this water dispenser to be installed in time for the 2013 Beaufort Street Festival.

- Item 9.4.5 - Public Artwork – Approval of Consultant

The reason is to enable the appointment of external consultants to ensure that these projects are progressed as soon as practicable.

7.7 **Deferral of Item 9.1.3**

It is announced that Item 9.1.3 relating to Nos. 369-371 Oxford Street, Corner of Anzac Road, Mount Hawthorn – Proposed Renewal of Previously Approved Use for Unlisted Use (Recording and Rehearsal Studio) (Retrospective Application) has been DEFERRED at the request of the applicant, in order to make further improvements to the noise attenuation in consultation with the City's Environmental Health Officers and so that the matter can be considered under the new Car Parking policy due to be implemented in late September 2013.

8. DECLARATIONS OF INTERESTS

8.1 Cr Carey declared an Impartiality interest in Item 9.2.2 – Beaufort Streetscape – Engagement of a Landscape Architect. The extent of his interest being that he is the Chair of the Beaufort Street Network. Cr Carey stated that as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider the matter on its merits and vote accordingly.

8.2 Cr Maier declared an Impartiality interest in Item 9.1.6 – Introduction of Heritage Areas and Associated Design Guidelines. The extent of his interest being that he owns a property in the area that is affected by the proposal and his property is less than 240sq mtrs, is not affected by the changes to the Rcodes and his property is currently listed on the City's Municipal Heritage inventory. He states that he believes he has an interest common. Cr Maier stated that as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider the matter on its merits and vote accordingly.

13. Stuart Lofthouse of 123 Oxford Street, Leederville Stated the following:
- He read the front page of the Agenda that are placed within the Public Gallery area for tonight's meeting it states: "*Guiding Values describes what values are important to us, excellence in service, honesty and integrity*". "*lets talk about this, we are honest, fair, consistent, encountable, open and transparent in our dealings with each other.*"
 - You have heard from me pretty much every fortnight for the last year, year and a half. He asked the Council why in regards to submissions, petitions and Community Consultations would the City reject a group of public consultation forms, fifty one (51) in total. It could not be because as stated "*it was from one business owner?*", especially when the applicant to this item solicited twelve (12) letters after the submission date, that were then put to the Council as a strong reinforcement as to why the applicant should have that item approved.
 - In speaking with Councillors most of the disinformation comes from City Officers - they only go upon recommendations. Unfortunately they also go against majority or overwhelming public response, as just heard by the previous speaker.
 - Regarding the Newcastle Street that has just gone out for consultation, there are a lot of unanswered questions. It had been stated by the Working Group to let everyone know that there are more parking bays included. That did not include the taxi ranks as this was a completely separate issue. The Director of Technical Services responded when asked that they maybe one loading zone that could be converted into a parking spot. "*Why does the Council keep talking parking away in the street, when most business owners do not wish it to occur?*".

The Presiding Member advised Mr Lofthouse that his three (3) minutes for Public Speaking time had finished, Mr Lofthouse continued speaking and the Presiding Member again advised that his time was up. Mr Lofthouse continued speaking and asking questions.

The Presiding Member advised Mr Lofthouse that the Council does have rules and we do not to comply with it otherwise this process becomes totally unmanageable and thanked Mr Lofthouse.

14. Nick Zigsimondi of 127 Matlock Street, Mount Hawthorn – Item 9.1.5 Stated the following:
- He commended the Council for refusing the application as it is detrimental to the streetscape as it did not fit in as to what is currently there and did not fit in with the Community feel that currently exists at the minute.
- The Presiding Member advised Mr Zigsimondi just a clarification that is the Recommendation from the City's Officer.*

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

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

- [3.1](#) Letter sent to Craig Willis regarding the development at 1A Albert Street, North Perth.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Minutes of the Ordinary Meeting of Council held on 13 August 2013

Moved Cr Maier, Seconded Cr Harley

That the Minutes of the Ordinary Meeting of Council held on 13 August 2013 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (9-0)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

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

7.1 **Letter Received from the Minister for Local Government**

This should have been circulated to all Council Members, it does provide some concern as it does not pick up anyways the comments of the Local Member Ms Eleni Evangel or the Premier, that they are prepared to consider an alternative that involves all of the City of Vincent migrating into the City of Perth.

I have written to the Premier reconfirming the process and to seek clarification. I think that there is a very real concern about the whole process is being set up and will be very difficult to see a way forward. The City of Stirling have made it very clear that they will not be making a submission that includes the City of Bayswater and they passed a resolution that they were prepared to discuss with other Councils, which includes the City of Vincent about the possibility of a joint submission, but their submission will not include City of Bayswater and this will not be a submission that is going to be acceptable to the Government and therefore will result in the Minister putting his own submission in.

City of Perth are considering a resolution tonight that basically will states "*they cannot see how given the varying view of the Councils with whom they are proposed to amalgamate that they will be impartial to take areas that they do not believe that they will be able to*".

This process is going to be a very a difficult one and I think we will just have to "row our own boat" and hope that somehow or other in this process we can get this matter properly considered.

I do point out that the Minister has reaffirmed that he will be putting in a submission in our stead if we do this and has also indicated that the intention at the minute that the Local Government Advisory Board has two (2) Government appointees and three (3) WALGA appoint nominees he is proposing to add two (2) more Government appointees.

There will be a further rally, proposed to be held on 22 September 2013.

7.2 **Employee Of The Month Awards For The City Of Vincent For July 2013**

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

The Employee of the Month Award for July 2013 is awarded jointly to Gavan Neil-Smith - Leading Hand Horticulture and Ljuben Nastoski - Gardener in the City's Parks Services Section.

Gavan and Ljuben were nominated by myself for their excellent and high standard of work maintaining the City's Administration & Civic Centre gardens and surrounds.

Come "rain or shine" Gavan and Ljuben are out working hard to ensure the upkeep of the Admin Centre surrounds and are very dedicated to their work.

Numerous comments have been received from residents and ratepayers passing by or visiting the City.

Congratulations to both Gavan and Ljuben - and well done!!

Received with Acclamation!

7.3 **National Crime Prevention Fund**

I am very pleased to advise that the City was successful in its submission to the Australian National Crime Prevention Fund and will receive a grant of \$200,000 for the City of Vincent Closed Circuit Television (CCTV) Strategy 2013-2018.

This Strategy is committed to reducing street crime by the installation of security related infrastructure and prevention through environmental design principles.

Congratulations to our Safer Vincent Team - Michael Wood and Brodee Albonetti.

7.4 **Beatty Park Leisure Centre Shines**

I am pleased to announce that Beatty Park Leisure Centre is a finalist in the 2013 Banksia Sustainability Awards in the category for "Energy Efficiency and Carbon Management Award".

The Banksia Sustainability Awards are recognised as Australia's pre-eminent environmental Awards. The Awards acknowledge excellence, dedication and leadership in various areas that contribute to the environment and a sustainable future.

The winners will be announced at an Award Ceremony to be held in Melbourne on 8 October 2013.

Congratulations to our Beatty Park Leisure Centre Team for their outstanding work to date.

7.5 **National Disability Awards Finalists**

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- Item 9.4.5 - Public Artwork – Approval of Consultant

The reason is to enable the appointment of external consultants to ensure that these projects are progressed as soon as practicable.

7.7 **Deferral of Item 9.1.3**

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8.2 Cr Maier declared an Impartiality interest in Item 9.1.6 – Introduction of Heritage Areas and Associated Design Guidelines. The extent of his interest being that he owns a property in the area that is affected by the proposal and his property is less than 240sq mtrs, so he is not affected by the resident change and his property is currently listed on the City's Municipal Heritage inventory. He states that he believes he has an interest common. Cr Maier stated that as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider the matter on its merits and vote accordingly.

- 8.3 Cr McGrath declared an Impartiality interest in Item 9.2.2 – Beaufort Streetscape – Engagement of a Landscape Architect. The extent of his interest being that one of the possible Landscape Architect Consultant is currently sub contracted by his company and works on an unrelated project. Cr McGrath stated that as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider the matter on its merits and vote accordingly.
- 8.4 Cr McGrath declared an Impartiality interest in Item 9.2.4 – Oxford Street Reserve Playground Design - Expressions of Interest - Approval. The extent of his interest being that the company he works for is currently sub contracting one of the tenderers for an unrelated project. Cr McGrath stated that as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider the matter on its merits and vote accordingly.

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

Nil.

10. REPORTS

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

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

Items 9.1.2, 9.1.5, 9.1.6, 9.1.8, 9.2.1 & 9.4.4

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 9.5.1 & 9.5.3

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

Nil.

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

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

COUNCIL MEMBER	ITEMS TO BE DISCUSSED
Mayor Hon. MacTiernan	Nil.
Cr Buckels	9.1.3, 9.1.4, 9.2.1 & 9.4.5
Cr Carey	Nil.
Cr Harley	Nil.
Cr Maier	9.2.4, 9.2.6, 9.3.1 & 9.5.4
Cr McGrath	Nil.
Cr Pintabona	Nil.
Cr Topelberg	9.1.7 & 9.2.3
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 9.1.1, 9.2.5, 9.3.2, 9.4.1, 9.4.2, 9.4.3, 9.5.2 & 9.5.5

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

Item 14.1.

New Order of Business:

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

(a) Unopposed items moved *En Bloc*;

Items 9.1.1, 9.2.5, 9.3.2, 9.4.1, 9.4.2, 9.4.3, 9.5.2 & 9.5.5

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

Items 9.1.2, 9.1.5, 9.1.6, 9.1.8, 9.2.1 & 9.4.4

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

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

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

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

ITEMS APPROVED “EN BLOC”:

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

Moved Cr Maier, Seconded Cr Wilcox

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

Items 9.1.1, 9.2.5, 9.3.2, 9.4.1, 9.4.2, 9.4.3, 9.5.2 & 9.5.5

CARRIED UNANIMOUSLY (9-0)

9.1.1 FURTHER REPORT: No. 29 (Lot 47; D/P 1962) Scarborough Beach Road, Corner of Hardy Street, North Perth – Proposed Partial Demolition of Existing Service Station and Construction of Eating House, with Incidental Vintage Car Storage and Display Area, and Associated Car Parking

Ward:	North	Date:	16 August 2013
Precinct:	Smith's Lake; P6	File Ref:	PRO5238; 5.2013.47.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Development Application Report 003 – Performance Submission Table 004 – Additional Information Received 2 August 2013		
Tabled Items:	Nil		
Reporting Officer:	S Radosevich, Planning Officer (Statutory)		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

FURTHER OFFICER RECOMMENDATION:

That the Council;

A. 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 Urban and Rural Perspectives on behalf of the owner, 356 Pty Ltd ATF 365A Trust, for Proposed Partial Demolition of Existing Service Station and Construction of Eating House, with Incidental Vintage Car Storage and Display Area, and Associated Car Parking at No. 29 (Lot 47; D/P 1962) Scarborough Beach Road, Corner of Hardy Street, North Perth, and as shown on plans stamp-dated 2 August 2013 and amended plans stamp-dated 13 August 2013, subject to the following conditions:

1. Doors, windows and adjacent floor areas facing Scarborough Beach Road and Hardy Street shall maintain active and interactive relationships with these streets;
2. The maximum public floor area of the eating house shall be limited to 84 square metres;
3. The car park shall be used only by employees, tenants, and visitors directly associated with the development;
4. **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:**
 - 4.1 Pay a cash-in-lieu contribution of \$22,675 for the equivalent value of 4.535 car parking spaces, based on the cost of \$5,000 per bay as set out in the City's 2013/2014 Budget; OR

- 4.2 Lodge an appropriate assurance bond/bank guarantee of a value of \$22,675 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:
- 4.2.1 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
 - 4.2.2 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
 - 4.2.3 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;

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

5.1 Construction Management Plan

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

5.2 Landscape and Reticulation Plan

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

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

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

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

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

5.3 Schedule of External Finishes

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

5.4 Acoustic Report

An Acoustic Report in accordance with the City's Policy No. 3.5.21 relating to Sound Attenuation shall be prepared and submitted to the City for approval and the recommended measures of the approved 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

5.5 Refuse and Recycling Management Plan

Bin numbers, collection and stores shall meet with the City's minimum service provision to the satisfaction of the City's Technical Services. A waste management plan, prepared by a qualified consultant, is to prepared and approved by the City's Technical Services Section;

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

6.1 Car Parking

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

6.1.2 Ten (10) car parking spaces for the eating house shall be clearly marked and signposted; and

6.2 Bicycle Parking Facilities

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

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

ADVICE NOTES:

- (i) With regards to condition 2, 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;
- (ii) The owner/applicant is to liaise with the Department of Environment and Conservation regarding the remediation of the site;

- (iii) 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 Hardy Street;
- (iv) 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; and
- (v) Any new street/front wall, fence and gate within the Scarborough Beach Road and Hardy Street setback areas, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences; and

B. NOTES that No. 29 Scarborough Beach Road has been vacant for a period of time and further investigation will be carried out by the City's Strategic Planning Services to determine the status of the non-conforming use rights.

COUNCIL DECISION ITEM 9.1.1

Moved Cr Maier, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

FURTHER REPORT:

Previous Reports to Council:

The proposed partial demolition of existing service station and construction of two-storey mixed use development comprising eating house with incidental vintage car storage and display area, two (2) multiple dwellings and associated car parking was presented to Council at its Ordinary Meeting held on 25 June 2013, whereby Council resolved:

"That the item be DEFERRED at the request of the Applicant, in order to submit a revised proposal that will address the City's concerns."

The Minutes of Item 9.1.1 from the Ordinary Meeting of Council held on 25 June 2013 relating to this report is available on the City's website at the following link:

<http://www.vincent.wa.gov.au/files/4c007b4e-ac61-4cd1-9c46-a1e100ec1d26/20130625.pdf>

DETAILS:

Landowner:	356 Pty Ltd ATF 365A Trust
Applicant:	Urban and Rural Perspectives
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R60
Existing Land Use:	Service Station
Use Class:	Eating House and Incidental Vintage Car Storage and Display Area
Use Classification:	"SA"
Lot Area:	662 square metres
Right of Way:	Not Applicable

ASSESSMENT:

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

Issue/Design Element:	Non-Residential Development Interface
Requirement:	<p>Development Guidelines for Commercial and Mixed Use Developments Policy No. 3.5.12 The City will only consider a full commercial land use on a buffer site, where the existing building is to be retained.</p>
Applicants Proposal:	Non-residential development on a site with a residential zoning which is not a buffer site.
Performance Criteria:	Not applicable.
Applicant justification summary:	<p><i>"In relation to the issue regarding the 'Buffer Site', the following comments are provided for the City to consider as part of its assessment:</i></p> <ul style="list-style-type: none"> • <i>The existing building on Lot 47 has been extensively developed for commercial purposes (i.e. a 'service station' & 'automotive repairs') for close to 100 years and accommodated 'Rino Orifici Auto Engineers' since 1970, a well known and iconic local business.</i> • <i>The existing building on Lot 47 is a purpose built commercial building and cannot be converted into a residential dwelling.</i> • <i>The proposed cafe has less of an impact on the adjoining properties than the previous use (i.e. service station & automotive repairs) which is akin to an industrial type use.</i> • <i>The proposed continuation of Lot 47 for commercial purposes will assist with the preservation of the building, which comprises heritage value to the local community.</i> • <i>The proposed cafe will result in the costly restoration of the existing building and showcase the previous business operator of the site for the benefit to the local community.</i> • <i>The City's DAC recommended that the building be converted and used as a cafe for the benefit of the local community. This application represents to direction given to our client by the City's DAC.</i> • <i>There are numerous existing commercial uses along Scarborough Beach Road that are not identified as either commercial lots or a 'buffer lot'."</i>
Officer technical comment:	<p>The proposed eating house is considered to be supportable in this instance, as the subject site functions similar to that of a buffer site.</p> <p>The subject site comprises an disused service station, which is also listed as a contaminated site by the Department of Environment and Conservation, which states:</p> <p><i>"The subject site has been classified as 'contaminated – restricted use' by the Department of Environment and Conservation. The land use of the site is restricted to commercial and industrial use. The site should not be developed for a more sensitive use such as recreational open space, residential use or childcare centres without further contamination assessment and/or remediation."</i></p>

Issue/Design Element:	Non-Residential Development Interface
	In light of the above, the subject site is considered to function as the buffer site, as the Department of Environment and Conservations information states that the subject site should not be developed with sensitive uses, such as residential.
	<p>Buffer sites permit uses which are of a low scale, low intensity and comprise interactive uses which may serve the day-to-day needs of the local resident population, which can generate pedestrian traffic and surveillance of the street.</p> <p>It is considered that the proposed eating house is of a small scale and low intensity, which provides a service that serves the needs of the local residents.</p> <p>As the proposal predominantly retains the existing building, and with the minor changes to the front facade of the building, it is considered not to interrupt the existing amenity of the locality. The proposed external changes to the building are not detrimental to the character of the building.</p>

Non-Residential Car Parking	
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> • Restaurant 1 space per 4.5 square metres of public area Public Floor Area: 84 square metres = 18.66 car bays Total car bays required = 18.66 car bays	= 19 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop/station) • 0.90 (provides 'end-of-trip' facilities) 	(0.765)
Minus the car parking provided on-site	= 14.535 car bays
Minus the most recently approved on-site car parking shortfall	10 car bays
Resultant shortfall	Nil
	4.535 car bays

In accordance with the City's Policy No. 3.7.1 relating to Parking and Access, the proposed shortfall of 4.535 car bays can be considered for the proposed eating house.

Clause 11 "Cash-in-lieu" of the City's Policy No. 3.7.1 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. The provision of an adequate supply of parking is the intent of this provision and, as such, the following matters apply:

- i) *cash-in-lieu provisions are only to be permitted in localities where the City already provides off-street public car parking which has spare capacity, or the City is proposing to provide or is able to provide a public car park (including enhanced or additional on-street car parking where appropriate) in the near future, within 400 metres of the subject development;*
- ii) *cash-in-lieu contributions may comprise all or part of the shortfall in onsite parking proposed for a development;"*

It is considered in this instance that the proposed 4.535 car parking shortfall to the eating house does not replace the developer’s responsibility to provide car parking as there is currently ten (10) car bays provided on-site. As stated in Clause 11 (above), cash-in-lieu is able to be considered where the full amount of car parking required cannot be provided for a development; as the proposal relates to a change of use to an existing building which comprises a portion of the car parking bays, it is considered to be in keeping with the Clause 11 of the City’s Policy No. 3.7.1 relating to Parking and Access.

Further to the above, Clause 22 “Minimum Parking Requirements” of the City’s Policy No. 3.7.1 states:

“In determining whether the proposed development should be refused on car parking grounds, the following percentages should be used as a guide:

- 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.”*

As the eating house requires 14.535 car bays, Clause 22 ii) of the City’s Policy No. 3.7.1 is applicable. In accordance with Clause 22 ii) a minimum of 2 car bays are to be provided on-site for the eating house for cash-in-lieu to be considered. As the development comprises ten (10) car bays being provided for the eating house (being 68.8 percent of the required bays) with the shortfall being 4.535 car bays; the proposed variation is able to be supported in this instance subject to the payment of cash-in-lieu.

Non-Residential Bicycle Parking	
Bicycle parking requirement (nearest whole number) Restaurant (84 square metres): <ul style="list-style-type: none"> • 1 space per 100 square metres public area (class 1 or 2) = 0.84 spaces • 2 spaces plus 1 space per 100 square metres of public area (class 3) = 2.84 spaces <u>Required</u> Class 1 or 2: 0.84 spaces = 1 space Class 3: 2.84 spaces = 3 spaces	Proposed 5 bicycle spaces

The number of bicycle parking spaces for the eating house has been provided in accordance with the City’s Policy No. 3.7.1 relating to Parking and Access. It is recommended that be a condition of approval that bicycle parking is provided in accordance the City’s Policy No. 3.7.1 relating to Parking and Access.

COMMENTS:

Planning Services

On 26 June 2013, the applicant submitted amended plans which removed the proposed residential component of the development, with the application proposing partial demolition of existing service station and construction of eating house, with incidental vintage car storage and display area, and associated car parking.

Following Council’s deferral of the application and the submission of the additional information, the City’s Officers had a meeting with the applicant on 30 July 2013 and discussed the proposed variations.

On 2 August 2013, the applicant provided the following additional information:

“The revised plans include the following key changes:

1. *The site & demolish plans clearly illustrates the existing service station canopy and proposed retention of the canopy.*
2. *A note illustrating that the footpath will be constructed of brushed concrete to the City’s specifications.*
3. *Further details regarding the disabled parking bay and the location of the landing area within the verge. As such the application proposes ten (10) on-site bays.*
4. *The width of the proposed crossover to Hardy Street being decreased to 5 metres.*
5. *The entry door to the cafe being changed to open inwards. An alternative exit doors has been added to the Scarborough Beach Rd frontage opening outwards to accommodate for a fire escape.”*

“In addition to the above, we request that the City has due regard to the historical significant of the existing building and our client’s desire to preserve the building in recognition of the contribution Mr Rino Orifici made to the local community, which was documented in a short film funded by the City of Vincent.”

The plans stamp-dated 2 August 2013 and amended plan stamp-dated 13 August 2013, are considered to be in keeping with the desired character of the locality.

It is noted that the subject site is currently listed on the City’s Non-Conforming Use Register, as non-conforming use No. 23. It is noted that the subject site has been vacant for a period of time and further investigation will be carried out by the City’s Strategic Planning Services to determine the status of the non-conforming use rights.

Health Services

The City’s Health Services have advised that the subject site has been classified as ‘contaminated – restricted use’ by the Department of Environment and Conservation. The land use of the site is restricted to commercial and industrial use. The site should not be developed for a more sensitive use such as recreational open space, residential use or childcare centres without further contamination assessment and/or remediation.

The applicant has addressed the City’s Health Services comments, as the proposal has removed the residential component, with the development relating to an eating house and incidental vintage car storage and display area.

Further to the above, 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. In the instance a development approval is granted on the subject site, it the owners responsibility to ensure the relevant approval is sought from the Department of Environment and Conservation.

CONCLUSION:

In view of the above, the application is supportable as it complies with the City’s Town Planning Scheme No. 1, the City’s Policy No. 3.5.12 relating to Development Guidelines for Commercial and Mixed Use Developments and Policy No. 3.7.1 relating to Parking and Access. Accordingly, it is recommended the application be approved subject to standard and appropriate conditions and advice notes.

9.2.5 LATE ITEM: Leederville Town Centre Enhancement Project - Oxford Street Proposed Additional Tree Planting - Progress Report No. 4

Ward:	South	Date:	23 August 2013
Precinct:	Oxford Centre (4)	File Ref:	ADM0106 & TES0234
Attachments:	001 – Location of Proposed Trees 002 – Aerial Photograph 003 – Photo of Tree Species		
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;

- NOTES** the recommendation of the Leederville Town Centre Working Group (LTCWG) meeting held on 22 August 2013 to plant seven (7) trees comprising an alternating mix of Eucalyptus leucoxylon ‘rosea’ – Red Flower Yellow Gum and Jacaranda mimosaeifolia, along the eastern verge of 17/663 Newcastle Street to 5/106 Oxford Street (between ‘Ria’ Malaysian restaurant and ‘Cranked’ coffee shop); and
- APPROVES** the planting of the seven (7) trees, as outlined in Clause 1 above and as shown on the attached plan (Attachment 001), at an estimated cost of \$5,600.

COUNCIL DECISION ITEM 9.2.5

Moved Cr Maier, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council’s approval to plant seven (7) additional street trees along the Oxford Street verge between ‘Ria’ Malaysian restaurant and ‘Cranked’ coffee shop.

BACKGROUND:

At the previous meeting of the Leederville Town Centre Working Group (LTCWG) held on the 11 July 2013 the group members congratulated the City’s staff on the recent planting of the Eucalyptus maculata – Spotted Gums down the central median of Oxford Street.

It was subsequently decided that the further planting of trees along the verge area between the Ria’ Malaysian restaurant and ‘Cranked’ coffee shop should be deleted from the Oxford Reserve redevelopment contract and the works undertaken ‘in-house’ by the City staff.

DETAILS:

The tree selected for this location is required to be around 6-8 metres in height and have a spreading canopy. The Landscape architect initially recommended Eucalyptus forrestiana – Fuchsia Gum however its availability was questioned by staff.

Subsequently, availability of suitable trees has been investigated by staff and the following species were selected and put to the LTCWG for their review and recommendation.

Eucalyptus leucoxylon 'rosea' – Red Flower Yellow Gum

This tree is readily available at all times and in large semi mature specimens up to 3.5 metres in height; it's a proven performer in the urban environment and would be most suitable in this location. Has an abundance of red flowers and will provide a significant canopy cover of the verge and Oxford Street.

Eucalyptus spathulata – Swamp Mallee

This tree was selected as there is currently one existing and in good health and condition within Oxford Reserve on the same alignment as the proposed planting. This is an attractive tree, however rather slow growing and not always available at local nurseries.

Eucalyptus wandoo – White Gum

This tree was selected mainly due to the sizes currently available – up to 4 metres. A tree with a white trunk and ultimately would grow to in excess of 10 metres in its natural environment. Slow growing and not necessarily available every year in large containers should vandalism occur.

Eucalyptus forrestiana – Fuchsia Gum

This tree was selected by the landscape architect and is a very attractive specimen; however being a mallee its overall shape and suitability is questionable for this location. Slow growing and again not always readily available.

Eucalyptus vitrix – Little Ghost Gum

An attractive small tree that is now being used throughout the urban environment by local governments. Specimens in Vincent are doing well, however whilst it's readily available, they are small and the trees when young are quite spindly and prone to vandalism, therefore this is not necessarily a good choice for Oxford street.

CONSULTATION/ADVERTISING:

Local businesses and the community will be advised of the Council decision.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: This proposal in the longer term will provide more shade and improve the aesthetics of this section of Oxford Street.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

Consideration has been given whilst progressing this project to ensure that sustainable options are investigated and included within the final design of the areas to be upgraded where practicable.

FINANCIAL/BUDGET IMPLICATIONS:

As indicated in the previous reports to the Council the estimated cost of implementing the park upgrade, excluding the cost of the playground, is \$1.05m.

Current Funding 2012/13:

An amount of \$400,000 has been included in the 2012/2013 budget for the Leederville Town Centre – Streetscape Enhancement Project, including but not limited to the future upgrade of the Oxford Street Reserve, Water Corporation Reserve and the Oxford Street – Newcastle Streetscape.

Future Funding 2013/14:

An amount of \$1,050,000 has been listed for consideration in the 2013/14 draft budget for the Leederville Town Centre – Streetscape and Park Enhancement Project.

As indicated previously the overall 'proposed' scope of the Leederville Streetscape and Park Enhancement is as follows:

- Oxford Street Reserve - \$1,145,000;
- Playground – cost to be determined (estimated \$0.4m+);
- Oxford Street/Newcastle Street Streetscape – costs to be determined following further development of the design options by the landscape architect and the LTCWG; and
- Water Corporation Reserve – costs to be determined following further development of the design options by the landscape architect consultants and the LTCWG.

The total estimated cost of the supply/planting of the seven (7) trees, including traffic management and relocation of the rubbish bin and ticket machine is \$5,600 which will be sourced from the Leederville Town Centre Enhancement project.

It should be noted that this portion of the works was originally included in the park upgrade estimate, however due to the excellent work that the City recently completed in planting the median trees, the LTCWG recommended that this portion of the contract now be undertaken 'in-house'.

COMMENTS:

It is therefore recommended that the Council approves the planting of the seven (7) trees comprising an alternating mix of *Eucalyptus leucoxylon* 'rosea' – Red Flower Yellow Gum and *Jacaranda mimosaeifolia*, along the eastern verge of 17/663 Newcastle Street to 5/106 Oxford Street (between 'Ria' Malaysian restaurant and 'Cranked' coffee shop), at an estimated cost of \$5,600.

9.3.2 Authorisation of Expenditure for the Period 1 – 31 July 2013

Ward:	Both	Date:	16 August 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 July – 31 July 2013 and the list of payments;
2. Direct lodgement of payroll payments to the personal bank account of employees;
3. Direct lodgement of PAYG taxes to the Australian Taxation Office;
4. Direct lodgement of Child Support to the Australian Taxation Office;
5. Direct lodgement of creditors payments to the individual bank accounts of creditors; and
6. Direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;

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

COUNCIL DECISION ITEM 9.3.2

Moved Cr Maier, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
Nil.		

PURPOSE OF REPORT:

To present to the Council the expenditure and list of accounts approved by the Chief Executive Officer under Delegated Authority for the period 1 July – 31 July 2013.

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	74525 - 74663	\$223,665.81
Transfer of Creditors by EFT Batch	1552, 1555, 1556, 1558-1560	\$2,655,847.21
Transfer of PAYG Tax by EFT	July 2013	\$273,315.15
Transfer of GST by EFT	July 2013	
Transfer of Child Support by EFT	July 2013	\$2,267.32
Transfer of Superannuation by EFT:		
• City of Perth	July 2013	43,514.30
• Local Government	July 2013	152,562.10
Total		\$3,351,171.89
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$8,672.01
Lease Fees		\$98,856.83
Corporate MasterCards		\$17,659.72
Loan Repayment		\$194,101.70
Rejection fees		\$105.00
Total Bank Charges & Other Direct Debits		\$319,395.26
Less GST effect on Advance Account		0.00
Total Payments		\$3,670,567.15

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.

9.4.1 Cat Act 2011 Implementation – Progress Report No.1

Ward:	Both	Date:	16 August 2013
Precinct:	All	File Ref:	ENS0014
Attachments:	001 – Cat Act 2011: A guide for Local Governments (2013)		
Tabled Items:	Nil		
Reporting Officers:	M Wood, Acting Manager Ranger and Community Safety Services P Betts, Project Officer Ranger Services		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the Cat Act 2011 Implementation – Progress Report No.1 concerning the implementation of the Cat Act 2011.

COUNCIL DECISION ITEM 9.4.1

Moved Cr Maier, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of the report is to inform the Council on progress that has been made with the implementation of the final phase of the Cat Act, which comes into effect on the 1 November 2013.

BACKGROUND:

At the Ordinary Meeting of Council held on 27 July 2010, the Council adopted the following resolution and provided the City's comments to the WA State Governments proposal to introduce cat legislation:

“That the Council;

- (i) RECEIVES the Department of Local Government's – Proposal for Domestic Cat Control Legislation - Consultation Paper, as “Laid on the Table” and electronically attached;*
- (ii) SUPPORTS IN PRINCIPLE the proposed introduction of Statewide Cat Control Legislation; and*
- (iii) AUTHORISES the Chief Executive Officer to provide the Town's comments in relation to the proposal to introduce domestic cat legislation, as “Laid on the Table” and electronically attached.”*

Since this time, the Department of Local Government has developed the Cat Act 2011 and proposed a phased introduction of this legislation by all Local Governments.

The Cat Act 2011 has been introduced to:

- Provide for the control and management of cats; and
- Promote and encourage the responsible ownership of cats.

The Cat Act has been implemented in two (2) phases, the first phase of the Act being effective from 1 November 2012 and helping provide Local Government with the necessary powers to prepare systems prior to the entire Act commencing on 1 November 2013.

Phase Two of the Act details the requirements which will be placed upon cat owners and which will be enforced by Local Government. These requirements are registration, identification by micro-chipping and sterilization of cats. Phase Two of the Act comes into effect on 1 November 2013.

As there are a number of responsibilities placed upon Local Government within the Cat Act 2011, it has been necessary for the City of Vincent to introduce new systems and procedures so as to be able to administer the legislative requirements of the Act which come into force on 1 November 2013.

DETAILS:

Legislation

The second and final phase of the Cat Act 2011 will come into force on 1 November 2013. This phase of the Act details the requirements that cat owners must adhere to, as well as the responsibilities that will be placed upon Local Government in terms of enforcing these requirements. The requirements placed upon cat owners, and to be enforced by Local Government, are the registration, identification by micro-chipping and sterilisation of cats.

The City of Vincent has had to prepare for the implementation of Phase Two of the Cat Act by introducing new systems and administrative procedures to ensure that the requirements of the Act can be efficiently administered.

In early 2013, a Cat Act Working Group was formed by Ranger and Community Safety Services staff. The aim of the group is to prepare and implement all necessary systems, procedures and administrative functions to ensure the Cat Act is successfully implemented. Issues of discussion are detailed below.

Cat Seizure and Cat Management Facility

The City of Vincent is currently in negotiations with the Cat Haven to finalise an agreement whereby the Cat Haven will trap and capture stray cats as per section (s).27 of the Cat Act 2011; house the cat (s.28); re-unite cats with their owners (s. 28 and s.30); euthanize cats humanely (s.49); register, micro-chip and sterilise cats (s.5, s.6, s.14 and s.18) and also provide veterinary services if required. The Agreement, will be for the period 1 November 2013 until 31 October 2016 with a twelve (12) month trial period incorporated into the Agreement as well as a three (3) month review period from commencement and six (6) monthly reviews thereafter.

After careful consideration by City of Vincent staff, it was decided that it was not viable for the City to construct its own Cat Management Facility or fit-out Ranger vehicles for the collection and transportation of cats. This was due to significant costs that would be required to refit the City's current Dog Pound facility at the Works Depot in Osborne Park, along with significant resources required to handle cats which would be ongoing. Aspects of co -locating cats and dogs were considered and on advice from the RSPCA and animal experts, this was also determined as not suitable. Staff costs were considered, with the current handling rate as offered by the Cat Haven not able to be provided cheaper internally or elsewhere. Therefore, the City is negotiating with the Cat Haven so that the trapping and housing of stray cats found in Vincent can be performed. The Cat Haven will also be able to perform cat registrations for the City, as well as provide a sterilisation and micro-chipping service.

City of Vincent staff have inspected the Cat Management Facility at the Cat Haven and are very satisfied with the facility and its staff who will be responsible for trapping, transporting and housing cats.

The fees for the trapping and housing/impounding of cats are:

Daily Impound: \$25.00 per day
Trapping: \$40.00 per hour
Surrender: \$25.00

The daily impound fee includes sustenance, veterinary costs and euthanasia (if applicable), including removal of body costs.

Registration, Sterilisation and Micro-chipping of Cats

Section 5 of the Cat Act 2011 requires all cats that have reached six (6) months of age to be registered. Registration of cats within the City of Vincent can be undertaken at the City's Administration and Civic Centre, as well as at the Cat Haven and My Best Friends Veterinary Centre on Oxford Street.

The Authority software system, which performs numerous functions including the registration of dogs, will also be used to register cats. At present, City of Vincent staff are performing tests in the Animal Registration module to determine if cat registrations can be successfully completed. This testing is being performed in-house and any technical issues that cannot be resolved will be handled by Civica, the Authority software support contractor.

By late December 2013, it will be possible to register cats on-line. The City of Vincent is a member of the Civica WA Users Group and along with the Cities of Armadale, Cockburn and Mandurah and the Town of Kwinana, Vincent has contributed \$1,650.00 towards an on-line dog and cat registration module.

The City is currently negotiating with both the Cat Haven and My Best Friends Veterinary Centre to provide a subsidised sterilisation service and micro-chipping service for cat owners who live in the City of Vincent.

Grant Application

The Department of Local Government offered a grant to assist with the sterilisation of cats owned by pensioners and low income-earners. The City forwarded an application for \$5000 (excl. GST) detailing a programme called 'Cats Only Have One Life', which emphasised the positive aspects of the new Act to cat owners (reduction of cats being euthanized; reducing the impact cats have on the environment and reducing the number of cats living in poor conditions and in poor health). The 'Cats Only Have One Life' programme also details the generous subsidies available for sterilisation of cats owned by pensioners and low-income earners. The application was lodged on 25 July 2013, and successful applicants will be announced by the WA State Government in approximately 3 months time.

Consideration of Cat Local Law and Policy

There are no mandatory requirements to introduce Cat Local Laws and indeed the City is not aware of any adjacent Inner City Local Governments introducing such local laws. At this time, the interim Local Government Guidelines for Cats is deemed sufficient. If the City in the future determines more powers are needed for the City to enforce specific issues concerning cats that are not detailed in the Cat Act itself, this can be introduced.

A Cat Policy will be developed, in addition to the Interim Local Government Guidelines for Cats which will provide further guidance and direction in regard to the administration of the Cat Act 2011.

Authority System

The Authority System is used by the City for, amongst other things, animal registration. The system will be upgraded by Civica (system support contractor) before 1 November 2013 so as to allow cats to be registered on the Authority System.

Internal Processes and Administration

City of Vincent staff have prepared relevant forms based upon requirements detailed in the Cat Regulations 2012 Schedule 1 Forms. These forms include; registration; cat control notice; certificate of approved breeder; warrant to enter, search and seize; infringement notice; withdrawal of infringement notice and objection forms.

The City will be purchasing registration tags which will be given to cat owners when they have registered their cats. A number of registration forms and tags will also be given to the Cat Haven and My Best Friends Veterinary Centre so as to allow them to perform registration on behalf of the City. From information provided by the Department of Local Government (as shown in Appendix 9.4.5 – Cat Act 2011: A guide for Local Government) colours have now been determined for (1) year registration; three (3) year registration and life-time registration.

The Department of Local Government has determined fees for Cat Registration to be aligned with Dog Registration and have proposed fees taking into consideration principles of social fairness and affordability to encourage people to register their pets.

Proposed Cat Registration Fees

Fee	Amount
Annual registration of a cat, unless concessional fees applicable	\$20
Concessional registration fee:-	
• Three year registration period	\$42.50
• Pensioners	\$21.25
• Lifetime Registration period	\$100
• Pensioners	\$50
• Registration after 31 May in any year, for that registration year	50% of fee payable otherwise
Annual application for approval or renewal of approval to breed cats (per cat)	\$100

The fee structures will take effect once gazetted by the WA State Government and will be effective from 1 November 2013.

CONSULTATION/ADVERTISING:

There is no need to undertake public consultation. However, advertising will be placed on the City's website and Facebook (at no financial cost) to ensure residents are aware of the legislation. This has already commenced with information posted on the City's webpage which can be searched for under 'cats', along with media release and posts on Facebook planned prior to the legislation coming into effect on the 1 November 2013. As detailed under 'Financial Implications' in this report, a number of other promotional materials will be developed to assist community awareness of Cat Act requirements and cat owners responsibilities under this legislation.

LEGAL/POLICY:

The City of Vincent, Cat Haven and My Best Friends Veterinary Centre staff who perform cat registrations on behalf of the City of Vincent will need to be authorised to perform this task. This will be given under delegated authority, whereby Council Delegation No. 10 authorises the Chief Executive Officer to formally appoint Authorised Persons.

The Council has currently a Policy No. 3.9.9 relating to 'Dog Control' and a similar policy will be developed for Cats to provide guidance and direction in regards to the administration of the Cat Act 2011.

STRATEGIC IMPLICATIONS:

This aligns with the City of Vincent *Strategic Plan 2011 – 2016*, where Objective 4.1.5 states:
'Focus on stakeholder needs, values, engagement and involvement.'

RISK MANAGEMENT IMPLICATIONS:

Should either party terminate the agreement between the City and the Cat Haven, it will be necessary to source funds for the construction of a suitable facility or to form a partnership with another Local Government Municipality that has a suitable facility. This risk is however considered unlikely and if it did eventuate, a partnership with another Local Government would be the most viable option.

SUSTAINABILITY IMPLICATIONS:

The City has entered into an agreement with the Cat Haven to trap and house cats as the most sustainable, humane and ethical option. This decision was based upon the fact that at present the City of Vincent lacks facilities capable of housing impounded cats and the Cat Haven has well established expertise and a dedicated cat facility to handle and house cats found in Vincent.

FINANCIAL/BUDGET IMPLICATIONS:

The City of Vincent has \$6,100 on budget to assist with sterilisations of cats in the 2013/2014 financial year. The City will spend approximately \$2,000 promoting Phase Two of the Cat Act via promotional materials in the Administration Centre, Library and Beatty Park Leisure Centre. The Cat Haven agreement specifies costs as being \$25 per day for housing/impounding; \$40 per hour for trapping fee; and \$25 for cat surrenders.

COMMENTS:

This report summarises the various issues that the Cat Act Working Group has had to consider and action so as to successfully implement the second and final phase of the Cat Act. The final phase of the Cat Act comes into force on 1 November 2013 and it is imperative that all necessary procedures, policies and processes are in place. Due to the impracticality of the City having its own Cat Housing Facility, it has been necessary to form a partnership with the Cat Haven to ensure that the important requirements of cat trapping and cat housing are correctly adhered to. With the considerable experience and resources that the Cat Haven has, this arrangement should be viewed as being very beneficial to the City of Vincent.

9.4.2 nib Stadium “Residents Only” Parking Restrictions – Consideration of Further Submissions

Ward:	South	Date:	16 August 2013
Precinct:	Beaufort, P13	File Ref:	RES0051
Attachments:	001 – nib Stadium (current) Residential Parking Zones 2013		
Tabled Items:	Nil		
Reporting Officer:	M Wood, Acting Manager Ranger and Community Safety Services		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

- 1. CONSIDERS the forty-two (42) submissions received concerning the nib Stadium Residential Parking Zones; and**
- 2. APPROVES the current area covered by nib Stadium “Residents Only” Parking restrictions with no changes, as shown in Appendix 9.4.2 (Attachment 001).**

COUNCIL DECISION ITEM 9.4.2

Moved Cr Maier, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the outcome of the further public consultation with residents of the nib Stadium parking exclusion zone, excluding area 5 which was previously consulted and reported to the Council on 28 May 2013. This consultation was regarding the proposed reduction in the area covered by nib Stadium “Residents Only” parking restrictions in Area 1, as shown in Appendix 9.4.2.

BACKGROUND:

At the Ordinary Meeting of Council held on 28 May 2013, the Council approved a consultation process to re-assess the level of support from the residents for reducing the area covered by nib Stadium parking restrictions. The resolution was as follows:

“That the Council;

- 1. CONSIDERS the nineteen (19) submissions received concerning the parking area;*
- 2. APPROVES the current area covered by nib Stadium “Residents Only” Parking restrictions with the exception of Mary Street; and*
- 3. REMOVES Mary Street from the area covered by the nib Stadium “Residents Only” parking restrictions, as shown in Appendix 9.4.5, Plan No. 2447-PP-3 (2013-14).”*

There has been conjecture that the nib Stadium ‘Residents Only’ parking restrictions have extended too far from the Stadium. Some of the streets in Area 1, as outlined in the nib Stadium (current) Residential Parking Zones contained commercial properties and it was questioned whether the need for residential restrictions was still required.

DETAILS:

Community Consultation

In accordance with the Council's decision on 12 February 2013, letters were distributed to residents in the nib Stadium parking exclusion zone, except Area 5. One thousand, six hundred and twenty one (1,621) letters were distributed. At the close of the consultation on 12 July 2013, thirty-two (32) responses were received with seven (7) in favour of the proposal and twenty-two (22) against the proposal and three (3) 'other'.

Consultation Breakdown

Street Consulted	<i>In Favour of the Proposal</i>	<i>Against the Proposal</i>	<i>Other</i>
Summers Street			1
Knebsworth Avenue			1
Baker Avenue	1		1
Parry Street*		3	
Braid Street*		1	
Brewer Street*		3	
Broome Street		3	
Grant Street		1	
Chapman Street	1	1	
Marlborough Street		2	
Lacey Street*		1	
Smith Street		1	
Wright Street	1	1	
Lincoln Street	2	1	
Summers Street		1	
Lane Street		1	
Knebsworth Avenue		1	
Edward Street		1	
Wade Street	1		
Harold Street	1		
Total	7	22	3
*Denotes comments received from residents within affected area			

Related Comments *In Favour of the Proposal*

- All parking areas not being used (usually night time) should be available to patrons going to nib Stadium as long as verges and driveways are not parked on. The fact is the 'oval' nib Stadium has been here many many years. Residents complain on any given opportunity. One reason is for 'renters' who have three or more vehicles all wanting to park on street; simply too many cars on one property...
- I have noticed game days there is ample parking available in the area. In fact, I am antagonised by the fact Rangers ticket visitors and guests not displaying permits when there is an abundance of parking spaces...
- Good idea!
- I do not agree with deleting zone from the south side of Parry Street – as that is residential. The north side is okay as this is commercial.
- (3) no further comment.

Related Comments Against the Proposal:

- I have only street parking [on Parry Street] and there is no provision to park on my property and would almost certainly breach heritage laws if I attempted to do so...Even with parking restrictions in my street at times, it has been impossible to find a parking spot. I can think of no other explanation that this proposal is a deliberate campaign of discriminatory behaviour by Vincent against tenants of public housing...This proposal only seeks changes where there are public housing tenants!
- Many of the streets to be excluded from parking restrictions during events at nib area are certainly well within the area in which the average motorist would park and walk to the Stadium. On event days, we routinely see numerous cars on Braid and Parry Streets obviously searching for parking. The removal of parking would inevitably lead to parking in these streets on verges, across driveways, etc. as well as in marked bays.
- I cannot support the proposed reduction to restricted area in all aspects. Namely, Parry Street (South side) from Gregson Street to Lord Street and Pier Street (east side) between Newcastle and Parry Streets (Tassia Court).The times that the restrictions apply are during day time and early evening. This is when many residents have medical people, visitors, carers and many of these homes have no parking whatsoever... most of the residents in this vicinity [Parry Street] are State Housing, many have a disability, aged or some sort of illness.
- There are 8 people that live in this shared place [on Parry Street] and we don't have enough parking permits as is, so we don't want this please..
- As owner of... Brewer Street, I am not in favour of this proposal. Brewer Street is directly opposite the nib Stadium and is affected by congestion directly related to events. There is onsite parking on this property, but it is often usual I can't park on site. Without street parking, I could not gain access to my property. Parking restrictions should remain in Brewer Street, as well as streets affected by this proposal.
- Please remove Zone; 6 we currently have to park on road. When there is an event at nib Stadium we cannot park [Grant Street].
- I am not in favour of reviewing parking restrictions in my Area 2. I do not support any amendment to existing street parking restrictions.
- Not a good idea. Today being an event day I was unable to get parking in the residential parking area...There are numerous people that do not care about a fine and they share it between a car load of people and park illegally. I cannot put a driveway on my house [Lacey Street] due heritage restrictions placed on me...
- nib Stadium visitors sometimes park in our car park [Brewer Street] behind the building that is intended for residents/visitors only. It's a nightmare to find a park for my friends, because of nib visitors. I do not agree with reducing the restrictions.
- People don't plan ahead their parking coming to nib Stadium that only creates problems. It isn't right to take away our personal parking spaces [Wright Street]. Don't take away our restrictions on parking please!
- I am in favour of keeping all parking restrictions and would support parking permits to be provided 24/7. Too many people park just off Beaufort Street and catch the bus to work.... Full resident parking should be enforced...
- I live on Smith Street... in very close proximity to the nib Stadium. I am opposed to the reduction of the parking exclusion zone as it is already hard for my visitors to find parking on my street on weekdays and especially the weekend. I live in a multi tenancy property with 40 units and only 6 visitors' bays..Maybe further away from the stadium where there is not a lot of multi tenancy properties, I feel it may be feasible for exclusion zone to be reduced.
- The residents on Mary Street should not be inconvenienced by parking issues at event times... I support all residents' rights to parking access. If event includes a public transport ticket, I don't see the rationale for lifting restrictions. As a resident though, I support the reduction in number of vehicles around the district and encourage people to use public transport.
- We are too close to the nib Stadium to be part of lifting restrictions, evidenced by the number of people parking at East Perth Station car park.
- There is not enough parking for residents on Broome Street even on days when there is no event taking place at nib Stadium.

- Our street [Lane Street] is a very narrow street where owners/occupiers in most homes don't have onsite parking and rely on bays on the street for parking. It would be unacceptable to have to park 100's of metres away to get to their own homes.
- Keep the parking restrictions as they are in my street [Knebsworth Avenue]...I have no problem with parking because of nib Stadium, the games only last 2 hours then they go. My only problem is Monday to Friday 8.30am to 6.30pm. Before parking restrictions, my street was a car park.
- I oppose restrictions being lifted on Edward Street. As a resident, this is largely difficult to find parking due to the number of people parking without permits and event days. Whilst there is mostly commercial, there are an increasing number of residents in the area as the mix of buildings change.
- No further comment [Broome Street].
- No further comment [Marlborough Street].
- No further comment [Brewer Street].
- No further comment [Chapman Street].

Related Other Comments

- I have no comment on whether parking restrictions should be removed in proposed areas, as I don't use those streets. I write to express support for the continuation of parking restrictions in residential streets surrounding nib Stadium. Many of the houses are older and rely on street parking. In the absence of parking restrictions during events, it becomes impossible for residents and guests to park.
- The area is away from our residence [in Knebsworth Avenue], so it would be wrong for me to comment. I am in favour of all restrictions being abolished. We live in the City and one cannot expect to park at ones doorstep every time as a lot of people expect too. We are motorists and have two cars.
- Baker Avenue need to continue residential parking as it is a narrow street, close to the Stadium, opposite Brisbane Hotel. We always get good Ranger support.

Officer Comment:

The majority of respondents are against the proposal for a reduction in the area covered by nib Stadium "Residents Only" parking restrictions. 22 comments were *not in favour*; however, only 8 comments were received from residents directly affected by these proposed changes. Of the 7 *for* the proposal, all were outside of the affected area of proposed changes.

It is therefore considered that there should be no changes to the nib Stadium "Residents Only" restrictions.

CONSULTATION/ADVERTISING:

Residents will be informed of the Council's decision.

LEGAL/POLICY:

There is no legal consequence of the recommendation. As the restrictions and signage is already in place, there is no need for the City's Rangers to place the usual two (2) week moratorium on issuing Infringement Notices.

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 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:

As the nib Stadium restrictions are already in place, minimal costs will be incurred. The City already has a "signage" Budget to continue the maintenance of signage and retain restrictions.

COMMENTS:

Continued strong feedback has been received from residents that nib Stadium Parking restrictions as currently in place do afford benefits in minimising the impact of parking inundation on streets as outlined in Area 1. The observations on parking from residents are that drivers of vehicles do walk far to obtain free parking and are not deterred (without nib Stadium parking restrictions) to park in these areas. The consultation also confirms that a high number of the properties within this area are residential, including public and high density housing and, therefore, the need for "Residents Only" parking remains.

It is therefore recommended that no changes be made to the current nib Stadium parking restrictions.

9.4.3 City of Vincent Film Project – Community Film

Ward:	Both	Date:	16 August 2013
Precinct:	All	File Ref:	FIN0172
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	Y Coyne, Coordinator Arts & Creativity J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council **APPROVES** the City of Vincent Community Arts Film Project, to be a short documentary focusing on the community's response to the Government of Western Australia proposal to split the City of Vincent between the City of Perth and City of Stirling.

COUNCIL DECISION ITEM 9.4.3

Moved Cr Maier, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

PURPOSE OF REPORT:

To obtain Council approval for a topic for the City of Vincent Community Arts Film Project.

BACKGROUND:

At the Ordinary Meeting of Council held on 26 April 2005, the Council approved the Community Arts Film Project.

As part of the Community Arts Program, a series of short films are commissioned by the City of Vincent in collaboration with the Film and Television Institute (FTI). The films are screened as a community film event held in the City of Vincent each year. The commissioned films are made in the City of Vincent and include drama and documentary films. The films are made with the view that the target audience would be residents of the City of Vincent.

The films offer the audience the opportunity to glimpse into and reflect on different aspects of their community. In the past, different community groups have been highlighted.

Four films are commissioned with an duration of approximately five minutes. The categories are:

- **Portraits of Vincent.** A documentary styled film. Looking at a particular person or group living or working within the City.
- **Incident in Vincent.** A narrative based film set in the City of Vincent.
- **Open category.** This film is only limited to the filmmaker being a resident.
- **Community collaboration** A film made between an experienced film maker and specific community in the City of Vincent. In 2012, this was the Artists in Residence documentary and previously Vincent community groups have been the focus.

The first three categories are a direct commission between emerging film makers and the City of Vincent and FTI.

Timeline	
June 2013	Film Project Launch – advertising begins
28 August 2013	Applications close
September 2013	Announcement of successful applicants
July to December 2013	Production of films
February 2014	Screening of films as part of the Summer Concerts

The screening of the films at Banks Reserve on the large inflatable screen has been a successful event in Vincent’s event calendar. The screening night includes a band, the short films and then a popular PG or G rated family movie is played as part of a free community event.

DETAILS:

The Film and Television Institute manage both the Film Project and the Community Film. The Community Film is focused on a topic or community group chosen by the City of Vincent. In the past, the films have focused on such topics as the Macedonian Community, dog walking groups, the history of the Luna Cinema, and Manna Industries to name a few.

Recently, the proposed Local Government amalgamation boundaries were released by the State Government. There has been much discussion on the topic amongst the community – much of which through social media, which can be seen on the City’s Facebook page. The resounding message is clear – the local community support the whole of Vincent being amalgamated into the City of Perth, rather than be split into Stirling.

There is an overwhelming sense of pride, unity and support amongst the community to band together. This was evident in a recent community rally on 10 August 2013 on Angove Street, where approximately 1200 people attended. A petition is also being presented to the Premier.

As an archive of our local history, documenting this important community event is vital. Filmmakers were hired to capture footage of the Community Rally and can see the project through to the final amalgamation decision.

The focus on the film will not be about any political agendas, it will be about why the community are banding together, the community spirit and importance of maintaining our urban villages.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS:

Low.

STRATEGIC IMPLICATIONS:

The City of Vincent’s Plan for the Future, *Strategic Plan 2011 – 2016*, Objective 3 states as follows:

“Community Development and Wellbeing

3.1 *Enhance and promote community development and wellbeing:*

3.1.1(b) *Encourage and promote cultural and artistic expression throughout the City.”*

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

This will form part of the Community Film Project, in which FTI is commissioned to provide the service.

Budget: \$10,000.

COMMENTS:

The State Government's plans to split the City of Vincent between the Cities of Perth and Stirling is a major event that affects many people. It is important to document this historical event for preservation in our Local History Centre.

9.5.2 Tamala Park – Extension of Lease of Telecommunications Compound

Ward:	Both	Date:	16 August 2013
Precinct:	All	File Ref:	PRO0739
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	M Rootsey, Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES Crown Castle Australia remaining in occupancy of portion of Lot 118 Marmion Avenue, Tamala Park as a six monthly tenant under the terms of clause 6.2 of the lease with Crown Castle Australia, which expires on 31 October 2013.**

COUNCIL DECISION ITEM 9.5.2

Moved Cr Maier, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

PURPOSE OF REPORT:

To seek Council approval for the implementation of the Holding Over clause of the Lease to Crown Castle Australia of portion of Lot 118 Marmion Avenue, Tamala Park, for telecommunications purposes.

BACKGROUND:

In 1998 the Cities of Stirling, Joondalup and Perth entered into a lease for portion of Lot 17 Marmion Avenue, Tamala Park, with Vodafone Network Pty Ltd. The lease was for a five year term with Vodafone having the option for three further five year terms. The three further five year term options were all exercised and the final option term is due to expire on 31 October 2013.

After the lease agreement was executed, the City of Joondalup later became the City of Joondalup and the City of Wanneroo. Lot 17 Marmion Avenue became Lot 118 Marmion Avenue. In 2001 the City of Perth's original interest in the land was divided equally between the City of Perth, the Town of Cambridge, the Town of Victoria Park and the Town (later City) of Vincent.

There are currently seven owners of the Tamala Park site, with varying proportions of ownership.

Local Government	Portion of Ownership Lot 118 Marmion Avenue
City of Stirling	$\frac{1}{3}$
City of Joondalup	$\frac{1}{6}$
City of Wanneroo	$\frac{1}{6}$
City of Perth	$\frac{1}{12}$
City of Vincent	$\frac{1}{12}$
Town of Cambridge	$\frac{1}{12}$
Town of Victoria Park	$\frac{1}{12}$

In 2001 the owners agreed to allow transfer of the lease from Vodafone Australia to Crown Castle Australia. Crown Castle Australia owns the telecommunications tower on the site and sub-leases space on the tower to various telecommunications carriers.

DETAILS:

The following conditions apply to the existing lease:

- Existing lease expires 31 October 2013;
- Approval to implement Holding Over clause for six months whilst new lease is negotiated; and
- Approval of seven owners is required to implement Holding Over Clause, and to enter a new lease.

The current lease to Crown Castle Australia of portion of Lot 118 Marmion Avenue, Tamala Park, expires 31 October 2013. Officers of the owner local governments have obtained a valuation for lease of the site and are in discussion with Crown Castle Australia in an attempt to reach an agreed position on a new lease for the site. A report will be presented to each of the owner local governments following completion of discussion with Crown Castle Australia.

There is insufficient time remaining to agree in principle the terms of a new lease and have reports presented to and endorsed by all owner local governments prior to 31 October 2013.

Clause 6.2 of the existing lease states:

6.2 Holding Over

If the Lessee with the consent of the Lessor continues to occupy the Premises after the termination of this Lease, then the Lessee is a six monthly Lessee of the Premises and:

- The tenancy may be terminated by the Lessor or the Lessee giving to the other at least six month's written notice which may expire on any day;*
- The six monthly rent is an amount equal to $\frac{6}{12}$ th of the aggregate of the Annual Rent and Outgoings payable for the twelve (12) months immediately preceding the termination; and*
- Subject to this clause 6.2, all the provisions of this Lease apply (with necessary modifications) to the six monthly tenancy except any option for a new lease of the Premises.*

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Current Lease agreement with Crown Castle until 31 October 2013.

RISK MANAGEMENT IMPLICATIONS:

Low: The holding over clause for six (6) months is an extension of the existing lease which has proven Crown Castle to be good tenants. In addition the City of Vincent exposure is diluted with the seven other member Councils.

STRATEGIC IMPLICATIONS:

Strategic Community Plan 2011-2021:

"4.1.4 Plan effectively for the future."

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Current rental for the site is \$54,300 pa, distributed to each of the seven owners in proportion with each local government's portion of ownership.

COMMENTS:

It is recommended that the owner local governments consent to the Lessee remaining in occupation of the Premises as a six monthly Lessee under clause 6.2 of the current lease, due to insufficient time remaining to agree in principle the terms of a new lease and have reports presented to and endorsed by all owner local governments prior to 31 October 2013.

9.5.5 Information Bulletin

Ward:	-	Date:	16 August 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 16 August 2013, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.5.5

Moved Cr Maier, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

DETAILS:

The items included in the Information Bulletin dated 16 August 2013 are as follows:

ITEM	DESCRIPTION
IB01	Letter from Director General of the Disability Services Commission acknowledging the submission of the City's Disability Access and Inclusion Plan (DAIP) Progress Report 2012-2013 and ongoing implementation
IB02	Leederville Town Centre Enhancement Working Group Unconfirmed Minutes Meeting held on 11 July 2013

9.1.2 FURTHER REPORT: No. 6 (Lot 181; D/P 2355) Burt Street, Corner of Monmouth Street, Mount Lawley – Proposed Change of Use from Residential and Shop to Consulting Rooms (Medical)

Ward:	South	Date:	16 August 2013
Precinct:	Norfolk; P10	File Ref:	PRO4099; 5.2013.74.2
Attachments:	001 – Property Information Report and Development Application Plans 002 – Site photos 003 – Additional Information received 8 February 2013 004 – Applicants Justification dated 24 June 2013 005 – Applicants Response to submissions dated 24 June 2013 006 – Applicants Letter to Residents dated 30 July 2013 007 – Additional Information dated 12 August 2013 008 – Location Map of Surrounding Consulting Rooms		
Tabled Items:	Nil		
Reporting Officer:	S Radosevich, Planning Officer (Statutory)		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

FURTHER OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by L Spiccia on behalf of the owner, Estate of Late A Cardaci & F Cardaci for Proposed Change of Use from Residential to Consulting Rooms (Medical) at No. 6 (Lot 181; D/P 2355) Burt Street, Corner of Monmouth Street, Mount Lawley, and as shown on plans stamp dated 24 June 2013, for the following reasons:

1. The development does not comply with the following objectives of the City of Vincent Town Planning Scheme No. 1:
 - 1.1 To protect and enhance the health, safety and physical welfare of the City's inhabitants and the social, physical and cultural environment;
 - 1.2 To ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which-
 - 1.2.1 Recognises the individual character and needs of localities within the Scheme zone area; and
 - 1.3 To promote the development of a sense of local community and recognise the right of the community to participate in the evolution of localities;
2. Non-compliance with the City's Policy No. 3.5.12 relating to Development Guidelines for Commercial and Mixed use Developments with regard to the use of a residential property for a non-residential use, where the subject site is not a buffer site;
3. Non-compliance with the City's Policy No. 3.5.22 relating to Consulting Rooms with regard to the following objective:
 - 3.1 To limit the activities associated with the consulting rooms so that there is no undue impact on the surrounding area;
4. Non-compliance with the City of Vincent Economic Development Strategy 2011-2016 with regard to Action No. 3.8 relating to protecting residential areas from 'commercialisation'; and
5. The proposed consulting rooms (medical) would create an undesirable precedent for development on surrounding lots, which is not in the interests of orderly and proper planning for the locality.

PROCEDURAL MOTION

Moved Cr Topelberg, Seconded Cr McGrath

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

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

ADDITIONAL INFORMATION:

Below is the addresses and location of each of the consulting rooms within 1km of No. 6 Burt Street, Mount Lawley:

Dental clinics:

- The Denture Clinic – 26 Fitzgerald Street, North Perth;
- North Perth Dental Surgery – 366 Fitzgerald Street, North Perth;
- Alma Dental Surgery – 6/400 Fitzgerald Street, North Perth;
- TN Dental North Perth – 477 Fitzgerald Street, North Perth;
- Mt Lawley Dental Clinic – 21 Vincent Street, Mt Lawley;
- Mount Lawley Orthodontics – 695 Beaufort Street, Mt Lawley;
- Barbara Fox Dental Studio – 21 Hyde Street, Mt Lawley.

Doctor's surgeries:

- Fitzgerald Medical Practice – 435 Fitzgerald Street, North Perth;
- CentrePod Podiatry – 773-777 Beaufort Street, Mt Lawley;
- GP on Beaufort – 691 Beaufort Street, Mt Lawley;
- Lindisfarne Medical Group – 697 Beaufort Street, Mt Lawley;
- Dallimore Kevin – 196 Walcott Street, Mt Lawley;
- Panizza G G – 499 Fitzgerald Street, North Perth.

The above are shown in Attachment 008. The blue squares on the map indicate the location of the doctor's surgeries and the red circles indicate the location of the dental clinics.

FURTHER REPORT:

Previous Reports to Council:

The proposed change of use from residential to consulting rooms (medical) was presented to Council at its Ordinary Meeting held on 9 July 2013, whereby Council resolved:

"That the item be DEFERRED at the request of the Applicant."

The Minutes of Item 9.1.1 from the Ordinary Meeting of Council held on 9 July 2013 relating to this report is available on the City's website at the following link:

<http://www.vincent.wa.gov.au/files/183cdc74-fbee-4d1a-abea-a1f00081f447/20130709.pdf>.

DETAILS:

Landowner:	Estate of Late A Cardaci & F Cardaci
Applicant:	L Spiccia
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R40
Existing Land Use:	Single House and Office
Use Class:	Consulting Rooms
Use Classification:	"SA"
Lot Area:	1,034 square metres
Right of Way:	Not applicable

Following the Council's deferral, the applicant met with the City's Officers to discuss the proposal. An option comprising a cafe component within the building was discussed along with obtaining community support for any changes that were to be proposed.

Additional information was received on 5 August 2013, which comprises forty-eight (48) letters of support, along with the information provided to residents within the locality (Attachment 006). It is noted that no additional information, relating to amended plans or the proposal complying with the relevant City policies has been submitted.

On 12 August 2013, additional information was submitted which states:

"Messrs Cardaci has given further consideration to the number of consulting rooms proposed as part of this Application, which consideration follows further proactive advice provided by the City's Mayor regarding the City's Officer's possible concern over the proposed number of consulting rooms. It has been suggested that the Officers may be more inclined to support the proposal should a lesser number than five (5) consulting rooms be proposed.

Accordingly, on behalf of Mr Carl Cardaci, we write to confirm the owners' agreement to reducing the number of Consulting Rooms from five (5) to three (3).

We trust that the substantial community support provided for this proposal and the revised proposal for three (3) consulting rooms (rather than five (5)) now provides the City's Officers with the necessary means to present a positive recommendation to Council at its Ordinary Meeting scheduled to be held on Tuesday, August 27."

ASSESSMENT:

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

Issue/Design Element:	Non-Residential Development Interface
Requirement:	Development Guidelines for Commercial and Mixed Use Developments Policy No. 3.5.12 The City will only consider a full commercial land use on a buffer site, where the existing building is to be retained.
Applicants Proposal:	Non-residential development on a site with a residential zoning which is not a buffer site.
Performance Criteria:	Not applicable.
Applicant justification summary:	<i>"The proposed Medical Consulting Rooms are ideally and appropriately located on this site as it will assist in meeting with the increased demand for medical services in the area. This increasing demand is partly attributed to a lack of available medical services in the immediate area. The nearest Medical Consulting Rooms are provided by Dr. G Panizza at a residential property located at 499 Fitzgerald Street, North Perth, which is a considerable distance (approx. 840 metres) from the subject land. Other factors which are placing a considerable demand for these services in this location</i>

Issue/Design Element:	Non-Residential Development Interface
	<p><i>include an increase in the general population which can be attributed to an increase in the residential density in this area coupled with the predominantly ageing demographic. Locally available medical services are extremely important for the aged in our community, who are less mobile and in need of constant medical assistance. This location in an established residential area will provide this service for the elderly, which site is also conveniently located within walking distance from a high frequency bus stop located on Walcott Street.</i></p>
	<p><i>The Medical Consulting Rooms are proposed to operate within normal business hours and therefore will have minimal (if any) impact on the surrounding residents. Further, the number of proposed consulting rooms for this Practice has been reduced from five (5) to four (4) and the proposed parking layout for the Consulting Rooms has now been amended to ensure all of the required (11) car bays are provided on-site, which will result in the parking associated with the use being entirely contained on the property with no adverse impact on the locality.</i></p> <p><i>This site is further considered appropriate for this location as the building is sited on a prominent corner lot, which site is visually and physically separated from the surrounding residential uses by its position on the land and the surrounding local road system. Further, the established built form on this site of a traditional corner shop which is built on the property boundary at the intersection of Burt and Monmouth Streets is considered to already present to the surrounding locality as a use that is not primarily used for residential purposes. Therefore, the establishment of these Consulting Rooms within the existing built form is considered appropriate for this location as it will not alter or detract from the existing residential amenity of this area. In fact, it is considered that the residential amenity will be improved as the heritage values of the building are proposed to be restored with the original door at the corner of the building and façade windows being reinstated. The restoration of this building to its former character will improve its visual appeal within the streetscape and provide an interactive street frontage to this prominent corner.</i></p>

Issue/Design Element:	Non-Residential Development Interface
	<p><i>The Local Centre which is situated in relatively close proximity (approximately 91 metres) to the subject site comprises a strip of local shops, including a restaurant, retail clothing stores, a Laundrette, an Accountancy firm and an Art Studio. A number of tenancies within this Local Centre are currently vacant, including the three traditional shops located on the south eastern corner of Burt and Walcott Streets, which tenancies are currently the subject of a Small Bar Application before the City. The uses within this Centre will not be compromised by the establishment of Consulting Rooms as proposed in this Application. In fact, the positioning of this use nearby this Local Centre on Walcott Street will complement the existing uses and may attract new uses (such as a local pharmacy) to the currently vacant tenancies within this Centre. Further, this location for the Consulting Rooms is ideal as it is within walking distance from a high frequency bus stop located on Walcott Street in the vicinity of the Local Centre.</i></p> <p><i>In summary, the proposed Consulting Rooms will have no impact on the established residential amenity of this area, as the proposed Consulting Rooms are to operate from within the existing traditional corner shop building on the site. It is considered that the local economy and residential amenity of this area will benefit from this use as it will not only provide a much needed essential service for the area, but the owners are proposing to reinstate the original corner entry to the building and façade windows and in doing so, will enhance the streetscape and heritage value of this corner site.</i></p> <p><i>In accordance with Clause 40 - Determination of Non-Complying Applications of TPS 1, we seek the City's support to approve a variation to allow the disabled bay to be located within the street setback to Burt Street. The disabled bay (and the entire parking area associated with the proposed use) is proposed to be located behind the existing (1350mm) high brick fence which is constructed along the lot boundary of this property. The car parking associated with the proposed Consulting Rooms will therefore not be visible from the street and as such will not have an adverse impact on the visual amenity of the streetscape.</i></p> <p><i>At Clause 7 of the City's Policy 3.4.3, it is stated that on-site parking which is located within the street setback is to be set back 1.5 metres by a landscaped buffer. The purpose of this particular Policy requirement is to ensure that any on-site parking associated with non-residential uses does not negatively impact upon the adjacent residential uses. In the case of this Application, the City seeks to ensure that the parking for the proposed Consulting Rooms does not become a dominant visual element within the streetscape which may detract from the general amenity of the locality. We concur with that objective, however similar to the provision of a 1.5 metre wide landscape buffer, the existing brick fence constructed along the property boundary to Burt Street</i></p>

Issue/Design Element:	Non-Residential Development Interface
	<p><i>provides the necessary buffer to ensure that the parking associated with this proposed use does not negatively impact on the surrounding amenities. It is on this basis that we seek the City's support for this particular variation as the visual benefits of the existing fence are considered to meet the principles and intent of this particular Policy requirement."</i></p>
<p>Officer technical comment:</p>	<p>In accordance with the City's Policy No. 3.5.12 relating Development Guidelines for Commercial and Mixed use Developments a buffer site is:</p> <p><i>"A property that is zoned Residential that is sharing a side boundary with another property that is zoned Residential/Commercial, Commercial, Local Centre, District Centre or Special Use – Car Park or sharing a boundary with a City of Vincent public car park. A ROW located between the two properties excludes the property from being considered a buffer site."</i></p> <p>As the abutting properties are zoned residential, the subject site is not separating different zones from one another, and therefore cannot be considered a buffer site.</p> <p>The proposal is considered to interrupt the residential amenity as it is not in keeping with the residential nature with regards to passive surveillance, noise and visual amenity.</p> <p>An occupied residential property provides a sense of security through the reciprocal passive surveillance offered by the residential dwelling, which consulting rooms cannot provide.</p> <p>Noise associated with a residential property is generally characterised by low levels of activity and noise with occasional peaks. The proposed consulting rooms would have no noise outside of the hours of operation, as the premise would be unoccupied, which is not considered to be residential in nature and will adversely affect the residential amenity of the location.</p> <p>Further to the above, the applicant states that they will operate within normal business hours; however it is noted that normal business hours for a consulting room vary, with Clause 4 'Hours of Operation' of the City's Policy No. 3.5.22 relating to Consulting Rooms providing for the following:</p>

Issue/Design Element:	Non-Residential Development Interface
	<p><i>“The hours of operation for a Consulting Room shall be limited to the following:</i></p> <ul style="list-style-type: none"> • 8:00am – 9:00pm, Monday – Friday • 8:00am – 5:00pm, Saturday • 11:00am – 5:00pm, Sunday and Public Holidays • CLOSED Christmas Day, Good Friday and Anzac Day.”
	<p>The abovementioned hours have the potential to have a significant impact on the residential amenity with regards to noise and increased traffic.</p> <p>In the instance the doctor’s appointments are at twenty (20) minute intervals, this provides for three appointments an hour per doctor. With three (3) consulting rooms this increases to nine (9) appointments an hour, which is considered to increase the traffic to and from the site significantly, which adversely affects the residential amenity.</p> <p>It is also noted that the visual amenity would not be residential in nature, as there the continuity of property use throughout the day. The visual amenity associated with the consulting rooms would change as there would be differed clients visiting the site each day, which is not considered to be residential in nature.</p> <p>Further to the above, there are suitable sites within the Local Centre zone, which is approximately 91 metres from the subject site for the proposed consulting rooms.</p> <p>It is noted there are a number of medical consulting rooms located within a close proximity to the subject site. Within 1 kilometre of the subject site, along Fitzgerald Street, Walcott Street and Beaufort Street, there are approximately six (6) dental clinics and seven (7) doctors’ surgeries, which provide a service to the local community.</p> <p>The dental clinics include:</p> <ul style="list-style-type: none"> • The Denture Clinic; • North Perth Dental Surgery; • Alma Dental Surgery; • TN Dental North Perth; • Mt Lawley Dental Clinic; • Mount Lawley Orthodontics; and • Barbara Fox Dental Studio. <p>The doctor’s surgeries include:</p> <ul style="list-style-type: none"> • Fitzgerald Medical Practice; • CentrePod Podiatry; • GP on Beaufort; • Lindisfarne Medical Group; • Dallimore Kevin; and • Panizza G G. <p>In light of the above, it is considered that the demand for medical consulting rooms within the locality has been satisfied.</p>

Car Parking	
Car parking requirement (nearest whole number):	= 9 car bays
<ul style="list-style-type: none"> • Consulting Rooms <li style="padding-left: 20px;">3 spaces per consulting room <li style="padding-left: 20px;">3 consulting rooms = 9 car bays 	
Total car bays required = 9 car bays	
Apply the adjustment factors.	(0.85)
<ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) 	= 7.65 car bays
Minus the car parking provided on-site	11 car bays
Minus the most recently approved on-site car parking shortfall	Nil
Resultant surplus	3.35 car bays

COMMENTS:

Following Council's deferral of the application, the City's officers had a meeting with the applicant and discussed the need for further consideration of the proposed land use. The applicant submitted additional information on 5 August 2013, which comprises forty-eight (48) letters of support, along with the information provided to residents within the locality. Further information was provided to the City on 12 August 2013, which outlined that the applicant will reduce the number of consulting room five (5) rooms to three (3) rooms; however it is noted that the plans submitted with the application indicate four (4) consulting rooms being proposed not five (5) rooms, therefore reducing the proposal by one (1) consulting room.

Further to the above, it is noted that no additional information, relating to amended plans or the proposal complying with the relevant City policies has been submitted.

The proposed change of use from residential and shop to consulting rooms (medical) results in a significant departure of the City's Policies No. 3.5.12 relating to Development Guidelines for Commercial and Mixed Use Developments, as the subject site is zoned residential and cannot be assessed as a buffer site.

There is currently a delineation of commercial and residential precincts which is clearly defined by effective buffer sites acting as transitional filters. As the abutting properties are zoned residential, the subject site is not separating different zones from one another, and therefore cannot be considered a buffer site. The proposed consulting rooms will also contribute to the commercialisation of the residential zone, which will adversely affect the amenity for local residents.

It is noted that there is a Local Centre zoning approximately 91 metres from the subject site, which is a more appropriate location for this type of activity. Further to this, there are a number of medical consulting rooms located within a close proximity to the subject site. Within 1 kilometre of the subject site, along Fitzgerald Street, Walcott Street and Beaufort Street, there are approximately six (6) dental clinics and seven (7) doctors' surgeries, which provide a service to the local community.

The demand for medical consulting rooms within the locality is considered to be satisfied as the dental clinics within 1 kilometre of the subject site include:

- The Denture Clinic;
- North Perth Dental Surgery;
- Alma Dental Surgery;
- TN Dental North Perth;
- Mt Lawley Dental Clinic;
- Mount Lawley Orthodontics; and
- Barbara Fox Dental Studio.

Further to the above, the doctor's surgeries within 1 kilometre of the subject site include:

- Fitzgerald Medical Practice;
- CentrePod Podiatry;
- GP on Beaufort;
- Lindisfarne Medical Group;
- Dallimore Kevin; and
- Panizza G G.

In light of the above, it is considered that the proposed change of use from residential to consulting rooms (medical) would create an undesirable precedent for development on surrounding lots, which is not in the interests of orderly and proper planning for the locality.

With regards to the heritage value of the subject site, the City's Heritage Officer has advised that the existing building is not listed on the City's Municipal Heritage Inventory. In the instance that the owner proposed to demolish the existing building, the demolition will be subject to a planning approval in accordance with Clause 41 'Determination of an Application for Demolition' of the City's Town Planning Scheme No. 1. It is noted that part of the development application process for the full demolition of a building requires a heritage assessment to be undertaken in accordance with the City's Policy No. 3.6.2 relating to Heritage Management – Assessment prior to a planning approval being issued.

CONCLUSION:

The concerns regarding the commercialisation of the residential zone have not been addressed; therefore it is considered that the proposal will have an undue impact on the amenity of the locality.

Due to the application's significant departure from the City's Town Planning Scheme No. 1, Economic Development Strategy 2011-2016, City's Policies No. 3.5.12 relating to Development Guidelines for Commercial and Mixed Use Developments and No. 3.5.22 relating to Consulting Rooms, it is recommended that the application be refused for the reasons outlined above.

9.1.3 FURTHER REPORT: Nos. 369-371 (Lot: 1 D/P: 4706) Oxford Street, Corner of Anzac Road, Mount Hawthorn – Proposed Renewal of Previously Approved Use for Unlisted Use (Recording and Rehearsal Studio) (Retrospective Application)

Ward:	North	Date:	16 August 2013
Precinct:	P2 – Mount Hawthorn Centre	File Ref:	PRO0012; 5.2012.379.2
Attachments:	001 – Property Information Report and Development Application Plans 002 – Information Relating to the Proposal Provided by the Applicant dated 22 April 2013 and 17 May 2013 003 – Additional Information received from the Applicant 23 July 2013 (statement from adjoining neighbour, and 1994 Acoustic Report) 004 – Acoustic Report 1995		
Tabled Items:	Nil		
Reporting Officer:	S De Piazzzi, Planning Officer (Statutory)		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

FURTHER OFFICER RECOMMENDATION:

That the Council;

1. in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1, and the Metropolitan Region Scheme REFUSES the application submitted by J Poole for the Proposed Renewal of Previously Approved Use for Unlisted Use (Recording Studio) (Retrospective Application) at Nos. 369-371 (Lot: 1 D/P: 4706) Oxford Street, Corner of Anzac Road, Mount Hawthorn, as shown on plans stamp-dated 30 November 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 City’s inhabitants and the social, physical and cultural environment;
 - 1.2 Non-compliance with the City’s Policy No. 3.7.1 relating to Parking and Access as the Unlisted Use provides “Nil” on-site car parking and generates a 4.475 car bay shortfall, which would create an undesirable precedent and have a significant impact on the amenity of surrounding locality;
 - 1.3 Non-compliance with the City’s Policy No. 3.5.21 relating to Sound Attenuation as the applicant has not provided an Acoustic Report compliant to the policy’s requirements;
 - 1.4 Non-compliance with the previously issued conditional approval granted by the Council at its Ordinary Meeting held on 25 November 1996; and
 - 1.5 Consideration of the objections received;
2. **WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS ‘APPROVAL TO COMMENCE DEVELOPMENT’, the Unlisted Use (Recording and Rehearsal Studio) shall cease operation; and**
3. **AUTHORISES the Chief Executive Officer to take legal action if the unlisted use has not ceased operations within twenty-eight (28) days of the Council decision.**

PROCEDURAL MOTION

Moved Cr Harley, Seconded Cr Topelberg

That the Council strongly supports the continued operation of Dream Studios in its current location, and the item be DEFERRED for a period of thirty (30) days, in order to resolve outstanding issues.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (9-0)

FURTHER REPORT:

Previous Reports to the Council:

The proposed Renewal of Previously Approved Use for Unlisted Use (Recording and Rehearsal Studio) (Retrospective Application) was presented to the Council at its Ordinary Meeting held on 23 July 2013, where the Council resolved as follows:

“That the item be DEFERRED at the request of the Applicant, in order to consider matters raised in the Officer report.”

The Minutes of Item 9.1.2 from the Ordinary Meeting of Council held on 23 July 2013 relating to this report is available on the City’s website at the following link:

<http://www.vincent.wa.gov.au/files/a490414e-e48a-4b0a-af44-a1fe00cb3442/20130723.pdf>.

DETAILS:

Landowner:	A E Mack
Applicant:	J Poole
Zoning:	Commercial
Existing Land Use:	Unlisted Use (Unauthorised Recording and Rehearsal Studio)
Use Class:	“SA”
Use Classification:	Unlisted Use (Recording and Rehearsal Studio)
Lot Area:	460 square metres
Right of Way:	City owned, sealed, 5 metres wide

The applicant has submitted additional (attachment 003). That included a signed statement from the adjoining property owner at No. 373 Oxford Street noting an agreement with the proprietor of No. 369 Oxford Street J. Poole, that the clients of the rehearsal rooms may utilise the parking area at the rear of No. 373 Oxford Street. A copy of an Acoustic Report from 1994 was also attached (attachment 003), which concluded as follows:

“From our inspection of the studios it is evident that some upgrading has been carried out in addition to the requirements necessary for the previous night club activities in this building. We also noted several areas where you could carry out further effective noise control both for your own benefit in operating several separate rooms in the one building and also to further ensure the minimisation of noise breakout to outside and even though the measurements show that there is not currently a problem, we would advise that as possible, further work be carried out.”

It is also noted that the City also has record of an Acoustic Report from 1995 for the premise (attachment 004). This report concluded:

“With all three studios in use, the noise emitted would comply with the day time and evening (1900 to 2200 hours) assigned outdoor noise levels. As the noise emanating from the premises is dominated by the noise emitted from studio “A”, we believe that with only studios “B” & “C” in use, the noise emitted from the premises would comply with the assigned outdoor night time noise levels.”

COMMENTS:

Planning Services:

The City's Planning Services do not consider the statement provided by the adjoining owner to be adequate to ensure that the car parking arrangement conditioned in the 1996 approval could be achieved, as listed below:

- "(ii) *the provision of eight (8) car parking bays on Lot 2 (No. 373) Oxford Street, Mount Hawthorn to be paved, kerbed, drained and marked and maintained thereafter by the owner/occupier of Lot 1 (Nos. 369-371) Oxford Street, Mount Hawthorn;*"
- "(iv) *an interest shall be placed on the Certificate of Title of Lot 2 (No. 373) Oxford Street, Mount Hawthorn by way of a caveat covering the following conditions in favour of the Town of Vincent:-*
- (a) *the provision of four (4) car parking bays for Lot 1 (Nos. 369-371) Oxford Street corner Anzac Road, Mount Hawthorn on Lot 2 (No. 373) Oxford Street, Mount Hawthorn shall not be used for reciprocal car parking with or for any adjoining properties;*
- (b) *the landowner of Lot 1 (Nos. 369-371) Oxford Street, Leederville agreeing to construct the car park on Lot 2 (No. 373) Oxford Street, Leederville at the landowner's full expense within one (1) month of the "Approval to commence Development" MRS Form 2 for Lot 1 (Nos. 369-371) Oxford Street, Mount Hawthorn being approved;"*

While it is noted that the adjoining owner has agreed to allow the use of his lot for car parking purposes, it lacks detail outlining consent to the full extent of the requirements.

Health Services:

The City's Health Services have reviewed the Acoustic Reports undertaken in 1994 and 1995 and advise that the sound attenuation reports written and submitted prior to 1997 are unlikely to comply with the *Environmental Protection (Noise) Regulations 1997*, particularly in relation to allowable noise emissions and obtaining noise measurements. In addition, sound attenuation reports are to be documented in accordance with the City's Sound Attenuation Policy No. 3.5.21 which was recently updated in 2012.

The applicant is to demonstrate compliance with the City's current Sound Attenuation Policy No. 3.5.21, in relation to the proposed development. *The following notes may assist in providing guidance with respect to Policy No. 3.5.21:*

Adequate sound attenuation of the premises is to be undertaken to ensure that noise received inside, or emitted from the premises does not exceed the levels stipulated in the *Environmental Protection (Noise) Regulations 1997* and the *BCA*. A report on the soundproofing required to ensure general sound levels received from surrounding premises (commercial [pubs and nightclubs] and industrial if applicable), major traffic arteries, sporting venues and the like is to be undertaken and provided to the City's Health Services from a reputable Acoustic Consultant prior to a Building Permit being issued. The Acoustic Report is to comment on the following:

- Appropriate glazing (e.g. standard, 6.38mm, 10mm laminated, double glazing etc) particularly for residential dwellings greater than 3m above ground level;
- Appropriate acoustic roof/ceiling insulation;
- Baffling of ventilation ducts facing noise sources;
- Door and window seals;
- Provision of quiet air-conditioning systems in bedrooms of dwellings exposed to heightened external noise sources (so that windows can remain shut during the night etc).

The report must also identify:

- reasonable attenuation measures to ensure compliance with the *Environmental Protection (Noise) Regulations 1997* with respect to limiting sound transmission between units/tenancies (i.e. from commercial to residential and from residential to residential). The Consultant is to consider, comment and provide solutions in respect to potential noise impacts resulting from the positioning of higher noise creating areas of units/tenancies such as laundries, kitchens and entertainment areas, in close proximity to lower noise creating areas of adjoining units/tenancies such as bedrooms and office work spaces (e.g. positioning of a residential bedroom directly above a ground floor commercial kitchen would require an acoustic ceiling to be installed in the kitchen to prevent unreasonable noise transmission resulting from activities such as the banging of pots and pans, exhaust hood operation etc);
- the suitable location of all mechanical devices/installations (e.g. roller doors, air conditioners, exhaust fan outlets, pool pumps, compressors etc), to ensure compliance with the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*.

The engagement and implementation of the recommendations by the acoustic consultant are to be at the applicant's expense.

CONCLUSION:

In light of the above it is considered that the applicant has not satisfactorily met the City's requirements in relation to car parking, and clearly demonstrating that the building meets current requirements in relation to sound attenuation.

On the above basis, is recommended that the proposal be refused by the Council and be required to cease operations within 28 days of the Council's decision.

9.1.5 Nos. 132-134 (Lots 278 & 279; D/P 3845) Matlock Street, Mount Hawthorn – Proposed Construction of Two-Storey Building Comprising Eight (8) Two Bedroom Multiple Dwellings

Ward:	North	Date:	16 August 2013
Precinct:	Mount Hawthorn; P1	File Ref:	PRO1155; 5.2013.183.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Response to Comments Received dated 6 August 2013 003 – Additional Information relating to Comments Received 004 – Neighbourhood Context		
Tabled Items:	Nil		
Reporting Officer:	P Mrdja, Acting Director Planning Services		
Responsible Officer:	John Giorgi, JP Chief Executive Officer		

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 DMG Architecture on behalf of the owner, CJS Developments Pty Ltd for Proposed Construction of Two-Storey Building Comprising Eight (8) Two Bedroom Multiple Dwellings at Nos. 132-134 (Lots 278 & 279; D/P 3845) Matlock Street, Mount Hawthorn, and as shown on plans stamp-dated 9 May 2013, for the following reasons:

1. The development does not comply with the following objectives of the City of Vincent Town Planning Scheme No. 1:
 - 1.1 To protect and enhance the health, safety and physical welfare of the City’s inhabitants and the social, physical and cultural environment;
 - 1.2 To ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which –
 - 1.2.1 Recognises the individual character and needs of localities within the Scheme zone area;
 - 1.3 To promote the development of a sense of local community and recognise the right of the community to participate in the evolution of localities; and
 - 1.4 To co-ordinate and ensure that development is carried out in an efficient and environmentally responsible manner which –
 - 1.4.1 Promotes an energy efficient environment;
2. Non-compliance with the Deemed-to-comply provisions and Design Principles of the Residential Design Codes of Western Australia 2013, with regards to:
 - 2.1 Clause 6.3.3 ‘Parking’ relating to the bicycle parking; and
 - 2.2 Clause 6.4.6 ‘Utilities and Facilities’ relating to the stores for Units 6-8;

3. **Non-compliance with the Acceptable Development and Performance Criteria provisions of the City's Policy No. 3.2.1 relating to Residential Design Elements, with regards to:**
 - 3.1 **Clause SADC 5 and SPC 5 'Street Setbacks' relating to the setback of the balcony and upper floor; and**
 - 3.2 **Clause BDADC 3 and BDPC 3 'Roof Forms' relating to the roof pitch;**
4. **Non-compliance with the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones, with regards to:**
 - 4.1 **Clause 5.1 'Energy Efficient Design' relating to maximising northern sunlight to living areas;**
5. **The proposed construction of the two-storey building comprising eight (8) two bedroom multiple dwellings would create an undesirable precedent for development of surrounding lots, which is not in the interests of orderly and proper planning for the locality; and**
6. **Consideration of the objections received.**

COUNCIL DECISION ITEM 9.1.5

Moved Cr Harley, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (8-1)

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

Against: Cr Maier

PURPOSE OF REPORT:

The application is referred to the Council for determination given the proposal comprises eight (8) dwellings and thirty-nine (39) objections were received.

BACKGROUND:

History:

Date	Comment
12 April 1999	The Council at its Ordinary Meeting resolved to approve a development application for proposed demolition of existing dwelling and construction of three (3) two-storey grouped dwellings at No. 134 Matlock Street, Mount Hawthorn.
4 August 2004	The Council at its Ordinary Meeting resolved to refuse a development application for three (3) two-storey grouped dwellings at No. 134 Matlock Street, Mount Hawthorn.

DETAILS:

The proposal is for the construction of a two-storey building comprising eight (8) two bedroom multiple dwellings on two vacant lots at Nos. 132-134 Matlock Street, Mount Hawthorn.

Landowner:	CJS Developments Pty Ltd
Applicant:	DMG Architecture
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R30
Existing Land Use:	Vacant Lots
Use Class:	Multiple Dwellings
Use Classification:	"P"
Lot Area:	1,204 square metres
Right of Way:	Eastern side, 5 metres wide, sealed

ASSESSMENT:

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

Design Element	Complies 'Deemed-to-comply' or TPS Clause	OR	'Design Principles' Assessment or TPS Discretionary Clause
Density/Plot Ratio	✓		
Streetscape	✓		
Roof Forms			✓
Front Fence	✓		
Front Setback			✓
Building Setbacks	✓		
Boundary Wall	✓		
Building Height			✓
Building Storeys	✓		
Open Space	✓		
Bicycles			✓
Access & Parking	✓		
Privacy	✓		
Solar Access	✓		
Site Works	✓		
Essential Facilities			✓
Street Surveillance			✓
Energy Efficient Design			✓

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

Issue/Design Element:	Roof Forms
Requirement:	Residential Design Elements BDADC 3 The use of roof pitches between 30 degrees and 45 degrees (inclusive) being encouraged.
Applicants Proposal:	5 degree roof pitch and flat roof.
Performance Criteria:	Residential Design Elements BDPC 3 The roof of a building is to be designed so that: <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.

Issue/Design Element:	Roof Forms
Applicant justification summary:	<i>“Alternative roof forms are acceptable in the COV if they can be “demonstrated that the roof form proposed can be comfortably accommodated within the streetscape” (RDE 7.4.3). This proposal has demonstrated this aspect of the policy through rigorous design consultation with the Design Advisory Committee and their subsequent approval.”</i>
Officer technical comment:	<p>The proposal does not comply with the Acceptable Development provisions of Clause BDADC 3 ‘Roof Forms’ or the Performance Criteria of Clause BDPC 3 ‘Roof Forms’ of the City’s Policy No. 3.2.1 relating to Residential Design Elements.</p> <p>The proposed 5 degree roof pitch and flat roof results in undue building bulk of the building on both the Matlock Street streetscape and the adjoining properties.</p>
	<p>Within the immediate locality the surrounding dwellings predominantly comprise pitched roofs, with there being porches, verandahs and the like with flat roofs. As the proposal comprises a 5 degree skillion roof and flat roof, it is considered that it does not complement the existing streetscape character.</p>

Issue/Design Element:	Front Setback
Requirement:	<p>Residential Design Elements SADC 5</p> <p>Upper Floor: A minimum of two metres behind each portion of the ground floor setback.</p> <p>Balconies: A minimum of 1 metre behind the ground floor setback.</p>
Applicants Proposal:	<p>Upper Floor: 1.57 metres to 2.57 metres behind the ground floor.</p> <p>Balconies: Flush with the ground floor.</p>
Performance Criteria:	<p>Residential Design Elements SPC 5</p> <p>Development is to be appropriately located on site to:</p> <ul style="list-style-type: none"> • Maintain streetscape character; • Ensure the amenity of neighbouring properties is maintained; • Allow for the provision of landscaping and space for additional tree plantings to grow to maturity; • Facilitate solar access for the development site and adjoining properties; • Protect significant vegetation; and • Facilitate efficient use of the site. <p>Variations to the Deemed-to-Comply Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>

Issue/Design Element:	Front Setback
Applicant justification summary:	<p><i>“Matlock Street has a diverse and varied streetscape character with references to numerous architectural eras including a number of flat roofed porches, verandahs and pergolas. The twin skillion proposal is a contemporary reflection of a pitched roof application using the roof design to enhance solar penetration.</i></p> <p><i>Material selection for the proposal was referenced from the many and varied applications present in the Matlock Street precinct and applied to respect the streetscape whilst avoiding faux representation and replication of past stylistic eras while vertical and horizontal articulation was used to replicate rhythms present in the current streetscape and continue to enhance the vibrancy and diversity of streetscape character.</i></p>
	<p><i>The streetscape integration has been supported by the Design Advisory Committee following extensive consultation and design modification. The current neighbour’s comments regarding streetscape are subjective opinion not supported by the City of Vincent’s (COV) own Design Advisory Committee approval process.”</i></p>
Officer technical comment:	<p>The proposal does not comply with the Acceptable Development provisions of Clause SADC 5 ‘Street Setbacks’ or the Performance Criteria of Clause SPC 5 ‘Street Setbacks’ of the City’s Policy No. 3.2.1 relating to Residential Design Elements.</p> <p>The proposal is not considered to maintain the existing streetscape, as it predominantly comprises single-storey single houses. It is noted that there are four (4) two-storey dwellings located on the adjoining northern properties, however these were approved and constructed prior to the City’s Policy No. 3.2.1 relating to Residential Design Elements being adopted.</p> <p>The proposal is not considered to maintain the amenity of neighbouring properties or the streetscape, as the proposed upper floor setback variation results in undue building bulk on Matlock Street from the pedestrian level.</p>

Issue/Design Element:	Building Height
Requirement:	<p>Residential Design Elements BDADC 5 Top of external wall (concealed roof): 7 metres</p>
Applicants Proposal:	Top of external wall (concealed roof): 7.4 metres
Performance Criteria:	<p>Building height is to be considered to:</p> <ul style="list-style-type: none"> • Limit the height of dwellings so that no individual dwelling dominates the streetscape; • Limit the extent of overshadowing and visual intrusion on the private space of neighbouring properties; and • Maintain the character and integrity of the existing streetscape.

Issue/Design Element:	Building Height
Applicant justification summary:	<p><i>“The development complies with the COV height guidelines with respect to acceptable development requirements allowing for minor incursions and discretionary assessment of height where the development does not adversely affect the amenity of the neighbouring properties or the streetscape. The minor variation to the height is an isolated location as a direct reflection of the natural topography and constitutes only a small portion of the roof form. The Design Advisory Committee requested minor changes to the roof form for the provision of solar access and streetscape integration resulting in this small portion of the roof falling outside the height restrictions.”</i></p>
Officer technical comment:	<p>The proposal complies with the Performance Criteria of the City’s Policy No. 3.2.1 relating to Residential Design Elements in this instance as the proposed building height exceeds the 7 metres along the northern elevation due to the slope of the natural ground level, therefore the proposed building height does not result in the building dominating the streetscape.</p>
	<p>The proposal complies with the Deemed-to-comply provisions of Clause 6.4.2 ‘Solar Access for Adjoining Sites’ of the 2013 R-Codes, as the proposed overshadowing of the adjoining southern property is 22.04 percent (132 square metres), whereas 35 percent (209.65 square metres) is permitted. The proposal also complies with the Deemed-to-comply provisions of Clause 6.4.1 ‘Visual Privacy’ of the 2013 R-Codes, as all major openings are setback from the boundaries in accordance with the respective requirements. In light of this, the proposal is considered to limit the extent of overshadowing and visual intrusions on the neighbouring properties.</p> <p>As the proposed building height results from the slope in the natural ground level to the northern aspect of the site, combined with the proposed roof pitch, it is considered that the building height maintained the character and integrity of the streetscape. Further to this it is noted that the height limit for the locality is two-storey (plus loft), with there being existing two-storey developments within the immediate locality, therefore the proposed building height is considered to be consistent with the existing streetscape.</p>

Issue/Design Element:	Bicycle Spaces
Requirement:	<p>2013 Residential Design Codes Clause 6.3.3 C3.2 In addition to the above, one bicycle space to each three dwellings for residents; and one bicycle space to each ten dwellings for visitors, designed in accordance with AS2890.3 (as amended).</p> <p>Residents: 2.67 spaces = 3 spaces Visitors: 0.8 spaces = 1 space</p>
Applicants Proposal:	No bicycle parking provided.

Issue/Design Element:	Bicycle Spaces
Performance Criteria:	2013 Residential Design Codes Clause 6.3.3 P3.1 Adequate car and bicycle parking provided on-site in accordance with projected need related to: <ul style="list-style-type: none"> • The type, number and size of dwellings; • The availability of on-street and other off-site parking; and • The proximity of the proposed development in relation to public transport and other facilities.
Applicant justification summary:	<i>"Bicycle parking is not required under the assessment of this proposal."</i>
Officer technical comment:	The proposal does not comply with the Deemed-to-comply or Design Principles of the R-Codes. Bicycle parking is required to be provided in accordance with the Deemed-to-comply provisions of the R-Codes.

Issue/Design Element:	Essential Facilities
Requirement:	2013 Residential Design Codes Clause 6.4.6 C6.1 An enclosed, lockable storage area, constructed in a design and material matching the building/dwelling where visible from the street, accessible from outside the dwelling, with a minimum dimension of 1.5 metres and an internal area of at least 4 square metres shall be provided for each multiple dwelling.
Applicants Proposal:	Units 6-8: Stores have a minimum dimension of 1.3 metres
Performance Criteria:	2013 Residential Design Codes Clause 6.4.6 P6 External location of storeroom, rubbish collection/bin areas, and clothes drying areas where these are: <ul style="list-style-type: none"> • Convenient for residents; • Rubbish collection areas which can be accessed by service vehicles; • Screened from view; and • Able to be secured and managed.
Applicant justification summary:	No justification provided.
Officer technical comment:	The proposal does not comply with the Deemed-to-comply or Design Principles of the R-Codes. Stores are required to be provided in accordance with the Deemed-to-comply provisions of the R-Codes.

Issue/Design Element:	Street Surveillance
Requirement:	2013 Residential Design Codes Clause 6.2.1 C1.1 The street elevation(s) of the building to address the street, with facades generally parallel to the street and with clearly definable entry points visible and accessed from the street.
Applicants Proposal:	Entry to unit 1 is not visible from Matlock Street.
Performance Criteria:	2013 Residential Design Codes Clause 6.2.1 P1.1 Buildings designed to provide for surveillance (actual or perceived) between individual dwellings and the street and between common areas and the street, which minimise opportunities for concealment and entrapment.

Issue/Design Element:	Street Surveillance
Applicant justification summary:	<i>"The proposed development has habitable room windows and a balcony which face Matlock Street. The façade is parallel to the street however entry points to the side. The development meets the performance standards by providing for surveillance between the building and the street. Further articulation of the front fencing and entry statements clearly define entry points for the development and separation of public and private spaces."</i>
Officer technical comment:	<p>The proposal complies with the Design Principles in this instance as the development provides surveillance between the dwellings and Matlock Street from the living and dining rooms on the ground floor and balcony on the upper floor.</p> <p>The proposal minimises opportunities for concealment and entrapment, as the proposal provides numerous major opening facing Matlock Street and the internal access way, therefore providing sufficient passive surveillance within the development and to the approach of the development.</p>
	Further to the above, it is noted that although the entry point for unit 1 is not visible from Matlock Street, the proposal incorporated design features which clearly identify the location of the entrance to unit 1, which is visible from Matlock Street.

Issue/Design Element:	Energy Efficient Design
Requirement:	<p>Development Guidelines for Multiple Dwellings in Residential Zones Policy No. 3.4.8 Clause 5.1.1 Multiple Dwelling developments are required to be designed so that all dwellings within the development maximize northern sunlight to living areas and provide natural daylight to all dwellings.</p>
Applicants Proposal:	Upper floor does not maximise northern sunlight to the living areas.
Performance Criteria:	Not applicable.
Applicant justification summary:	<ul style="list-style-type: none"> • <i>"The design provides for adequate solar access for future inhabitants of the units.</i> • <i>The development meets the energy efficiency design requirements.</i> • <i>The roof design was modified in consultation with the Design Advisory Committee to improve solar gain to the outdoor areas."</i>
Officer technical comment:	The proposal does not maximise the access to northern light to the living areas of units 5 to 8, which are located on the upper floor. The proposal does not comply with the Acceptable Development provisions of the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones in this instance, as the subject site is able to achieve greater access to northern light to the living areas on the upper floor.

Car Parking	
Residents car parking requirement	Proposed
<ul style="list-style-type: none"> • Small (<75 square metres or 1 bedroom) 0.75 spaces per dwelling 4 dwellings = 3 spaces • Medium (75 square metres – 110 square metres) 1 space per dwelling 4 dwellings = 4 car bays • Large (>110 square metres) 1.25 spaces per dwelling Nil 	
Total car bays required = 7 car bays	= 12 car bays
Visitors car parking requirement	Proposed
<ul style="list-style-type: none"> • Visitors 0.25 spaces per dwelling 8 dwellings = 2 car bays 	
Total car bays required = 2 car bays	= 3 spaces

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Comments Period:	27 June 2013 to 11 July 2013
Comments Received:	Thirty-nine (39) objections and nil (0) support.

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Streetscape</p> <ul style="list-style-type: none"> • The proposal does not maintain the streetscape character. • The proposal does not fit well with the existing streetscape character. • The units only have value to the developer. A great block of high density units will have a great impact on this family oriented suburb. Many of the houses in Mount Hawthorn do have character but this development is only designed with the aim of getting every single legal square metre out of the block. It will be an eyesore and bring down the appeal of the suburb, it may be suited to Scarborough Beech Road, but not in a suburban street. There is no way it can be seen to be maintaining the streetscape character of Mount Hawthorn. 	<p>Supported. The proposal does not comply with the Acceptable Development provisions of Clause SADC 5 'Street Setbacks' or the Performance Criteria of Clause SPC 5 'Street Setbacks' of the City's Policy No. 3.2.1 relating to Residential Design Elements, as the upper floor setbacks are not in keeping with the existing streetscape of Matlock Street. The proposal results in undue building bulk on Matlock Street, as the balconies are flush with the ground floor.</p>

Summary of Comments Received:	Officers Technical Comment:
<ul style="list-style-type: none"> • Where the standards require minimum 1 metre setback on upper balconies, they plan on having them flush. Why is there a variance of 1.375 to 2.575 metres behind the ground floor, it should be a minimum of 2 metres behind each portion of the ground floor setback. • The development front streetscape does not fit in with what is here in the surrounding single dwelling properties. • The squared off, flat design does not fit into nor maintain the streetscape character of the neighbourhood. It is quite literally a block of flats and will look at odds with our surrounding houses. It therefore does not meet the Performance Criteria in this regard. • The proposal is very much out of place when considered against any of the surrounding dwellings and the amenity of the street. 	
<p>Issue: Amenity</p> <ul style="list-style-type: none"> • Affects the amenity of the neighbouring residents due to extra traffic and noise. • It is likely that many of these small units will be rented with the result that the occupants may not have the same pride in their property and suburb as those who own their homes. 	<p>Supported. The proposal is not in keeping with the existing streetscape character of the locality, whereby it is considered that this type of development will have an undue impact on the amenity of the locality.</p>
<ul style="list-style-type: none"> • Children regularly play in the laneway, which is not a gazetted road. The extra traffic that fifteen car bays will bring is not safe. The tenants in the block of units will be using the laneway at all hours of the day and night. The impact on the way of life will be significant. • Mount Hawthorn is a very desirable upmarket suburb with mainly retirees and young families in residence. We feel that Matlock Street is not appropriate for this type of development. Scarborough Beach Road would be more suitable. • The development is well suited for principle roads such as Scarborough Beach Road, where it would help to attract vitality and enhance the Commercial/cafe strip, but it will do the complete opposite in a quiet residential street. It is totally out of place on this street. 	

Summary of Comments Received:	Officers Technical Comment:
<ul style="list-style-type: none"> • This is an inappropriate development for a residential street of Mount Hawthorn, with a close proximity to a school. This is not a commercial area of Mount Hawthorn. • The mixing of multiple dwellings and single resident homes, will quickly and efficiently erode the sense of community between residents. Apartment blocks do not belong in residential streets. They encourage transient residents who will not invest in the area and in the community. • The development will detract from the community feel of Mount Hawthorn. • Noise from the entrances (general coming/going) will impact on southern side of the property. 	
<p>Issue: Roof Form</p> <ul style="list-style-type: none"> • The flat roof of the development is not in character with Mount Hawthorn. A previous initiative of the Council (not proceeded with) encouraged extensions of this type to be hidden behind the existing house. • No consideration is given to existing gable roofs of Mount Hawthorn. This flat roof accentuates the high density cheap home unit block look of the building and does not fit in with the streetscape of the area. 	<p>Supported. The proposal does not comply with the Acceptable Development provisions of Clause BDADC 3 'Roof Forms' or the Performance Criteria of Clause BDPC 3 'Roof Forms' of the City's Policy No. 3.2.1 relating to Residential Design Elements, as the proposed 5 degree skillion roof and flat roof are not in keeping with the existing streetscape character and results in undue building bulk on Matlock Street.</p>
<ul style="list-style-type: none"> • Roof pitch is a symbolic expression of the streetscape character, higher pitched and gabled roofs contribute to the desired appeal of the area. The perceived bulk and scale is not consistent. • Skillion roof does not meet the standard and does not meet the performance criteria of "complementing surrounding buildings". 	
<p>Issue: Energy Efficient Design</p> <ul style="list-style-type: none"> • Bad ergonomic design. Units will be cold in winter. • Outdoor living areas to upper floors are not in a favourable location facing south. • The dwellings are not oriented towards the primary street, they are not appropriately scaled and do not preserve the character of the streetscape. The development is not of an energy efficient design. 	<p>Supported. The proposal does not comply with the Acceptable Development provisions of the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones as the proposal does not maximise the northern light to living areas of the dwellings located on the upper floor.</p>

Summary of Comments Received:	Officers Technical Comment:
<ul style="list-style-type: none"> • The upper floor units have all living and outdoor areas to the south. There is allowance for some solar gain to the dining room from highlight windows but this is minimal, and the upper level terraces have solid roofing. • There are no communal spaces. • The drying area would receive little sun at any time of year. 	
<p>Issue: Density</p> <ul style="list-style-type: none"> • The density of housing is not in keeping with the character of Mount Hawthorn, a beautiful suburb which has mainly single dwellings on blocks ranging from 500 to 650 square metres at values from \$850,000 to \$1,300,000. These high density developments are more suited to suburbs such as Joondanna and Tuart Hill. It is hard to believe that the R-Codes would allow this. • The proposal is a very high density development for the area. • Too many dwellings. The maximum should be 4-5 dwellings in ratio with the land available. 	<p>Not supported. The proposal complies with the Deemed-to comply provisions of Clause 6.1.1 'Building Size' of the R-Codes as the proposal comprises a plot ratio of 0.4973 (598.8 square metres), whereas 0.5 (602 square metres) is permitted.</p>
<ul style="list-style-type: none"> • The zoning allows for duplex dwellings (x2) where the developer intends to apply to double that. Leading to overcrowding and most likely the devaluation of our home and others in the street, if not the area. • The number of dwellings proposed for the site will result in overcrowding and lead to the devaluation of the single dwelling properties in the area. • The blocks are already small and therefore the population density is high already. It is a family focused area and there is concern regarding the safety of children which may be affected by high density dwellings that attract young single people. 	

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Parking and Traffic</p> <ul style="list-style-type: none"> There is not enough parking for the number of residents and their visitors in this development with the result that there will be many more cars parked along Matlock Street resulting in extra noise to nearby residents, particularly at night and danger to the children who walk down this street to Mount Hawthorn Primary School. There is woefully insufficient parking, which will lead to vehicles parked on Matlock Street and around the intersection and the hill therefore creating a more hazardous situation for road users. 	<p>Not supported. The proposal complies with the Deemed-to-comply provisions of Clause 6.3.3 'Parking of the 2013 R-Codes as the proposal comprises twelve (12) residents and three (3) visitors car parking spaces, whereas seven (7) residents and two (2) visitors car bays are required.</p> <p>It is noted that the proposal does not propose any bicycle parking, however there is sufficient space on-site for this to be provided in accordance with the Deemed-to-comply provisions of Clause 6.3.3 'Parking of the R-Codes.</p>
<ul style="list-style-type: none"> Too much traffic in the right-of-way especially if you take into account a possibility of 16 cars (2 parking bays per dwellings). Only right-of-way access. Too much traffic for the right-of-way and may be undesirable in a suburban area and also result in security issues. There is a primary school and kindergarten a few 100 metres down the road – children safety issues also parking on street at school times. 	<p>The vehicle access is provided via the right-of-way in accordance with the Acceptable development provisions of Clause SADC 8 'Setback of Garages and Carports' of the City's Policy No. 3.2.1 relating to Residential Design Elements and the Deemed-to-comply provisions of Clause 6.3.5 'Vehicle Access' of the R-Codes.</p> <p>The City's Technical Services have advised that any increase of traffic will be minimal to the right-of-way and surrounding streets.</p>
<ul style="list-style-type: none"> The development does not allow enough carbays and visitors parking bays for its intended size. This will lead to more congestion on the street, which already during two periods of the day is quiet busy and tight due to the school pick-up/drip-off times, this also increases the risk of any accident. You will be turning a right-of-way/laneway into a street and creating more noise pollution with added cars driving over speed bumps. There will be an enormous increase in traffic utilising the right-of-way, whereby the development would increase noise exponentially. The increased traffic from this proposed complex will unnecessarily raise the level of traffic hazards that already exist. 	<p>With regards to noise, this is not a valid planning related objection. Noise levels are governed by the <i>Environmental Protection (Noise) Regulations 1997</i>; however it is noted that noise resulting from traffic is not legislated.</p>

Summary of Comments Received:	Officers Technical Comment:
<ul style="list-style-type: none"> • The majority of Matlock Street already attracts heavy vehicular traffic, especially at “pick up” and “drop off” times for the local Primary School situated in the street. This proposed development with its many residents with vehicles and their visitors, with their vehicles, is sure to add to the existing traffic congestion in the street. • The minimal amount of parking allocated per dwelling, will definitely result in Matlock Street, adjoining streets and the laneway being used as a “car park”. • Placing car bays at the back of the property will only increase the distress of its neighbours as there will be increased noise from the front and rear of their property. • No bicycle spaces provided. 	
<ul style="list-style-type: none"> • The laneway which is the main access to the 8 units would possibly get an additional 16 cars going along once or twice a day. The laneway is not wide enough to comfortably have two vehicles pass easily. It also has speed bumps which would be noisy with that much extra traffic. 	
<p>Issue: Overlooking</p> <ul style="list-style-type: none"> • The rear balconies can look directly into adjoining properties. If the developer does not need to comply with the code they can at the very least be required to screen the balconies. • The second storey terraces will be overlooking and invading the privacy of the families living in the adjacent homes. • The proposal will encroach on the private space of its neighbours and place the private spaces of its own residents uncomfortably close to the street. • The imposing structure will in every way bear down and encroach upon private space and public spaces of all residents. 	<p>Not supported. The proposal complies with the Deemed-to-comply provisions of Clause 6.4.1 ‘Visual Privacy’ of the 2013 R-Codes.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Building Height</p> <ul style="list-style-type: none"> • 7.7 metres is by the Council's own definition not acceptable, and with a flat roof just increases the bulk and imposition of the building. • There will be no privacy to the surrounding properties. • Some of their height restrictions are not in compliance, if not at all legally permitted. 	<p>Not supported. The proposal complies with the Performance Criteria of Clause BDPC 5 'Building Height' of the City's Policy No. 3.2.1 relating to Residential Design Elements. The building exceeds the maximum building height of 7 metres for a portion of the building, due to the slope in the natural ground level of the site; however this is along the northern side of the development therefore having a minimum impact on the building height as viewed from Matlock Street.</p>
<ul style="list-style-type: none"> • Height restrictions is 7 metres, they are seeking 7.7 metres in height, so once again encroaching on the privacy of those dwellings close by. This height also helps in reducing the amount of northern sun that can reach the dwellings close by, with the shadow line overwhelming the adjoining properties. • The proposed development will dominate the streetscape and also overshadow the adjoining properties. 	
<p>Issue: Overshadowing</p> <ul style="list-style-type: none"> • The buildings will overshadow the adjoining properties too much. 	<p>Not supported. The proposal complies with the Deemed-to-comply provisions of Clause 6.4.2 'Solar Access for Adjoining Sites' of the R-Codes as the development overshadows 22.04 percent (132 square metres) of the adjoining southern property, whereas 35 percent (209.65 square metres) is permitted.</p>
<p>Issue: Stores</p> <ul style="list-style-type: none"> • The storage areas are less than required by acceptable development standards, which is set at 1.5 metres, they wish to have it at 1.2 metres. 	<p>Not supported. The proposal does not comply with the Deemed-to-comply or Design Principles of Clause 6.4.6 'utilities and Facilities' of the 2013 R-Codes.</p>
<p>Issue: Vegetation</p> <ul style="list-style-type: none"> • Mount Hawthorn is renowned for its trees and greenery, which attracts a large number of birds. Proposed developments of this kind are taking away the garden space needed to plant trees and shrubs that attract the wildlife. The amenity of this wide variety of nature is going to be lost if this type of proposal is allowed to proceed. • Our leafy green suburb is being eroded because of dwellings that use the entire block. 	<p>Not supported. The proposal complies with the Acceptable Development provisions of Clause 4.2 'Landscaping' of the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwelling in Residential Zones. It is noted that the proposal comprises 10.32 percent (124.29 square metres) of soft landscaping within the common property of the development, whereas 10 percent (120.4 square metres) is required. The proposal also comprises 7.96 percent (95.82 square metres) of soft landscaping within the private outdoor living area, whereas 5 percent (60.2 square metres) is required. It is also noted that the proposal comprises 32.06 percent (386.04 square metres) landscaping across</p>

Summary of Comments Received:	Officers Technical Comment:
<ul style="list-style-type: none"> There are no garden spaces or spaces for large shade trees. 	<p>the total site, whereas 30 percent (361.2 square metres) is required.</p> <p>Further to the above, the proposal complies with the Deemed-to-comply provisions of Clause 6.3.2 'Landscaping' of the R-Codes.</p>
<p>Issue: Surveillance of the Street</p> <ul style="list-style-type: none"> The entry points for the dwellings are not clearly visible or parallel to the street. The dwellings are not oriented towards, nor the entrances visible from the primary street. 	<p>Not supported. The proposal complies with the Design Principles of Clause 6.2.1 'Street Surveillance' of the R-Codes as the building provides for surveillance between the dwellings and the street. While the entrance for unit 1 is not oriented to face Matlock Street; the entry point is clearly defined and visible from Matlock Street.</p>
<p>Issue: Bins</p> <ul style="list-style-type: none"> Number of bins and movements of them is unusual for the area and is not in keeping with the character of the area. How will 16 bins be put out for collection. 	<p>Not supported. The number of bins for the development is required to be provided in accordance with the City's Technical Services requirements.</p>

Design Advisory Committee:

Referred to Design Advisory Committee: 6 March 2013

Summary of Design Advisory Committee Comments:

"Mandatory:

- Redesign street frontage to have greater articulation and break up of bulk across the two lots.*
- Further articulate front facade to reduce front width, scale and bulk and create a scale that reflects and integrates with the existing streetscape character.*
- Redesign roof to achieve northern light to living areas and bulk to centre – reducing impact.*
- Natural ventilation to be improved.*
- Improve natural light particularly northern light to living areas.*
- All car bays to be accessed from the right-of-way and no bays to be located between the street and front building setback.*
- Remove street bays to increase landscaping to frontage.*

Design Considerations:

- Consideration is to be given to the Mount Hawthorn style as the proposal is not in context with the locality.*
- Materials: increase usage of context materials.*
- Increase quantity of red brick/white render.*
- Use skillion to obtain northern light.*
- Improve and soften the impact on the streetscape – finesse detailing.*

Technical:

1. *Drawings inconsistent – finesse.*
2. *Include context houses around.*
3. *Include streetscape of street to show context.”*

The Applicant has submitted amended plans to the Design Advisory Committee (DAC), which were reviewed by the DAC on 17 April 2013. The following comments have been provided by the DAC:

“Mandatory:

1. *Obtain northern light into all living areas. Redesign roof to allow direct sunlight (in winter) into the south facing living areas.*
2. *Modify the plot ratio to conform with the R-Codes. The current plot ratio is over by approximately 150m² resulting in an increased impact on the street and adjoining property. This does not contribute to character of area or future desired character.*
3. *Must be compliant with R30 plot ratio acceptable Development criteria to ensure development aligns with character of the area.*
4. *Additional articulation at front to reduce building mass and impact and create the appearance of two separate dwellings. This includes modifying the balcony width to suit the revised articulation. DAC support minor upper floor setback variation to RDE’s to achieve this.*

Design Considerations:

1. *Roof clerestory windows will also assist with light to south facing living areas.*
2. *Introduce materiality and articulation to relate to low density residential context.*
3. *Improve relationship between cars and units.*
4. *Streetscape design to reflect two dwellings to integrate into street pattern.*
5. *Introduce entry door to unit 1.*
6. *Improve amenity to Bedroom 2 on ground floor.*

Technical:

1. *Officer to discuss plot ratio with Applicant.”*

The following Officer comments are provided in light of the above mandatory DAC comments of 17 April 2013:

1. The proposal includes highlight windows in the roof to provide northern light to the living areas.
2. The proposal complies with the Deemed-to-comply provisions of Clause 6.1.1 ‘Building Size’ of the 2013 R-Codes, as the plot ratio is 0.4973 (598.8 square metres), where a maximum of 0.5 (602 square metres) is permitted.
3. As above.
4. Articulation of the front facade has been increased, with the proposed twin skillion roof assisting in giving the appearance of two separate dwellings.

LEGAL/POLICY:

The following legislation and policies apply to the proposed construction of two-storey building comprising eight (8) two bedroom multiple dwellings at Nos. 132-134 Matlock Street, Mount Hawthorn:

- Planning and Development Act 2005;
- Residential Design Codes of Western Australia 2013;
- City of Vincent Town Planning Scheme No. 1;
- Mount Hawthorn Precinct Policy No. 3.1.1;
- Residential Design Elements Policy No. 3.2.1;
- Development Guidelines for Multiple Dwellings in Residential Zones Policy No. 3.4.8;
- and
- Sound Attenuation Policy No. 3.5.21.

RISK MANAGEMENT IMPLICATIONS:

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

Should the Council approve the application for development approval; the proposal will be in conflict with the Residential Design Codes of Western Australia 2013, the City's Policy No. 3.2.1 relating to Residential Design Elements, Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones and the City of Vincent Town Planning Scheme No. 1; therefore creating an undesirable precedent for development on surrounding lots.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

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

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

ENVIRONMENTAL	
Issue	Comment
The design of the dwellings allow for adequate light and ventilation, with all the dwellings provided with good cross ventilation. These design elements have the potential to reduce the need or reliance on artificial heating and cooling, as well as high levels of artificial lighting.	
SOCIAL	
Issue	Comment
The proposal provides for an increase in housing diversity and provides housing for smaller households within the City which are anticipated to grow and become a significant proportion of the households.	
ECONOMIC	
Issue	Comment
The construction of the building will provide short term employment opportunities.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is considered that the proposed construction of the two-storey building comprising eight (8) two bedroom multiple dwellings creates an undesirable precedent for development on surrounding lots, which is not in the interests of orderly and proper planning for the locality.

CONCLUSION

Due to the application's significant departure from the Deemed-to-comply and Design Principles of the 2013 R-Codes, the Acceptable Development and Performance Criteria provisions of the City's Policy No. 3.2.1 relating to Residential Design Elements and the City's Policy No. 3.4.8 relating to Development Guidelines for Multiple Dwellings in Residential Zones, it is recommended that the application be refused for the reasons outlined above.

9.1.6 Introduction of Heritage Areas and Associated Design Guidelines

Ward:	Both	Date:	16 August 2013
Precinct:	Cleaver Precinct; Hyde Park Precinct;	File Ref:	PLA0263
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	D Mrdja, Acting Manager Strategic Planning, Sustainability and Heritage Services		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** a report on the outcomes of the Community Forum relating to the Amendments to the Residential Design Codes for Areas zoned Residential R80;
2. **ENDORSES** the approach in addressing the Amendments to the Residential Design Codes for Areas zoned Residential R80 as follows and **AUTHORISES** the Chief Executive Officer to:
 - 2.1 Investigate the protection of the streets zoned Residential R80, identified in the Details section of this report, through the concept of Heritage Areas; and
 - 2.2 Engage a specialist consultant to assist with the identification of the Heritage Areas and the preparation of associated design guidelines; and
3. **DEFERS** Implementation of the decision of the Council on 28 May 2013 to investigate the concept of Streetscape Heritage Areas.

Moved Cr Carey, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT 1

Moved Cr Maier, Seconded Cr Topelberg

“That new Clauses 4 and 5 be inserted as follows:

4. **NOTES** that:
 - 4.1 The provisions for single and grouped dwellings in areas coded R80 in the Residential Design Codes 2010 are generally similar to the provisions for areas coded R50 in the Residential Design Codes 2013;
 - 4.2 The inclusion of new provisions for single and grouped dwellings in areas coded R80 may result in unintended consequences due to significant changes in density requirements and that the rezoning of such areas to R50 will essentially maintain the status quo; and
 - 4.3 The Open Space requirements of areas codes R50 and R80 are 40% and 30% respectively;

5. REQUESTS the Chief Executive Officer to:

- 5.1 Initiate a scheme amendment to rezone the areas coded R80 and where multiple dwellings are prohibited to R50;
- 5.2 Contact officers of the Department of Planning/Western Australian Planning Commission, to discuss the possibility of fast tracking the processing of the scheme amendment, as it is aimed at maintaining the status quo and reducing the potential unintended consequences of the new provisions for single and grouped dwellings in areas coded R80; and
- 5.3 Provide a report to Council by 10 September 2013 relating to discussions referred to in Clause 5.2.”

Debate ensued.

The Presiding Member, Mayor Hon. Alannah MacTiernan advised Cr Maier that she would vote on his amendment in two parts.

Clause 1:

“4. NOTES that:

- 4.1 The provisions for single and grouped dwellings in areas coded R80 in the Residential Design Codes 2010 are generally similar to the provisions for areas coded R50 in the Residential Design Codes 2013;
- 4.2 The inclusion of new provisions for single and grouped dwellings in areas coded R80 may result in unintended consequences due to significant changes in density requirements and that the rezoning of such areas to R50 will essentially maintain the status quo; and
- 4.3 The Open Space requirements of areas codes R50 and R80 are 40% and 30% respectively;”

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

Clause 2:

“5. REQUESTS the Chief Executive Officer to:

- 5.1 Initiate a scheme amendment to rezone the areas coded R80 and where multiple dwellings are prohibited to R50;
- 5.2 Contact officers of the Department of Planning/Western Australian Planning Commission, to discuss the possibility of fast tracking the processing of the scheme amendment, as it is aimed at maintaining the status quo and reducing the potential unintended consequences of the new provisions for single and grouped dwellings in areas coded R80; and
- 5.3 Provide a report to Council by 10 September 2013 relating to discussions referred to in Clause 5.2.”

AMENDMENT NO 1 CLAUSE (2) PUT AND LOST (1-8)

For: Cr Maier

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

AMENDMENT 2

Moved Cr Carey, Seconded Cr McGrath

“That a new Clause 3 be inserted to read as follows:

3. **ADVISES** affected residents and property owners of the above decision and seeks comment if they would also support a down-zoning of their area to R50.”

Debate ensued.

AMENDMENT 2 PUT AND CARRIED UNANIMOUSLY (9-0)

AMENDMENT 3

Moved Cr McGrath, Seconded Cr Carey

“That a new Clause 2.3 be inserted to read as follows:

- 2.3. any reference to the term ‘Heritage Areas’ should be consistent with the provisions of the City’s Town Planning Scheme and pursuant to the State Planning Policy;”

Debate ensued.

AMENDMENT 3 PUT AND CARRIED UNANIMOUSLY (9-0)

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

COUNCIL DECISION ITEM 9.1.6

That the Council;

1. **RECEIVES** a report on the outcomes of the Community Forum relating to the Amendments to the Residential Design Codes for Areas zoned Residential R80;
2. **ENDORSES** the approach in addressing the Amendments to the Residential Design Codes for Areas zoned Residential R80 as follows and **AUTHORISES** the Chief Executive Officer to:
 - 2.1 Investigate the protection of the streets zoned Residential R80, indentified in the Details section of this report, through the concept of Heritage Areas; and
 - 2.2 Engage a specialist consultant to assist with the identification of the Heritage Areas and the preparation of associated design guidelines; and
 - 2.3. Any reference to the term ‘Heritage Areas’ should be consistent with the provisions of the City’s Town Planning Scheme and pursuant to the State Planning Policy;
3. **ADVISES** affected residents and property owners of the above decision and seeks comment if they would also support a down-zoning of their area to R50;
4. **DEFERS** Implementation of the decision of the Council on 28 May 2013 to investigate the concept of Streetscape Heritage Areas; and

5. NOTES that:

- 5.1 The provisions for single and grouped dwellings in areas coded R80 in the Residential Design Codes 2010 are generally similar to the provisions for areas coded R50 in the Residential Design Codes 2013;**
- 5.2 The inclusion of new provisions for single and grouped dwellings in areas coded R80 may result in unintended consequences due to significant changes in density requirements and that the rezoning of such areas to R50 will essentially maintain the status quo; and**
- 5.3 The Open Space requirements of areas codes R50 and R80 are 40% and 30% respectively.**

PURPOSE OF REPORT:

The purpose of the report is to provide the Council with a report on the outcomes of the Community Forum held on 3 August 2013 and for the Council to endorse an approach for a way forward in terms of addressing the amendments to the Residential Design Codes (R Codes) for areas zoned Residential R80.

BACKGROUND:

State Planning Policy No. 3.1, otherwise known as the Residential Design Codes of Western Australia (R Codes) provides a comprehensive framework guiding the design of residential development. The Western Australian Planning Commission have reviewed the R Codes and made various amendments to the document. The 2013 Residential Design Codes were gazetted on 2 August 2013 and therefore came into effect on this day. One of the major amendments that is considered to significantly impact the character of some areas within the City, is the introduction of average and minimum site area requirements for Residential R80 zoned areas within the City.

Prior to the 2 August 2013, for all areas zoned R80, the R60 requirements are to apply. Therefore the average site area was 180 square metres and the minimum site area was 160 square metres. These requirements allow subdivision to occur with at least 360 square metres. The introduction of R80 requirements for grouped dwellings, reduces the average site area to 120 square metres and the minimum site area to 100 square metres. Therefore as of 2 August 2013, lots zoned R80 with at least 240 square metres are able to subdivide.

Due to the above, the Council considered a report on 23 July 2013 relating to a Community Engagement Process to discuss the amendments to the R Codes for lots zoned Residential R80 and resolved as follows:

“That the Council;

- 1. AUTHORISES the Chief Executive Officer, in consultation with the Mayor, to call a forum for affected residents and property owners on Saturday 3 August 2013 to consider the impact of the amendments to the R Codes in respect to the minimum lot size in R80 zones and to consider possible consequences and responses to these changes;*
- 2. AUTHORISES the Chief Executive Officer, in consultation with the Mayor, to seek public submissions on these changes; and*
- 3. To report back to Council at the conclusion of the community engagement process.”*

DETAILS:

Community Forum

Following the resolution of Council from 23 July 2013 Ordinary Meeting, a Community Forum was held on Saturday 3 August 2013 from 2pm to approximately 4:30pm.

Letters were sent to all the landowners and residents of all the lots in the Cleaver, Hyde Park and Forrest Precincts which are zoned R80 and previously were not able to subdivide, but can do so under the 2013 R Codes, inviting them to attend the forum. Approximately 725 letters were sent out on 25 July 2013. Approximately 25 members of the community attended as well as Mayor MacTiernan, Cr McGrath, Cr Harley, Cr Carey and Cr Maier.

The community forum began with an introduction from the Mayor who provided information on why the City was holding the forum as well as some background on key dates of the development of the 2013 R Codes. The Manager Strategic Planning Sustainability and Heritage Services (MSPSHS) then provided information on some of the key changes in the R Codes, however focused on the introduction of the R80 provisions and reiterated that these were not accounted for in the document that was advertised in July 2011. The City's Officers engaged Principal Heritage Consultant, Nerida Moredoundt from TPG Town Planning and Urban Design to provide some information on heritage and character as well as some case studies of Heritage Areas in Perth and other states.

The MSPSHS then discussed some possible options as well as pros and cons of these options for a way forward. These were:

1. Create Heritage Areas

Pros:

- No Scheme Amendment required – fast process.
- Can create specific design guidelines for specific streets/areas.
- Gives more options to landowners i.e. Subdivision where the existing house is retained or renovation of existing house etc.

Cons:

- The scheme (R80 zoning) takes precedence over a local planning policy.
- Requires extensive community support to establish.

2. Rezone to R50

Pros:

- No subdivision of the effected lots could occur (also could be a con).
- Demolition can still occur (also could be a con).

Cons:

- Requires approval of the Minister – timely process (possibly 12-24 months)
- No subdivision of the effected lots could occur (also could be a pro).
- Demolition can still occur (also could be a pro).
- Less options for owners – 1 single house only (except where multiple dwellings are permitted).
- An R50 zoning should really only occur where there is concentrated areas of 'effected lots'. The random lots would most likely stay at R80.

3. Do Nothing

Pros:

- Subdivision potential of lots has the potential for higher property prices.
- Infill of urban areas – reduces urban sprawl.
- There may be several lots that are able to subdivide without demolishing the existing property. These rights would be taken away with a rezone.

Cons:

- Potential loss of character in these precincts.

Once these options were discussed, an opportunity was then given for the community to workshop which option they would prefer and to list their own pros and cons for each option. Overall it appeared that option 1 would be the best option as it allows the City to begin work right away and does not rely on any approvals of the WAPC. Furthermore this option gives landowners more 'options' in that the potential for subdivision is not lost, as there may be several instances where subdivision can occur at the rear of a property, and therefore there is no loss in streetscape character. It was also mentioned that a rezoning could also occur at a later stage. In light of this, the City's Officers recommends to proceed with the investigation of Heritage Areas, with the possibility of rezoning in the future.

Heritage Areas

Identification of Streets

As a result of the Community Forum held on Saturday 3 August 2013, the City's Officers recommend that the Council endorse the approach for the introduction of Heritage Areas. The City's Officers propose that initially 20 streets in the Hyde Park and Cleaver Precincts be investigated for the possibility of Heritage Areas. It is noted that there are no streets in the Forrest Precinct that have been identified as there are no 'clusters' of properties in an area/street that are affected by the R Code changes, except for a portion of Smith Street, however all these dwellings were recently built.

The table below illustrates the 20 streets that the City's Officers have identified for investigation and some initial research that has been conducted in regards to these streets. It is noted that when more thorough research is conducted, it may result in some of these streets not being identified as a Heritage Area.

Street	Number of Lots	Number of Lots less than 240 sqm	Number of Lots between 240sqm – 359sqm	Number of Lots greater than 359 sqm	MHI Listings	Draft Streetscape Policy
Baker Avenue, Perth	10 lots	0 lots	1 lot (10%)	9 lots (90%)	• 1-19 Baker Avenue (10 dwellings)	Category 1 Streetscape
Brisbane Terrace, Perth	14 lots	0 lots	12 lots (85.71%)	2 lots (14.29%)	No places listed on the MHI	Street not listed
Bulwer Avenue, Perth	10 lots	0 lots	0 lots	10 lots (100%)	• 3-19 Bulwer Avenue (8 dwellings)	Category 1 Streetscape
Carr Street (Nos. 63-127 – south side), West Perth	32 lots	6 lots (18.75%)	12 lots (37.5%)	14 lots (43.75%)	• 83 Carr Street • 89 Carr Street	Category 1 Streetscape (between Cleaver and Charles)
Cavendish Street, Highgate	24 lots	2 lots (8.33%)	22 lots (91.67%)	0 lots	No places listed on the MHI	Category 2 Streetscape
Chatsworth Road, Highgate	51 lots	6 lots (11.76%)	38 lots (74.51%)	7 lots (13.73%)	• 9 Chatsworth Road • 39-41 Chatsworth Road (8 multiple dwellings) • 47-53	Category 2 Streetscape

Street	Number of Lots	Number of Lots less than 240 sqm	Number of Lots between 240sqm – 359sqm	Number of Lots greater than 359 sqm	MHI Listings	Draft Streetscape Policy
					Chatsworth Road (4 dwellings) • 77 Chatsworth Road	
Dangan Street, Perth	19 lots	1 lot (5.26%)	17 lots (89.48%)	1 lot (5.26%)	• 2 Dangan Street, Perth	Street not listed
Hammond Street, West Perth	17 lots	1 lot (5.88%)	13 lots (76.47%)	3 lots (17.65%)	No places listed on the MHI	Category 1 Streetscape
Harley Street, Highgate	32 lots	8 lots (25%)	22 lots (68.75%)	2 lots (6.25%)	• 7-13 Harley Street (4 dwellings) • 21 Harley Street • 24 Harley Street	Category 2 Streetscape
Hope Street/Orange Avenue, Perth	28 lots	9 lots (32.14%)	5 lots (17.86%)	14 lots (50%)	No places listed on the MHI	Category 2 Streetscape (Orange Avenue)
Janet Street, West Perth	14 lots	0 lots	13 lots (92.86%)	1 lot (7.14%)	No places listed on the MHI	Category 1 Streetscape
Knebworth Avenue, Perth	26 lots	12 lots (46.15%)	8 lots (30.77%)	6 lots (23.08%)	• 39 Knebworth Avenue	Street not listed.
Lake Street (between Bulwer Street and Forbes Road), Perth	53 lots	19 lots (35.85%)	10 lots (18.87%)	24 lots (45.28%)	• 210 Lake Street • 204 Lake Street • 195 Lake Street • 193 Lake Street • 189 Lake Street • Bakers Terrace – 156-184 Lake Street (16 Dwellings) • Orange Estate – 165-185 Lake Street (8 Dwellings)	Street not listed
Lane Street, Perth	19 lots	11 lots (57.89%)	2 lots (10.53%)	6 lots (31.58%)	No places listed on the MHI	Category 2 Streetscape
Myrtle Street,	19 lots	4 lots	15 lots	0 lots	• 1 Myrtle	Category 1

Street	Number of Lots	Number of Lots less than 240 sqm	Number of Lots between 240sqm – 359sqm	Number of Lots greater than 359 sqm	MHI Listings	Draft Streetscape Policy
Perth		(21.05%)	(78.95%)		Street • 18 Myrtle Street • 22 Myrtle Street	Streetscape
Randell Street, Perth	29 lots	21 lots (72.41%)	5 lots (17.24%)	3 lots (10.35%)	• 2 Randell Street • 4 Randell Street • 6 Randell Street	Street not listed.
Robinson Avenue (between Lake Street and Brisbane Place), Perth	23 lots	19 lots (82.61%)	3 lots (13.04%)	1 lot (4.35%)	No places listed on the MHI	Street not listed.
Ruth Street, Perth	33 lots	13 lots (39.39%)	17 lots (51.52%)	3 lots (9.09%)	• Musbury Terrace – 15-25 Ruth Street, Perth (6 Dwellings)	Street not listed
St Albans Avenue, Highgate	11 lots	0 lots	0 lots	11 lots (100%)	• 6 St Albans Avenue	Category 1 Streetscape
Wade Street, Perth	19 lots	11 lots (57.89%)	8 lots (42.11%)	0 lots	• 29-31 Wade Street • 33 Wade Street • 35 Wade Street • 37 Wade Street	Category 1 Streetscape

Project Methodology

The City's Officers have identified 20 streets/areas in the Hyde Park and Cleaver Precincts which have the potential for status as a Heritage Area. As per the Officer Recommendation, it is recommended that Consultant's are engaged to further assist with the identification of these Heritage Areas as well as the preparation of the associated design guidelines that are attached to each Heritage Area.

The following steps outline the process in which the City's Officers should follow in the development of Heritage Areas:

1. Council endorse the proposed way forward and the appointment of a consultant.
2. The City's Officers prepare a Request for Quotation Project Brief and report to Council with the recommended Consultant.
3. The consultant further investigates and researches the 20 streets in terms of their eligibility as a Heritage Area.

4. The consultant provides to the City recommendations of which of the 20 streets are eligible for being considered as a Heritage Area and provides some ideas on what could be included in the design guidelines for each Heritage Area.
5. Pre-consultation/Visioning Process involving sending pamphlets or the like to the owners and occupiers of each property within the Heritage Area and advising them what the City is considering and provide some information on what potentially could go into the design guidelines. This will include basic information about what a Heritage Area is and general education on heritage. This will also include an invitation to attend a forum to discuss the concept of Heritage Areas and to obtain some feedback from the community on what they like about their street and some ideas on what could be incorporated into the design guidelines. Each proposed Heritage Area will have a separate pamphlet and a separate community workshop.
6. The consultant, in conjunction with the City's Officers, prepares the draft design guidelines. This process will involve a presentation at a Council Member Forum.
7. The design guidelines are reported to Council to Authorise the CEO to advertise for 28 days, in accordance with the process of adopting/amending a Local Planning Policy.
8. The design guidelines are advertised for 28 days. Depending on the streets, some of these design guidelines may require a community forum as part of the consultation process.
9. The Heritage Areas/Design Guidelines are adopted by the Council.

Once and if these Heritage Areas/Design Guidelines are adopted by the Council, the City's Officers may start to research other areas/streets that could be considered for this process.

Streetscape Heritage Areas

The Council at its Ordinary Meeting held on 28 May 2013 resolved as follows:

- "1. *ENDORSES the approach to addressing Residential Streetscapes through Streetscape Heritage Areas as follows and AUTHORISES the Chief Executive Officer to:*
 - 1.1 *further investigate the protection of streetscapes through the concept of Streetscape Heritage Areas, using two street/precincts selected by the City's Chief Executive Officer, in liaison with the Mayor Hon. Alannah MacTiernan and the affected residents and landowners, as a case study, as outlined in the 'Comments' section of this report; and*
 - 1.2 *engage a specialist consultant to assist with the case studies as outlined in the 'Comments' section of this report; and*
2. *NOTES that:*
 - 2.1 *following the completion of the above process, it is anticipated that the adopted planning framework shall be incorporated into a Local Planning Policy for use across the City for areas identified by the Community as worthy of streetscape protection; and*
 - 2.2 *the case study will include options for various incentive packages, such as subsidised architect consultancy fees for land owners seeking advice on options for alterations and additions to existing character houses within a protected zone and/or appropriate Planning concessions for retention of all/or part of an existing house in a protected zone."*

It is noted that subsequent to this decision of Council, the 2013 Residential Design Codes were released on 2 June 2013. Due to the introduction of the R80 provisions in the R Codes and the concerns raised at the Community Forum held on 3 August 2013, it is considered that the investigation into 'Streetscape Heritage Areas' be put on hold and the City initially focus on the protection of these R80 areas as it can become quite confusing for the community if the two projects are being investigated concurrently.

CONSULTATION/ADVERTISING:

No consultation is required for the appointment of a consultant.

LEGAL/POLICY:

- City of Vincent Town Planning Scheme No. 1 and Associated Policies;
- Residential Design Codes 2013.

RISK MANAGEMENT IMPLICATIONS:

High: It is considered that the amendments to the R Codes in relation to the introduction of average and minimum site area provisions for areas zoned R80 is a high risk to the community as there is an additional 578 lots in the City that will be able to be subdivide, where previously they were unable to. These lots are located in areas where it is considered to have high levels of character and streetscape value and these provisions may cause great concern for the community.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"1. Natural and Built Environment

1.1 Improve and maintain the natural and built environment and infrastructure

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

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

Town Planning Scheme Amendments and Policies

Budget Amount:	\$73,000
Spent to Date:	<u>\$ 1,175</u>
Balance:	\$71,225

COMMENTS & CONCLUSION:

The City's Officers are concerned that the introduction of the R80 requirements for average and minimum site area may be also be a concern for the community. This was confirmed at the Community Forum held on Saturday 3 August 2013. In light of this, it is recommended that the Council approved the Officers Recommendation to investigate the protection of the streets zoned Residential R80 through the concept of Heritage Areas and engage a specialist consultant to assist with the identification of the Heritage Areas and the preparation of associated design guidelines.

9.1.8 Nos. 55-57 (Lots 58, 60, 305 & 306; D/P 1659 & 34682) Kalgoorlie Street, corner of Ashby Street, Mount Hawthorn – Proposed Construction of Two (2) Two-Storey Grouped Dwellings to Two (2) Approved Two-Storey Grouped Dwellings

Ward:	North	Date:	21 August 2013
Precinct:	Mount Hawthorn; P1	File Ref:	PRO5324 & PRO5884; 5.2013.179.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Applicant's Justification dated 26 April 2013 003 – Applicant's Justification dated 25 July 2013		
Tabled Items:	Nil		
Reporting Officer:	S Radosevich, Planning Officer (Statutory)		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

- A. in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application for Unit 1, submitted by A.B.C Design Services on behalf of the owner, GM & M Tamburri for Proposed Construction of Two (2) Two-Storey Grouped Dwellings to Two (2) Approved Two-Storey Grouped Dwellings at Nos. 55-57 (Lots 58, 60, 305 & 306; D/P 1659 & 34682) Kalgoorlie Street, Corner of Ashby Street, Mount Hawthorn, and as shown on plans stamp-dated 8 May 2013, for the following reasons:
1. Proposed Unit 1 does not comply with the following objectives and general provisions of the City of Vincent Town Planning Scheme No. 1:
 - 1.1 To protect and enhance the health, safety and physical welfare of the City's inhabitants and the social, physical and cultural environment;
 - 1.2 To ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which -
 - 1.2.1 Recognises the individual character and need of localities within the Scheme zone area; and
 - 1.3 The design, scale and relationship to existing buildings and surrounding, with respect to Kalgoorlie Street;
 2. Non-compliance with the Acceptable Development and Performance Criteria provisions of the City's Policy No 3.2.1 relating to Residential Design Elements, with regard to the following Clauses:
 - 2.1 SADC 5 and SPC 5 'Street Setback' relating to the ground floor and balcony setback to Kalgoorlie Street;
 - 2.2 SADC 8 and SPC8 'Setback of Garages and Carports' relating to the setbacks of the garages; and
 - 2.3 SADC 13 and SPC 13 'Street Walls and Fences' relating to the front fence; and
 3. Non-compliance with the Deemed-to-comply and Design Principles of the Residential Design Codes of Western Australia 2013, with regards to the following Clauses:

- 3.1 **Clause 5.3.1 'Outdoor Living Areas' relating to the location of the outdoor living area;**
 - 3.2 **Clause 5.3.5 'Vehicular Access' relating to the driveway abutting the side lot boundary; and**
 - 3.3 **Clause 5.4.1 'Visual Privacy' relating to the extent of overlooking into the adjoining properties; and**
 4. **The construction of proposed Unit 1, fronting Kalgoorlie Street, would create an undesirable precedent for the development of surrounding lots, which is not in the interests of orderly and proper planning for the locality; and**
- B. in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application for Unit 3, submitted by A.B.C Design Services on behalf of the owner, GM & M Tamburri for Proposed Construction of Two (2) Two-Storey Grouped Dwellings to Two (2) Approved Two-Storey Grouped Dwellings at Nos. 55-57 (Lots 58, 60, 305 & 306; D/P 1659 & 34682) Kalgoorlie Street, Corner of Ashby Street, Mount Hawthorn, and as shown on plans stamp-dated 8 May 2013, subject to the following conditions:**
1. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:**
 - 1.1 **Landscaping and Reticulation Plan**

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

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

 - 1.1.1 **The location and type of existing and proposed trees and plants;**
 - 1.1.2 **All vegetation including lawns;**
 - 1.1.3 **Areas to be irrigated or reticulated;**
 - 1.1.4 **Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and**
 - 1.1.5 **Separate soft and hard landscaping plants (indicating details of materials to be used).**

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

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

The subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the submission of a Building Permit the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the City, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the

City's solicitors or other solicitors agreed upon by the City, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Permit. All costs associated with this condition shall be borne by the applicant/owner(s); 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. 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 Ashby Street;
2. Any new street/front wall, fence and gate within the Ashby 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
3. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning.

The Presiding Member Mayor Hon. Alannah MacTiernan departed the Chamber at 7.32pm and did not return.

Deputy Mayor Cr Warren McGrath assumed the Chair at 7.32pm.

COUNCIL DECISION ITEM 9.1.8

Moved Cr Topelberg, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

The Presiding Member, Deputy Mayor Cr Warren McGrath ruled that voting for the Item will be carried out in two parts.

PART A

That the Council;

- A. in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application for Unit 1, submitted by A.B.C Design Services on behalf of the owner, GM & M Tamburri for Proposed Construction of Two (2) Two-Storey Grouped Dwellings to Two (2) Approved Two-Storey Grouped Dwellings at Nos. 55-57 (Lots 58, 60, 305 & 306; D/P 1659 & 34682) Kalgoorlie Street, Corner of Ashby Street, Mount Hawthorn, and as shown on plans stamp-dated 8 May 2013, for the following reasons:
 1. Proposed Unit 1 does not comply with the following objectives and general provisions of the City of Vincent Town Planning Scheme No. 1:

- 1.1 To protect and enhance the health, safety and physical welfare of the City's inhabitants and the social, physical and cultural environment;
 - 1.2 To ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which -
 - 1.2.1 Recognises the individual character and need of localities within the Scheme zone area; and
 - 1.3 The design, scale and relationship to existing buildings and surrounding, with respect to Kalgoorlie Street;
2. Non-compliance with the Acceptable Development and Performance Criteria provisions of the City's Policy No 3.2.1 relating to Residential Design Elements, with regard to the following Clauses:
- 2.1 SADC 5 and SPC 5 'Street Setback' relating to the ground floor and balcony setback to Kalgoorlie Street;
 - 2.2 SADC 8 and SPC8 'Setback of Garages and Carports' relating to the setbacks of the garages; and
 - 2.3 SADC 13 and SPC 13 'Street Walls and Fences' relating to the front fence; and
3. Non-compliance with the Deemed-to-comply and Design Principles of the Residential Design Codes of Western Australia 2013, with regards to the following Clauses:
- 3.1 Clause 5.3.1 'Outdoor Living Areas' relating to the location of the outdoor living area;
 - 3.2 Clause 5.3.5 'Vehicular Access' relating to the driveway abutting the side lot boundary; and
 - 3.3 Clause 5.4.1 'Visual Privacy' relating to the extent of overlooking into the adjoining properties; and
4. The construction of proposed Unit 1, fronting Kalgoorlie Street, would create an undesirable precedent for the development of surrounding lots, which is not in the interests of orderly and proper planning for the locality; and

**MOTION (PART A) PUT AND CARRIED ON THE
CASTING VOTE OF THE PRESIDING MEMBER (5-4)**

For: Presiding Member, Deputy Mayor Cr Warren McGrath (two votes – deliberative and casting vote), Cr Carey, Cr Harley and Cr Maier

Against: Cr Buckels, Cr Pintabona, Cr Topelberg and Cr Wilcox

(The Presiding Member Mayor Hon. Alannah MacTiernan had departed the Meeting at 7.32pm and did not return.)

PART B

That the Council;

B. in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application for Unit 3, submitted by A.B.C Design Services on behalf of the owner, GM & M Tamburri for Proposed Construction of Two (2) Two-Storey Grouped Dwellings to Two (2) Approved Two-Storey Grouped Dwellings at Nos. 55-57 (Lots 58, 60, 305 & 306; D/P 1659 & 34682) Kalgoorlie Street, Corner of Ashby Street, Mount Hawthorn, and as shown on plans stamp-dated 8 May 2013, subject to the following conditions:

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

1.1 Landscaping and Reticulation Plan

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

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

- 1.1.1 The location and type of existing and proposed trees and plants;
- 1.1.2 All vegetation including lawns;
- 1.1.3 Areas to be irrigated or reticulated;
- 1.1.4 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 1.1.5 Separate soft and hard landscaping plants (indicating details of materials to be used).

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

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

1.2 Amalgamation of Lots

The subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the submission of a Building Permit the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the City, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the City's solicitors or other solicitors agreed upon by the City, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Permit. All costs associated with this condition shall be borne by the applicant/owner(s); 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. 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 Ashby Street;
2. Any new street/front wall, fence and gate within the Ashby 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
3. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning.

MOTION (PART B) PUT AND CARRIED UNANIMOUSLY (8-0)

(The Presiding Member Mayor Hon. Alannah MacTiernan had departed the Meeting at 7.32pm and did not return.)

PURPOSE OF REPORT:

The application is referred to Council for determination given the proposal comprises four (4) dwellings in total.

BACKGROUND:

History:

Date	Comment
15 October 2012	The City approved a development application for the proposed demolition of two (2) existing single homes and construction of two (2) two-storey grouped dwellings under delegated authority.

Previous Reports to Council:

Nil.

DETAILS:

The proposal is for the construction of a two (2) two-storey grouped dwellings to two (2) approved two-storey grouped dwellings at Nos, 55-57 Kalgoorlie Street, Mount Hawthorn. The application relates to the proposed construction of Unit 1, fronting Kalgoorlie Street, and Unit 3, fronting Ashby Street.

Landowner:	GM & M Tamburri
Applicant:	A.B.C. Design Services
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R30
Existing Land Use:	Vacant Lots
Use Class:	Grouped Dwellings
Use Classification:	"P"
Lot Area:	1,452 square metres (overall site)
Right of Way:	Not applicable

ASSESSMENT:

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

UNIT 1

Design Element	Complies 'Deemed-to-comply' or TPS Clause	OR	'Design Principles' Assessment or TPS Discretionary Clause
Density/Plot Ratio	✓		
Streetscape	✓		
Roof Forms			✓
Front Fence			✓
Front Setback			✓
Building Setbacks			✓
Boundary Wall	✓		
Building Height			✓
Building Storeys	✓		
Open Space	✓		
Outdoor Living Area			✓
Bicycles	✓		
Access & Parking			✓
Privacy			✓
Solar Access	✓		
Site Works			✓
Essential Facilities	✓		
Street Surveillance	✓		
Landscaping			✓

UNIT 3

Design Element	Complies 'Deemed-to-comply' or TPS Clause	OR	'Design Principles' Assessment or TPS Discretionary Clause
Density/Plot Ratio	✓		
Streetscape	✓		
Roof Forms			✓
Front Fence	✓		
Front Setback	✓		
Building Setbacks			✓
Boundary Wall	✓		
Building Height			✓
Building Storeys	✓		
Open Space	✓		
Outdoor Living Area	✓		
Bicycles	✓		
Access & Parking	✓		
Privacy			✓
Solar Access	✓		
Site Works	✓		
Essential Facilities	✓		
Street Surveillance	✓		
Landscaping			✓

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

Issue/Design Element:	Roof Forms
Requirement:	<p>Residential Design Elements BDADC 3 The use of roof pitches between 30 degrees and 45 degrees (inclusive) being encouraged.</p>
Applicants Proposal:	<p><u>UNIT 1</u> 26.5 degree roof pitch.</p> <p><u>UNIT 3</u> 26.5 degree roof pitch.</p>
Performance Criteria:	<p>The roof of a building is to be designed so that:</p> <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
Applicant justification summary:	<p><i>"A traditional and natural 1:2 (26.5 degree) roof pitch is proposed, consistent with many homes throughout this area and throughout Metropolitan Perth generally.</i></p> <p><i>A roof pitch of 45 degrees is extremely unsafe for both construction and maintenance; visually bulky and overbearing; and outside Australian Standards for safe engineering tables for timber framed roofs.</i></p> <p><i>A roof pitch of 30 degrees is also unsafe, and too steep for an area of Australia that does not experience snow. Neither of these roof pitches should be encouraged."</i></p>
Officer technical comment:	<p>The proposed 26.5 degree roof pitch to each of the dwellings complies with Performance Criteria of the City's Residential Design Elements in this instance due as it does not unduly increase the building bulk of the proposal.</p> <p>As there are a number of varying roof pitches within the locality the proposed 26.5 degree roof pitches are considered to be in keeping with the existing and future desired streetscape character of the locality.</p> <p>The proposal complies with the requirements of Clause 5.4.2 "Solar Access for Adjoining Sites" C2.1 of the R-Codes, as the shadow falls within the parent lot site area and over the Ashby Street road reserve, therefore not resulting in any undue overshadowing of adjacent properties of open space.</p>

Issue/Design Element:	Front Fence
Requirement:	<p>Residential Design Elements SADC 13 Maximum height of 1.8 metres above adjacent footpath level.</p> <p>Maximum height of piers with decorative capping to be 2 metres above adjacent footpath level.</p>
	<p>Maximum height of solid portion of wall to be 1.2 metres above adjacent footpath level and a minimum of fifty percent visually permeable above 1.2 metres.</p> <p>Posts and piers are to have a maximum width 355 millimetres and a maximum diameter of 500 millimetres.</p> <p>The distance between piers should not be less than the height of the piers except where pedestrian gates are proposed.</p>
Applicants Proposal:	<p><u>UNIT 1</u> Details of the front fence have not been provided.</p>
Performance Criteria:	<p>Residential Design Elements SPC 13 Street walls and fences are to be designed so that:</p> <ul style="list-style-type: none"> • Buildings, especially their entrances, are clearly visible from the primary street; • A clear line of demarcation is provided between the street and development; • They are in keeping with the desired streetscape; and • Provide adequate sightlines at vehicles access points.
Applicant justification summary:	<p><i>“Maximum 1.8 metre height above adjacent footpath level – proposed fully compliant front fence with piers not exceeding 355 millimetres wide or 2 metres high, with 650 millimetres (1200 millimetres) high low rendered brick wall, and selected 1.15 metres high (1.8 metres overall) open railing between piers approximately 2.5 metres apart.”</i></p>
Officer technical comment:	<p>The proposal does not comply with the Acceptable Development provisions of Clause SADC 13 ‘Street Walls and Fences’ or the Performance Criteria of Clause SPC 13 ‘Street Walls and Fences’ of the City’s Policy No. 3.2.1 relating to Residential Design Elements, as details relating to the front fence have not been provided.</p> <p>Further to the above, it is a standard advice note on any approval that front fencing is to comply with the City’s Policy provisions relating to Street Walls and Fences.</p>

Issue/Design Element:	Front Setback
Requirement:	<p>Residential Design Elements SADC 5</p> <p><u>UNIT 1</u> <u>Ground Floor</u> The primary street setback is to reflect the predominant streetscape pattern for the immediate locality which is defined as being the average setback of the five (5) adjoining properties on each side of the development.</p> <p>Average setback: 6.8 metres</p> <p><u>Balconies</u> A minimum of 1 metre behind the ground floor setback.</p>
Applicants Proposal:	<p><u>UNIT 1</u> <u>Ground Floor</u> 4.08 – 7.1 metres</p> <p><u>Balconies</u> 0.8 metres behind the ground floor.</p>
Performance Criteria:	<p>Residential Design Elements SPC 5</p> <p>Development is to be appropriately located on site to:</p> <ul style="list-style-type: none"> • Maintain streetscape character; • Ensure the amenity of neighbouring properties is maintained; • Allow for the provision of landscaping and space for additional tree plantings to grow to maturity; • Facilitate solar access for the development site and adjoining properties; • Protect significant vegetation; and • Facilitate efficient use of the site. <p>Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>
Applicant justification summary:	<p><i><u>Unit 1 – Ground Floor:</u></i> <i>R-Codes require 4 metres; actual 4.08 metres – Fully compliant.</i> <i>City: average 6.8 metres; actual- averaged, 6.8 metres- Fully compliant: 4.08 metres (x6.39 metres), 7.08 metres (x4.5 metres), 12.63 metres (x1.98 metres), and 14.60 metres(x2.9 metres); 35.36 square metres total unbuilt area behind 6.8 metre line- double 17.38 square metres built area in front of 6.8 metre line. Setback complies with (exceeds) 6.8 metre average- Fully compliant.</i></p> <p><i><u>Unit 1 – First Floor:</u></i> <i>R-Codes require 4 metres; actual- open Balcony 4.88 metres; enclosed First Floor 9.78 metres- Fully compliant.</i> <i>City 1 metre behind the Ground Floor setback: actual- 0.8 metre open Balcony (6.99 metres wide, only 44 percent of House frontage, or 38 percent of site</i></p>

Issue/Design Element:	Front Setback
	<i>frontage), but enclosed First Floor setback 9.78 metres (8.37 metres wide, or 53 percent of House frontage, or 46 percent of site frontage)-Fully compliant.”</i>
Officer technical comment:	Proposed Unit 1, fronting Kalgoorlie Street, does not comply with the Acceptable Development or Performance Criteria provisions of the City’s Policy No. 3.2.1 relating to Residential Design Elements as it does not present an interactive elevation to Kalgoorlie Street.
	<p>The entrance to the dwelling is located behind the garage, therefore limiting interaction at a pedestrian level, between the ground floor of the development and the street frontage. Balconies have been provided to the upper floor as an attempt to increase the interaction between the dwelling and the streetscape; however this further reduces the setback of the dwelling to the primary street resulting in a greater building bulk on Kalgoorlie Street without providing sufficient articulation to the dwellings.</p> <p>The combination of the reduced setback and location of the outdoor living area, results in the potential that a significant portion of the setback area will be hardstand, with there being a minor amount of landscaping proposed; therefore resulting in an adverse impact on the streetscape.</p> <p>Further to the above, the proposal is not considered to maintain the existing streetscape, as it predominantly comprises dwellings setback 7 metres to 8 metres from Kalgoorlie Street. Therefore the proposal is not considered to maintain the amenity of neighbouring properties or the streetscape, as the proposed setback variations to Unit 1 results in undue building bulk on Kalgoorlie Street from the pedestrian level.</p>

Issue/Design Element:	Building Setbacks
Requirement:	<p>Residential Design Codes Clause 5.1.3 C3.1 <u>UNIT 1</u> Ground Floor: Southern wall: 3 metres</p> <p>Upper Floor: Northern wall: 4.1 metres</p> <p><u>UNIT 3</u> Upper Floor Western wall: 3.4 metres</p>
Applicants Proposal:	<p><u>UNIT 1</u> Ground Floor: Southern wall: 1.5 metres</p> <p>Upper Floor: Northern wall: 3.9 metres – 5.28 metres</p> <p><u>UNIT 3</u> Upper Floor Western wall: 3.2 metres</p>

Issue/Design Element:	Building Setbacks
Performance Criteria:	<p>Residential Design Codes Clause 5.1.3 P3.1 Buildings set back from lot boundaries so as to:</p> <ul style="list-style-type: none"> • Reduce impacts of building bulk on adjoining properties; • Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.
Applicant justification summary:	<p><u>Unit 1</u> <i>Ground Floor, southern wall: 3 metres. Disputed, R-Codes Table 2b, 1.5 metres (walls 3.5 metres high or less and 9 metres to over 30 metres long). Upper Floor, northern wall: 4.1 metres. Disputed, R-Codes Table 2b, 3.9 metres (walls 6 metres high or less and up to 15 metres long). Actual, 3.9 metres to 5.28 metres: Agreed.</i></p> <p><u>Unit 3</u> <i>Upper floor, western wall: 3.4 metres. Disputed, R-Codes Table 2a, Walls with no major openings, height 6.0 metres, wall length 9 metres long or less (actual 8.37 metres), required- 1.2 metres, actual 1.5 metres."</i></p>
Officer technical comment:	<p>The proposed setbacks comply with the Performance Criteria of Clause 5.1.3 'Lot Boundary Setback' P3.1 of the R-Codes, as the proposed setback variations, do not result in any unreasonable undue impact in terms of visual impact and access to direct sun and ventilation to the adjoining properties.</p> <p>The upper floor major openings to Unit 3, comply with the Design Principles of Clause 5.4.1 'Visual Privacy' P1.1 and P1.2 of the R-Codes, therefore protecting privacy between the subject site and adjoining properties.</p> <p>It is also noted that the proposal complies with the requirements of Clause 5.4.2 "Solar Access for Adjoining Sites" C2.1 of the R-Codes, as the shadow falls within the parent lot site area and over the Ashby Street road reserve, therefore not resulting in any undue overshadowing of adjacent properties of open space.</p>

Issue/Design Element:	Building Height
Requirement:	<p>Residential Design Elements BDADC 5 Top of external wall (roof above): 6 metres</p>
Applicants Proposal:	<p><u>UNIT 1</u> Top of external wall (roof above): 6.7 metres</p> <p><u>UNIT 3</u> Top of external wall (roof above): 6.1 metres</p>
Performance Criteria:	<p>Residential Design Elements BDPC 5 Building height is to be considered to:</p> <ul style="list-style-type: none"> • Limit the height of dwellings so that no individual dwelling dominates the streetscape; • Limit the extent of overshadowing and visual

Issue/Design Element:	Building Height
	<p>intrusion on the private space of neighbouring properties; and</p> <ul style="list-style-type: none"> Maintain the character and integrity of the existing streetscape.
<p>Applicant justification summary:</p>	<p><i>“Where Town Planning Scheme is silent, R-Codes (for roof pitches up to 25 degrees), Table 3- Maximum building heights, Category B, Top of wall (roof above): 6 metres. From Licensed Land Surveyor Contour Survey Plan, with all levels noted as Australian Height Datum (AHD), review natural ground levels (NGL) where buildings are two storeys high.</i></p> <p><i>Unit 1: proposed dwelling elevations: East elevation (front): NGL 34.74 + 6 metres = 40.71, less 35.38 GFL = 5.33 metres + 0.15 metres maximum finished ground level (FGL) = 4.48, or less than 6 metres height limit. North Elevation: 34.99 + 6 metres = 40.99 – 35.38 GFL = 5.61 + 0.15 metres = 5.76 metres, or less than 6 metres height limit. South Elevation: 34.63 + 6 metres = 40.63 – 35.38 GFL = 5.25 + 0.15 metres = 5.40 metres, or less than 6 metres height limit.</i></p> <p><i>Also, street boundary, north peg: 35.36 and south: 34.52; rear boundary, south peg: 34.07; north: 35.02; therefore, average site level: 34.74, plus 6 metres = 40.74, less 35.38 proposed dwelling ground floor level (GFL) = 5.36 metres + 0.15 metres FGL = 5.51 metres, or less than 6 metres height limit.</i></p> <p><i>Unit 3: proposed dwelling elevations: South Elevation (front): NGL 33.60 – 33.577 GFL (below NGL) = -0.023 + 6 metres = 5.977 metres, or less than 6 metres height limit. East Elevation: 33.72 – 33.577 GFL = -0.143 + 6 metres = 5.857 metres, or less than 6 metres height limit. North Elevation: NGL 33.76 – 33.577 GFL = -0.183 + 6 metres = 5.81 metres, or less than 6 metres height limit. West Elevation: NGL 33.66 – 33.577 GFL = -0.083 + 6 metres = 5.91 metres, or less than 6 metres height limit.”</i></p>
<p>Officer technical comment:</p>	<p>The proposal complies with the Performance Criteria of the City’s Policy No. 3.2.1 relating to Residential Design Elements in this instance as the proposed building height exceeds the 6 metres due to the slope of the natural ground level. The proposed dwellings comply with the 6 metres building height on the front elevations presenting to Kalgoorlie Street and Ashby Street, therefore the proposed building height does not result in the building dominating the streetscape.</p> <p>The proposal complies with the requirements of Clause 5.4.2 “Solar Access for Adjoining Sites” C2.1 of the R-Codes, as the shadow falls within the parent lot site area and over the Ashby Street road reserve, therefore not resulting in any undue overshadowing of adjacent properties of open space</p>

Issue/Design Element:	Building Height
	<p>It is a condition of approval that the upper floor major openings to Unit 3 are to be screened in accordance with the Deemed-to-comply provisions of Clause 5.4.1 'Visual Privacy' C1.1 of the R-Codes, therefore protecting privacy between the subject site and adjoining properties. In light of this, the proposal is considered to limit the extent of overshadowing and visual intrusions on the neighbouring properties.</p> <p>As the proposed building height results from the slope in the natural ground level, it is considered that the building height maintains the character and integrity of the streetscape. Further to this it is noted that the height limit for the locality is two-storey (plus loft), therefore the proposed building height is considered to be consistent with the existing and future desired streetscape.</p>

Issue/Design Element:	Outdoor Living Area
Requirement:	<p>Residential Design Codes Clause 5.3.1 C1.1 An outdoor living area to be provided behind the street set-back area.</p>
Applicants Proposal:	<p><u>UNIT 1</u> Outdoor living area is located within the street setback area.</p>
Performance Criteria:	<p>Residential Design Codes Clause 5.3.1 P1.1 and P1.2 Outdoor living areas which provide spaces:</p> <ul style="list-style-type: none"> • Capable of use in conjunction with a habitable room of the dwelling; • Open to winter sun and ventilation; and • Optimise use of the northern aspect of the site. <p>Balconies or equivalent outdoor living areas capable of use in conjunction with a habitable room of each dwelling, and if possible, open to winter sun.</p>
Applicant justification summary:	<p><i>"An outdoor living area to be provided behind the street setback area. Agreed; however only possible location within the constraints imposed by the City, and the site:</i></p> <ul style="list-style-type: none"> • <i>City rejected first proposal of 5 terrace-style Town Houses, all with ideal passive solar rear, north, private outdoor living areas; diminishing Owner's land value, and prevented building of a dwelling for each of 4 children, and one for themselves and Mr Tamburri's mother; and, in direct conflict with City's TPS Precinct Policy, which stated property should be developed to R60, or 8 dwellings, City further diminished land value by forcing development of only 4 dwellings. [City has delayed approval of this development since 2007!]</i> • <i>Not to interfere with 2 existing street trees, or power pole for existing overhead power lines, and to use an existing single crossover (1.4 metres from closest street tree), forcing driveway into Garage, parallel to Kalgoorlie Street-prevented outdoor living behind the building line.</i>

Issue/Design Element:	Outdoor Living Area
	<ul style="list-style-type: none"> As outdoor living courtyard is setback 7.08 metres from eastern street boundary, it can be screened for privacy, while leaving more than the minimum required 6 x 4 metre (24 square metres) free for active private open space- directly accessible from ground floor living room."
Officer technical comment:	The proposed location of the outdoor living area to Unit 1 does not comply with the Design Principles of Clause 5.3.1 'Outdoor Living Areas' P1.1 and P1.2 in this instance as the outdoor living area is not in a location maximises the northern access and winter sun.

Issue/Design Element:	Access & Parking
Requirement:	Residential Design Elements SADC 8 Garages are to be setback a minimum of 500 millimetres behind line of the front main building line of the dwelling (not open verandah, porch, portico and the like).
	Residential Design Codes Clause 5.3.5 C5.3 Driveways shall be no closer than 0.5 metres from a side lot boundary.
Applicants Proposal:	<u>UNIT 1</u> Garage is 3 metres forward of the main building line. Driveway abuts the northern boundary.
Performance Criteria:	Residential Design Elements SPC 8 Garages and carports are not to visually dominate the site or the streetscape. Residential Design Codes Clause 5.3.5 P5 Vehicular access provided for each development site to provide: <ul style="list-style-type: none"> Vehicle access safety; Reduced impact of access points on the streetscape; Legible access; Pedestrian safety; Minimal crossovers; and High quality landscaping features.
Applicant justification summary:	<i>"Setback of Garages and Carports: Unit 1</i> <i>R-Codes 6.2.8 Garage doors and supporting structures facing the primary street are not to occupy more than 50 percent of the frontage. Garage, as proposed, fully compliant- with above R-Codes requirement; and, in addition:</i> <ul style="list-style-type: none"> Not wide garage door faces the street; 6.39 metres width (or only 35 percent of the 18.27 metre site frontage) faces street; Two windows facing street, provide articulation, and a more aesthetic appearance; and Open balcony above Garage (though setback), further enhances visual aspect to street.

Issue/Design Element:	Access & Parking
	<p><i>City requirement that Garages are to be setback a minimum of 500 millimetres behind line of the front main building line of the dwelling- conflicts with another City requirement that balconies are to be a minimum 1 metre behind the ground floor setback (?).</i></p> <p><i>Garage is 3 metres forward of the main building line. Disputed, as City superimposed setback of 6.8 metres (average 5 adjoining properties on each side of the development), is not only met, but exceeded- with part of street elevation setback 4.08 metres (40.5 percent), part 7.08 metres (28.5 percent), part 12.63 metres (12.55 percent), and part 14.6 metres (18.4 percent); or 35.36 square metres behind and only 17.38 square metres 2.72 metres in front of 6.8 metres.</i></p> <p><u><i>Vehicular Access Unit 1:</i></u> <i>Driveway abuts the northern boundary. Agreed. Note, however, as this is an existing crossover, it cannot be moved, but internally (within the private property), a strip of planting along the northern boundary is possible, without compromising vehicular, or pedestrian, safety."</i></p>
Officer technical comment:	<p>The proposed garage to Unit 1 does not comply with the Acceptable Development or Performance Criteria provisions of the City's Policy No. 3.2.1 relating to Residential Design Elements as the proposed garage presenting to Kalgoorlie Street dominates the streetscape.</p> <p>The garage to Unit 1 is setback 4.08 metres from the front boundary, being 3 metres in forward of the main building line of the dwelling.</p> <p>A balcony has been proposed to the upper floor of Unit 1, which aids in reducing the impact of the garage on the streetscape, however as it is considered that the garage will dominant the frontage of the site and streetscape.</p> <p>Further to the above, the proposed driveway to Unit 1 does not comply with the Deemed-to-comply or Design Principle provisions of Clause 5.3.5 'Vehicle Access' of the R-Codes, as the driveway abuts the side lot boundary which does not provide for high quality landscaping features.</p>

Issue/Design Element:	Privacy
Requirement:	<p>Residential Design Codes Clause 5.4.1 C1.1 Major openings and unenclosed outdoor active habitable spaces, which have a floor level of more than 0.5 metres above natural ground level and overlook any part of any other residential property behind its street setback line are:</p> <p>i. Set back, in direct line of sight within the cone of vision, from the lot boundary:</p> <p>Bedrooms and studies: 4.5 metres Habitable rooms: 6 metres Unenclosed outdoor active habitable spaces: 7.5 metres</p>

Issue/Design Element:	Privacy
Applicants Proposal:	<p><u>UNIT 1</u> Bedroom 4: 2.7 metre cone-of-vision setback.</p> <p>Living room: 3.9 metre cone-of-vision setback.</p> <p>Bedroom 3: 2.7 metres cone-of-vision setback.</p> <p>Balcony: 6 metre cone-of-vision setback.</p> <p><u>UNIT 3</u> Bedroom 2: 2.7 metre cone-of-vision setback.</p> <p>Living room: 3.2 metre cone-of-vision setback.</p>
Performance Criteria:	<p>Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:</p> <ul style="list-style-type: none"> • Building layout and location; • Design of major openings; • Landscape screening of outdoor active habitable spaces; and/or • Location of screening devices. <p>Maximum visual privacy to side and rear boundaries through measures such as:</p> <ul style="list-style-type: none"> • Offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; • Building to the boundary where appropriate; • Setting back the first floor from the side boundary; • Providing higher or opaque and fixed windows; and/or <p>Screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).</p>
Applicant justification summary:	<p><i>“Visual Privacy: Unit 1</i> <i>Bedroom 4- 2.7 metre cone-of-vision setback. Compliant: as drawn/noted, North Elevation, window is a double glazed restricted opening awning (top-hinged) with opaque glass- blocks 4.5 metres cone-of-visions.</i></p> <p><i>Living room- 3.9 metres cone-of-visions setback. Compliant: as drawn/noted, North Elevation, window is a double glazed fixed and awning with opaque glass to 1600 millimetres above floor- blocks 6 metre cone-of-vision.</i></p> <p><i>Bedroom 3- 2.7 metre cone-of-vision setback. Compliant: as drawn/noted, South Elevation, is a double glazed awning with opaque glass. Client was advised a fixed vertical (louvred) screen 600 millimetres wide would have permitted clear glass to window, while blocking any overlooking to the west.</i></p>

Issue/Design Element:	Privacy
	<p><u>Unit 3</u> <i>Bedroom 2- 2.7 metre cone-of-vision setback. Compliant: 4.5 metres cone-of-vision expires within 4 metre access road to Unit 4, therefore, no overlooking of any neighbour sensitive areas occurs.</i></p> <p><i>Living room- 3.2 metre cone-of-vision setback. Compliant: 6 metre cone-of-vision expires within 4 metre access road to Unit 4, therefore, no overlooking of any neighbour sensitive areas occurs."</i></p>
Officer technical comment:	<p>The proposed upper floor major openings to Unit 1 do not comply with the Deemed-to-comply or Design Principles of Clause 5.4.1 'Visual Privacy' of the R-Codes, as they look directly into the adjoining northern, southern and western properties.</p> <p>The upper floor major openings to Unit 3, comply with the Design Principles of Clause 5.4.1 'Visual Privacy' P1.1 and P1.2 of the R-Codes, as they overlook the driveway to the Unit 4, being the dwelling to the rear of Unit 3.</p>

Issue/Design Element:	Site Works
Requirement:	<p>Residential Design Codes Clause 5.3.7 C7.3 All excavation or filling behind a street setback line and within 1 metre of a lot boundary, not more than 0.5 metres above the natural ground level at the lot boundary except where otherwise stated in the scheme, local planning policy, local structure plan or local development plan.</p>
Applicants Proposal:	<p><u>UNIT 1</u> Eastern boundary: Filling up to 700 millimetres.</p>
Performance Criteria:	<p>Residential Design Codes Clause 5.3.7 P7.1 and P7.2 Development that considers and responds to the natural features of the site and requires minimal excavation/fill.</p> <p>Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.</p>
Applicant justification summary:	<p><i>"Eastern boundary: Filling up to 700 millimetres. Disputed: eastern (street) boundary, NGL 34.96, but GFL 35.381 is only 421 millimetres above, not 700 millimetres."</i></p>
Officer technical comment:	<p>The proposed development is considered to comply with the Design Principles of Clause 5.3.7 P7.1 and P7.2 in this instance as the development retains the visual impression of the natural level of the site, as seen from Kalgoorlie Street, Ashby Street and the adjoining properties. It is due to the sloping nature of the site to the, that the filling of the site exceeds 500 millimetres.</p>

Issue/Design Element:	Landscaping
Requirement:	Residential Design Elements SADC 16 A landscaping plan is to be submitted for grouped dwelling development applications.
Applicants Proposal:	A landscaping plan has not been submitted.
Performance Criteria:	Residential Design Elements SPC 16 All residential development requires the provision of landscaping of a high standard.
Applicant justification summary:	<i>"R-Codes only require a landscaping plan for public open space and communal areas but, as there are no communal areas, only private open space for each dwelling, a landscaping plan is not required and should not be imposed as an unnecessarily onerous, unjustified, condition.</i> <i>A high standard of landscaping is proposed, tailored to the needs of the residents; and, as much as possible, avoid obstructing pedestrian and vehicle sight lines, to enhance resident security and safety, maintaining solar access, maximise natural planting and permeable surfaces (to allow natural drainage), paving only essential areas; and contribute to the streetscape, as appropriate."</i>
Officer technical comment:	The proposal does not comply with the Acceptable Development provisions of Clause SADC 16 'Landscaping' or the Performance Criteria of Clause SPC 16 'Landscaping' of the City's Policy No. 3.2.1 relating to Residential Design Elements, as a landscape plan has not been provided. Further to the above, it is a condition of approval that a landscape plan is to be provided in accordance with the City's Policy No. 3.2.1 relating to Residential Design Elements.

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
Comments Period:	22 July 2013 to 5 August 2013		
Comments Received:	One (1) objection and one (1) neither support or object.		

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Street Setback</p> <ul style="list-style-type: none"> The proposed front setback of 4.08 metres is 40% less than the acceptable development standard of 6.80 metres, which is in no way minor. The proposed setback will not maintain the streetscape character of Kalgoorlie Street as the overwhelming majority of properties have a street setback of over 6 metres. The proposed setback will limit the provision of landscaping and space for additional tree plantings to grow to maturity. 	<p>Supported. Proposed Unit 1, fronting Kalgoorlie Street, does not comply with the Acceptable Development or Performance Criteria provisions of the City's Policy No. 3.2.1 relating to Residential Design Elements.</p> <p>The proposal is not considered to maintain the existing streetscape, as it predominantly comprises dwellings setback 7 metres to 8 metres from Kalgoorlie Street. Therefore the proposal is not considered to maintain the amenity of neighbouring properties or the streetscape, as the proposed setback variations to Unit 1 results in undue building bulk on Kalgoorlie Street from the pedestrian level.</p>

Summary of Comments Received:	Officers Technical Comment:
<ul style="list-style-type: none"> The proposal does not meet SADC 6 - minor incursions into the street setback area. 	
<p>Issue: Setback of Garages and Carports</p> <ul style="list-style-type: none"> The garage is proposed to be 3.0 metres forward of the main building line, which is materially different to the 0.5 metres that it should be set back behind the main building line. As per 6.4.2 – Building Setbacks in the Residential Design Guidelines, “Garages are to be located behind the street setback line and at the side of the dwelling where space exists.” This lot has a frontage of 18.27 metres so there is clearly available space to design the house so that the garage is both behind the street setback line and at the side of the dwelling. The design of the garage is out of character with every other house on Kalgoorlie Street. There is no other example of a house on the street where the garage has been flipped sideways and spread across the width of the house. This façade along with the reversing area gives the proposed house the look of a townhouse development with a laneway. Character aside, the proposal of a reversing area is an inefficient use of valuable available space. As per 6.4.2 – Building Setbacks in the Residential Design Guidelines, “Garages are not to visually dominate the site or the streetscape, and not to detract from the dominant elements of dwellings within the streetscape context.” This proposal has the garage 3.0 metres forward of the main building line so it clearly dominates the site and streetscape. 	<p>Supported. The proposed garage to Unit 1 does not comply with the Acceptable Development or Performance Criteria provisions of the City’s Policy No. 3.2.1 relating to Residential Design Elements as the proposed garage presenting to Kalgoorlie Street dominates the streetscape.</p>
<p>Issue: Outdoor Living Areas</p> <ul style="list-style-type: none"> The outdoor living area is wholly located within the street setback area which is contrary to the r-codes. The outdoor living area has not been placed in a position whereby it will maximise winter sun. Half of the outdoor area only is north facing and the whole of the outdoor area will be shaded by the bulk of the house by around midday in winter. With a width 	<p>Supported. The proposed location of the outdoor living area to Unit 1 does not comply with the Design Principles of Clause 5.3.1 ‘Outdoor Living Areas’ P1.1 and P1.2 in this instance as the outdoor living area is not in a location that maximises the northern access and winter sun.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>of 18.27m there is ample opportunity to maximise passive solar design and to ensure the benefits of the northern aspect are maximised.</p>	
<p>Issue: Solar Orientation</p> <ul style="list-style-type: none"> • The City's Sustainable Design Policy which the City recently adopted and which in the City's own words "sets out the City's expectations of the sustainability outcomes to be achieved by home-owners, developers and builders in new building and renovation projects". • I'd like the City's Project Office – Sustainability to provide comment on this proposed design and how it meets the recently adopted Sustainable Design Policy. In my mind, the orientation of the house design fails the most basic test of passive solar design. 	<p>Not supported. The proposal complies with the requirements of Clause 5.4.2 "Solar Access for Adjoining Sites" C2.1 of the R-Codes, as the shadow falls within the parent lot site area and over the Ashby Street road reserve, therefore not resulting in any undue overshadowing of adjacent properties of open space.</p>

Design Advisory Committee:

Referred to Design Advisory Committee: No

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, with respect to Unit 1; the proposal will be in conflict with the Residential Design Codes of Western Australia 2013, the City's Policy No. 3.2.1 relating to Residential Design Elements and the City of Vincent Town Planning Scheme No. 1; therefore creating an undesirable precedent for development on surrounding lots.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

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

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

ENVIRONMENTAL	
Issue	Comment
The design of the dwellings allow for adequate light and ventilation, with all the dwellings provided with cross ventilation. These design elements have the potential to reduce the need or reliance on artificial heating and cooling, as well as high levels of artificial lighting.	

SOCIAL	
Issue	Comment
The proposal provides for an increase in housing diversity within the City.	

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is considered that proposed Unit 3, fronting Ashby Street, complies with the relevant Performance Criteria of the City's Policy No. 3.2.1 relating to Residential Design Elements and Design Principles of the R-Codes, and therefore able to be recommended for approval in this instance.

It is considered that proposed Unit 1, fronting Kalgoorlie Street, creates an undesirable precedent for development on surrounding lots, as there are significant variations proposed to the street setback and setback of the garage, which is not in the interests of orderly and proper planning for the locality.

CONCLUSION:

In view of the above, the application for Unit 3, fronting Ashby Street, is supportable as it complies with the Residential Design Codes of Western Australia 2013, the City's Town Planning Scheme No. 1 and the City's Policy No. 3.2.1 relating to Residential Design Elements. Accordingly, it is recommended that Unit 3 be approved subject to standard and appropriate conditions and advice notes.

With regards to Unit 1, fronting Kalgoorlie Street, due the significant departure from the Acceptable Development and Performance Criteria provisions of the Residential Design Codes of Western Australia 2013, the City of Vincent Town Planning Scheme No. 1 and the City's Residential Design Elements Policy No. 3.2.1; it is recommended that Unit 1 be refused for the reasons outlined above.

9.2.1 Auckland/Hobart Street Reserve, North Perth – Proposed Installation of Unisex Toilet – Progress Report No. 5 – Approval of a Trial

Ward:	North	Date:	16 August 2013
Precinct:	North Perth (8)	File Ref:	RES0059
Attachments:	001 – Location Plan and OPTIONS 1 and 2		
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;**
 - 1.1 the hire/trial installation of the unisex accessible toilet for a twelve (12) month period at Auckland/Hobart Street Reserve as shown on the attached location Plan A and OPTION 1, at an estimated cost of \$13,825;
 - 1.2 OPTION 1 as the preferred location for the unisex toilet trial at Auckland/Hobart Street Reserve; and
2. **NOTES** that a further report will be submitted to the Council following completion of the twelve (12) month trial.

COUNCIL DECISION ITEM 9.2.1

Moved Cr Topelberg, Seconded Cr Wilcox

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST UNANIMOUSLY (0-8)

REASONS FOR CHANGING THE OFFICER RECOMMENDATION:

1. The park has operated for many years without a toilet.
2. There is a clear lack of Community support.
3. The design of the temporary toilet for the use in the park is considered to be inappropriate.

(The Presiding Member Mayor Hon. Alannah MacTiernan had departed the Meeting at 7.32 pm and did not return.)

Additional Information:

The cost to hire the toilet (excluding pumping) is \$44 per week. Therefore the cost to hire for twelve (12) months would be \$2,288. The cost of pumping is \$76/week (\$3,952 per annum) i.e. \$6,240 as shown in the report.

The cost to connect to the sewer would be in the order of \$6,500.

Original proposal (as indicated in the report)

Delivery/pickup \$55.00 each way	\$ 110
Hire charge \$120/week + weekly pumping	\$6,240
Cleaning \$15/day	\$5,475
Miscellaneous works (concrete path/planting)	<u>\$2,000</u>
Total	\$13,825

Amended proposal:

Delivery/pickup \$55.00 each way	\$ 110
Hire charge only <u>\$44/week</u>	<u>\$2,288</u>
<u>Connect to sewer</u>	<u>\$6,500</u>
Cleaning \$15/day	\$5,475
Miscellaneous works (concrete path/planting)	<u>\$2,000</u>
Total	<u>\$16,373</u>

Note: Total additional cost to connect to the sewer (in lieu of weekly pumping) = **\$2,548**

PURPOSE OF REPORT:

The purpose of this report is to provide further information to the Council with details of the proposed toilet facility to be installed for a twelve (12) month trial at Auckland/Hobart Street Reserve.

BACKGROUND:

Several reports have been presented to the Council in relation to the proposed installation of a unisex toilet and proposed parking improvements around Auckland/Hobart Street Reserve in North Perth as follows:

Previous Reports to the Council:

Ordinary Meeting held on – 10 July 2012:

The Council approved in principle the proposed improvements (including the installation of a unisex toilet) in and around the Auckland/Hobart Street Reserve and consults with the community.

Ordinary Meeting held on – 28 August 2012:

The Council considered the submissions and resolved to defer the proposed works until further investigations and options are developed and presented back to the Council.

Ordinary Meeting held on – 12 March 2013:

The Council approved in principle the plan for traffic/safety improvements and resolved that further consultation was required regarding the safety/traffic improvements in addition to the installation of a toilet facility on the reserve.

Ordinary Meeting held on – 14 May 2013:

The Council considered the submissions received through further community consultation and approved the installation of a unisex toilet in the reserve for a twelve (12) month trial. It was also resolved to proceed with the raised walkway in front of the Hobart Street deli, however deferred the continuous median on London Street at Hobart Street until further consultation was undertaken.

Ordinary Meeting held on - 25 June 2013:

The Council item was deferred for further consideration regarding the unisex toilet however authorised the installation of a raised plateau as follows:

- “4. *PROCEEDS with a raised walkway in front of the deli in Hobart Street and DEFERS the remaining traffic works as shown on attached plan No 3000-CP-01 estimated to cost approximately \$75,000; and...*”

DETAILS:

As outlined to the Council in the report presented at the Ordinary Meeting held on 25 June 2013, the toilet facility options available for the twelve (12) month trial are limited based on the available budget.

Officers are of the view that as the (12) twelve month trial was previously approved by the Council, the most practicable and cost effective option is to hire a unisex toilet similar to the photo below, and locate the toilet in either location (Option 1 or 2) as shown on the attached plan. Option 1 is the preferred location as noted in the Officer Recommendation.

Whilst the toilet itself is not as aesthetically pleasing as more permanent structures are available, native plants can be planted on either side (example shown on attached plans) to soften the visual impact and assist in blending the unit into the surrounds.



Photo courtesy of Coates Hire

As previously reported to Council the cost estimate and advantages/disadvantages for the above accessible unisex toilet are as follows;

Delivery/pickup \$55.00 each way	\$ 110
Hire charge \$120/week + weekly pumping	\$6,240
Cleaning \$15/day	\$5,475
Miscellaneous works (concrete path/planting)	<u>\$2,000</u>
Total	\$13,825

Advantages:

- This toilet is universally accessible;
- Little ground works are required;
- Can be easily removed at the end of the trial;
- Reasonable appearance (can be screened); and
- Within the allowable budget allocation (including cleaning).

Disadvantages:

- Will require pumping out on a weekly basis.

For Consideration as a Permanent Toilet Structure:

The following options are all toilet facilities that are available and could be considered in the longer-term if the trail is deemed a success at Auckland/Hobart Street Reserve and a more permanent facility is installed in the future.

Unisex Accessible Toilet (Sewer Connection) – City of Vincent owned (ex nib Stadium):



Cost Estimate (includes re-cladding in different colour): Supply and Installation - \$17,800

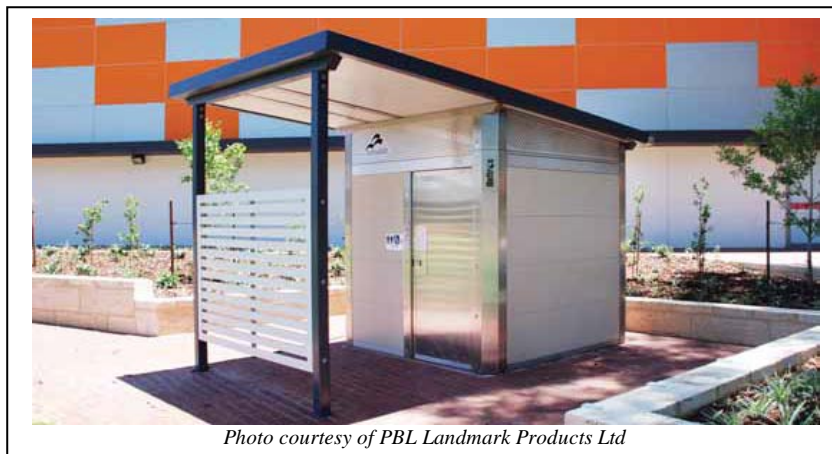
Unisex 'Modus' Accessible Toilet (Sewer Connection) – Landmark Eng. & Design Pty Ltd:



Photo courtesy of Landmark Engineering & Design Pty Ltd

Cost Estimate: Supply and Installation - \$37,000

Unisex 'Mettros' Accessible Toilet (Sewer Connection) – PBL Landmark Products Ltd:



Cost Estimate: Supply and Installation - \$104,000

Unisex 'Exeloo' Accessible Toilet (Sewer Connection) – WC Innovations:



Cost Estimate: Supply and Installation - \$165,000

Toilet location options:

Option 1 – this location is along the Auckland Street side of the park

Advantages:

- Location is close to all services should a permanent structure be installed in the future
- Easily accessible to mobilise/demobilise and pump out as required
- Close to access gates and water supply
- Area of the park is unused and functionally this is the most logical location

Disadvantages

- Area could be considered quite dark and enclosed with existing vegetation.

Option 2 – this location is along the Hobart Street side of the park

Advantages:

- Easily accessible to mobilise/demobilise and pump out as required
- Close to access gate
- Area is open and toilet is quite visible

Disadvantages

- Significant excavation would be required to access all services should a permanent structure be considered in the future.
- Structure takes up more of the usable section of the park

CONSULTATION/ADVERTISING:

The local community will be advised in regard to the Council's decision.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: The toilet facility will be regularly maintained and locked by 8pm each night to reduce any potential incidences of vandalism or undesirable behaviour.

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:

An amount of \$17,000 has included in the 2013/2014 budget for the installation of a unisex toilet facility at Auckland/Hobart Street Reserve.

COMMENTS:

It is therefore recommended that the Council approves the hire/trial installation of the unisex accessible toilet for a twelve (12) month period at Auckland/Hobart Street Reserve as outlined within the report.

9.4.4 No. 1 Albert Street, North Perth (corner of Angove Street) – Percent for Art Progress Report No. 1

Ward:	North	Date:	16 August 2013
Precinct:	North Perth Centre (P9)	File Ref:	PRO3901
Attachments:	001 – Scaled Drawing of Artwork		
Tabled Items:	Nil		
Reporting Officers:	L Devereux, Community Development Officer J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council:

1. **APPROVES IN PRINCIPLE** the scaled drawings of the proposed artwork “The Guiding Light”, by artist Robin Yakinthou, as shown in Appendix 9.4.4 and the proposal to install the artwork on the Council reserve area on the corner of Angove and Albert Streets, North Perth; and
2. **AUTHORISES** the Chief Executive Officer to:
 - 2.1 advertise the proposal for a period of twenty-one (21) days inviting written submissions from the public in accordance with clause 2.7 of Policy No. 3.5.13 – Percent for Public Art;
 - 2.2 report back to the Council with any public submissions received; and
 - 2.3 proceed with the implementation of the proposed artwork if no public submissions are received.

COUNCIL DECISION ITEM 9.4.4

Moved Cr Buckels, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Buckels

“That a new Clause 2.1 (b) be inserted to read as follows:

- 2.1 (b). Refers the artwork to the Arts Advisory Group for comment during the consultation period.

Debate ensued.

The Mover, Cr Topelberg advised that *he* wished to *withdraw his* amendment and The Seconder, Cr Buckels agreed. Cr Topelberg withdrew his amendment.

PROCEDURAL MOTION

Moved Cr Topelberg, Seconded Cr Harley

That the item be DEFERRED and referred to the Arts Advisory Group for consideration.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(The Presiding Member Mayor Hon. Alannah MacTiernan had departed the Meeting at 7.32 pm and did not return.)

PURPOSE OF REPORT:

To provide scaled drawings relating to the placement of the Percent for Artwork design for the property development of Beersheba Investments Pty Ltd outside the proposed development at No. 1 Albert Street, North Perth (corner of Angove Street) for Council approval.

BACKGROUND:

The Council at its Ordinary Meeting held on 14 February 2012, approved an application for the proposed demolition of an existing single house and construction of a four-storey plus basement mixed use development, consisting of offices and eleven multiple dwellings, subject to several conditions, including the following:

“3. *Public Art*

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

3.1 *within twenty – eight (28) days of the issue date of this ‘Approval to Commence Development’, elect to either obtain approval from the City for an Artist to undertake a Public Art Project (Option 1) or pay the Cash-in-Lieu Percent for Public Art Contribution, of \$50,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$5,000,000); and*

3.2 *in conjunction with the above chosen option;*

3.2.1 *Option 1 –*

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

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

3.2.2 *Option 2 –*

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

At the Ordinary Meeting of Council held on 23 July 2013, the following resolution was adopted;

“*That the Council;*

1. *RECEIVES the report recommending the proposed artwork, “The Guiding Light”, by artist Robin Yakinthou to be placed on the Council reserve area on the corner of Angove and Albert Streets, North Perth;*

2. *REQUESTS the Chief Executive Officer to:*

2.1 *Advertise the proposal to install the artwork referred to in Clause 1 (Design C) for a period of twenty-one (21) days in accordance with Clause 2.7 of Policy 3.5.13 – Percent for Public Art;*

2.2 *Report back to the Council with any public submissions received; and*

3. *REQUESTS that a scaled drawing of the artwork in the context of the streetscape be submitted to the Council, prior to the commencement of the Public Consultation.”*

On 15 May 2013, the City's Officers met with Greg Brennan, Director of Beersheba Investments Pty Ltd and Robin Yakinthou, artist to discuss the proposed artwork to be located at the front of the property on Council land. Although Mr. Brennan chose to take Option One in the Percent for Art Scheme, whereby the applicant selects and manages the artist and artwork process, Mr. Brennan has requested to place the artwork on Council land. The proposed building has full glass frontage and has no capacity on the exterior building or in the foyer to showcase a public artwork.

The development site is located next door to the North Perth Primary School and was formerly the "Old Teachers' Quarters". The proposed artwork is a stainless steel reading lamp measuring 2.8 metres in height, two (2) metres in width, 1.5 metres depth, and is currently titled "The Guiding Light" due to its association with education. It will be erected on public land directly in front of the boundary shared by the school and the development site. The sculpture hopes to capture the imagination of School children and residents alike. It will be a contemporary and original art piece ideally located close to the footpath making it accessible and interactive to the public.

The artist Robin Yakinthou, is an acclaimed sculptor who has exhibited annually at 'Sculpture by the Sea' in Cottesloe. Mr. Yakinthou is local and predominantly produces commissioned work.

DETAILS:

A scaled drawing as shown in Appendix 9.4.4 is attached for Council approval. After approval, the artwork will be advertised for community consultation for a period of twenty-one (21) days.

CONSULTATION/ADVERTISING:

The proposed artwork location has been discussed with the City's Asset and Design Services and is deemed to have no safety issues regarding interference to traffic or injury to pedestrians.

As per clause 2.7 of Policy No. 3.5.13 – Percent for Public Art, the work will be advertised for a period of twenty-one (21) days.

LEGAL/POLICY:

The artwork has been commissioned in accordance with the City of Vincent Percent for Public Art Policy No. 3.5.13.

RISK MANAGEMENT IMPLICATIONS:

Low: A "dial before you dig" report has been received and indicates there are no adverse infrastructure issues with placing the artwork on the proposed site.

STRATEGIC IMPLICATIONS:

This is in keeping with the following Objectives of the City's *Strategic Plan – Plan for the Future 2011-2016*, where the following Objective states:

"3.1.1 (b) Encourage and promote cultural and artistic expression throughout the City."

SUSTAINABILITY IMPLICATIONS:

The artwork is to be made in stainless steel, a material noted for its durability.

FINANCIAL/BUDGET IMPLICATIONS:

The sculpture is priced at \$63,000 including the cost of site preparation and installation. The Artist is responsible for installing the artwork. There will be a maintenance schedule provided to ensure the continuing integrity of the artwork.

COMMENTS:

The proposed sculpture is to be produced by an acclaimed artist, and aims to capture the imagination of school children and residents alike. It will be a contemporary and original art piece ideally located close to the footpath making it accessible and interactive to the public. The recommended location provides an appropriate setting for the sculpture offering excellent public access not only to pedestrians but also from those viewing the work from the road.

9.1.4 FURTHER REPORT: No. 58 (Lot 6; D/P 3798) Hobart Street, Mount Hawthorn (Proposed Demolition of Existing Single House and Construction of One (1) Two-Storey and One (1) Single-Storey Grouped Dwellings)

Ward:	North	Date:	16 August 2013
Precinct:	Mount Hawthorn; P1	File Ref:	PRO6022; 5.2013.136.1
Attachments:	001 – Property Information Report and Development Application Plans 002 – Additional Information from Applicant dated 10 July 2013		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Planning Officer (Statutory)		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

FURTHER OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by T Quach on behalf of T Quach & S Quach for the Demolition of Existing Single House and Construction of a One (1) Two-Storey and One (1) Single-Storey Dwelling at No. 58 (Lot 6; D/P 3798) Hobart Street, Mount Hawthorn as shown on amended plans stamp dated 13 May 2013 for the following reasons:

1. The proposed development does not comply with the following objectives of the City of Vincent Town Planning Scheme No. 1:
 - 1.1 to protect and enhance the health, safety and physical welfare of the City's inhabitants and the social, physical and cultural environment; and
 - 1.2 to ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which –
 - 1.2.1 recognises the individual character and need of localities within the Scheme zone area; and
 - 1.2.2 can respond readily to change;
2. Non-compliance with the Acceptable Development and Performance Criteria provisions of the Residential Design Codes 2013 and the City's Policy No. 3.2.1 in relation to Residential Design Elements, with regard to the following Clauses:
 - 2.1 The Minimum site area requirements of the R20 coding of minimum 350 square metres and average 450 square metres according to Table 1 of the Residential Design Codes 2013;
 - 2.2 The Street Setback requirements according to Clause SADC 5 Street Setbacks of the City's Policy No. 3.2.1 in relation to Residential Design Elements; and
 - 2.3 The Side setback requirements according to Clause SADC 10 Dual Frontages and Corner Sites of the City's Policy No. 3.2.1 in relation to Residential Design Elements; and
3. The proposed grouped dwellings would create an undesirable precedent for the development of surrounding lots, which is not in the interests of orderly and proper planning for the locality.

COUNCIL DECISION ITEM 9.1.4

Moved Cr Buckels, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr Buckels

That the item be DEFERRED for further consideration and to obtain legal advice as to what zoning should be applied.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(The Presiding Member Mayor Hon. Alannah MacTiernan had departed the Meeting at 7.32 pm and did not return.)

FURTHER REPORT

The application was previously considered at the Ordinary Meeting of Council on the 9 July 2013 whereby the Council resolved the following *“That the item be DEFERRED for further clarification”*.

Further investigation of the Councillors queries during the discussion of the Agenda Item at the meeting noted that the item was held pending clarification as to whether the determination of a properties zoning can be made at the time of determination or submission. In this particular case this was due to the property being located in the Eton locality within the Mount Hawthorn Precinct (Precinct 1).

The subject application was received by the City on the 15 April 2013, in the interim period prior to the gazettal of Scheme Amendment 34, which rezoned areas in both North Perth and Mount Hawthorn and directly affected the subject lot. The outcome of the rezoning as per Scheme Amendment 34 amended the zoning of the property from Residential R30/40 to Residential R20.

<p>Amendment 34 – Based on 2010 R-Codes R30/R40</p>	<p>R 30 – Minimum – 270 square metres Average – 300 square metres R40 – Minimum – 200 square metres Average – 220 square metres</p>
<p>R20</p>	<p>Minimum – 440 square metres Average – 500 square metres</p>
<p>Proposed lot areas for this application</p>	<p>Minimum – 314 square metres Average – 314 square metres</p>
<p>Current 2013 R-Codes R30/R40</p>	<p>R 30 – Minimum – 260 square metres Average – 300 square metres R40 – Minimum – 180 square metres Average – 220 square metres</p>
<p>R20</p>	<p>Minimum – 350 square metres Average – 450 square metres</p>

The City's current practice in determining subdivision and planning applications during the time in which the sunset clause has expired, is that the City would determine the application based on the applicable zoning on the date of the determination, not on the date of the submission of the application.

It is noted that the subject application was submitted on 15 April 2013, when the site was zoned Residential R30/40, however, Scheme Amendment 34, which extended the R20 zoning to 29 March 2014, was gazetted on 24 May 2013. Given the zoning at this point in time is now Residential R20, it is recommended that the Council determine the application based on the R20 zoning.

~~In terms of precedent within the locality in applying the Sunset Clause in determining subdivision applications within the former Eton Locality, have been approved by the Western Australian Planning Commission (WAPC) when the Sunset Clause was still in force applicable or had been amended, that have been approved even though when the subdivision application was not supported by the City.~~

In terms of precedence in determining applications when the R20 zoning has expired, the City has taken a consistent approach in determining all types of applications based on the zoning on the date of the determination.

There has been example at No. 50 Sydney Street, where the subdivision application was lodged at the Western Australian Planning Commission (WAPC) at the time the land was zoned Residential R30/40. The application was referred to the City for comment, and the Council recommended that the subdivision be approved, given that at the date the Council made the decision, the land was still zoned Residential R30/40. When the Officers at the Department of Planning assessed the application, after receiving comments from the City and Service Providers, the Scheme Amendment was gazetted and the land had reverted back to R20 for another period of time. Based on this, the Officers recommended refusal of the subdivision application and the WAPC supported the Officers and refused the application. The owners then submitted an application to the State Administrative Tribunal and as part the review process, the WAPC reconsidered its original decision of refusal, and resolved to approve the application. Notwithstanding the above, this decision was made by the WAPC and the City should not be bound by their decisions.

~~In one recent example at No. 50 Sydney Street, North Perth, the Western Australian Planning Commission (WAPC) refused an application for subdivision of a lot submitted during the interim period, when the lot was zoned R30/40, however the determination was made after the land had reverted back to a R20 density. The above refusal by the WAPC was appealed to the State Administrative Tribunal (SAT), and as part the SAT, review, the WAPC reconsidered its original decision of refusal, and resolved to approve the application.~~

In the applicant's deputation for the subject property, at the Ordinary Meeting of Council held on 9 July 2013, the applicant noted that the proposed development sought to replicate the development of the lot immediately opposite the subject site. There are two (2) properties opposite the subject lot at No. 54 Hobart Street, Mount Hawthorn and No. 42 London Street, Mount Hawthorn, which were subdivided. These properties received subdivision approval in January 2002 and development approval to construct the additional dwelling in 2008. Whilst this provides scope for the development of the lot and an example of a suitable outcome, the current zoning does not permit an additional dwelling on the subject site.

The applicant has provided additional information dated 10 July 2013 (Attachment 002) in support of the proposal.

It is also noted that the Residential Design Codes 2013, were gazetted by the WAPC on 2 August 2013 and the site area requirements have been modified and are now applicable to this application. On the above basis the above site is only suitable for a single house and not two (2) grouped dwellings as proposed.

Based on the above and the current practice of the City that the proposal is not supported, and the original Officer Recommendation is maintained.

COMMENTS:

The Council is to consider if the above information satisfies the City's position on determining applications within the Eton Locality when they have been received within the sunset clause period, before gazettal of Scheme Amendment 34, according to Clause 20 (4) (h) (i) of the City of Vincent Town Planning Scheme No. 1.

The Minutes of Item 9.1.3 from the Ordinary Meeting of Council held on 9 July 2013, 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

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

9.1.7 Amendment No. 115 to Planning and Building Policies – Draft Policy No. 3.5.4 Relating to Substantial Commencement of Development

Ward:	Both	Date:	16 August 2013
Precinct:	All	File Ref:	PLA0257
Attachments:	001 – Draft Policy No. 3.5.4 relating to Substantial Commencement of Development 002 – Summary of Submissions		
Tabled Items:	Nil		
Reporting Officer:	T Elliott, Planning Officer (Strategic)		
Responsible Officer:	P Mrdja, Acting Director Planning Services		

OFFICER RECOMMENDATION:

That the Council;

1. **ADOPTS** the final amended version of Policy No. 3.5.4 relating to Substantial Commencement of Development as shown in Appendix 9.1.7; and
2. **AUTHORISES** the Chief Executive Officer to advertise the final amended version of Policy No. 3.5.4 relating to Substantial Development in accordance with Clause 47(6) of the City's Town Planning Scheme No. 1.

Moved Cr Topelberg, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Cr Buckels departed the Chamber at 8.08pm.

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr Maier

“That the Page 2 of 2 in the Policy be amended as follows:

For developments where the Total Project Cost exceed ~~\$50,000,000~~ \$20,000,000: laying of fifty percent (50%) of the basement slab or ground floor slab.”

AMENDMENT PUT AND CARRIED UNANIMOUSLY (7-0)

(The Presiding Member Mayor Hon. Alannah MacTiernan had departed the Meeting at 7.32 pm and did not return.)

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

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (7-0)

(The Presiding Member Mayor Hon. Alannah MacTiernan had departed the Meeting at 7.32 pm and did not return.)

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

Cr Buckels returned to the Chamber at 8.10pm.

COUNCIL DECISION ITEM 9.1.7

That the Council;

1. **ADOPTS the final amended version of Policy No. 3.5.4 relating to Substantial Commencement of Development as shown in Appendix 9.1.7; subject to Clause 1.1 being amended to read as follows:**

“1.1 For developments where the Total Project Cost exceed \$20,000,000: laying of fifty percent (50%) of the basement slab or ground floor slab”; and

2. **AUTHORISES the Chief Executive Officer to advertise the final amended version of Policy No. 3.5.4 relating to Substantial Development in accordance with Clause 47(6) of the City’s Town Planning Scheme No. 1.**

PURPOSE OF REPORT:

The purpose of this report is to present the Council with the outcomes from the formal advertising period for amendments to Policy No. 3.5.4 relating to Substantial Commencement of Development and seek approval to advertise the final amendment.

BACKGROUND:

When a Planning Approval is granted by the City, there is a statutory requirement to stipulate a time period by which the subject approved development/use is to commence. The statutory requirement is two (2) years from the date of issue of the Planning Approval which is stated in Clause 43(2) of the City’s Town Planning Scheme No. 1 as follows:

“A planning approval shall lapse if the development has not been substantially commenced before the expiration of two years, or such period as the Council may determine, from the date on which the application is approved.”

To validate planning approval, development must be considered substantially commenced within the aforementioned two year period. Should a development not be substantially commenced the planning approval will lapse and the development must not commence until further planning approval has been attained.

Draft City of Vincent Town Planning Scheme No. 2:

In the City of Vincent draft Town Planning Scheme (TPS) No. 2, the proposed definition of substantially commenced is as follows:

“substantially commenced means that work or development the subject of planning approval has been begun by the performance of some substantial part of that work or development and includes the demolition of an existing building where the approval to demolish formed part of the redevelopment approval;”

The Western Australian Planning Commission advised the City’s Officers on 14 May 2013, that they would not support the above definition in draft TPS No. 2, and have requested the definition be changed as follows, which removes demolition works:

“substantially commenced means that work or development the subject of planning approval has been begun by the performance of some substantial part of that work or development;”

Planning advice dated 6 May 2013 in relation to what constitutes substantial commencement has been provided by Planning Consultant, Mr. Ben Doyle, from Planning Solutions. A summary of this advice, which was presented to Council on 28 May 2013, is as follows:

Mr. Doyle presented four cases in which the definition of substantial commencement had been challenged. Each outcome defines an element of 'substantial commencement':

- *A commitment of resources of such proportions relative to the approved project as to carry the assurance that the work has really commenced;*
- Work or development the subject of the approval or consent has been begun by the performance of some substantial part of that work or development;
- *work or development is not commenced when nothing more has been done than acts preparatory to the work or development which is the subject of the approval or consent; and*
- Demolition is the commencement of generic development and does not relate to specific planning approval.

It is clear from Mr. Doyle's advice and the determination made by the Western Australian Planning Commission that for a development to be considered to have substantially commenced the works must be a significant proportion of the works outlined in the planning approval but does not include preparatory works including the demolition of existing structures.

History:

Date	Comment
28 May 2013	The Council at its Ordinary Meeting considered; Planning Advice from Planning Solutions dated 6 May 2013; and approved the advertising of Policy Amendment No. 115.

DETAILS:

Following the formal advertising period for Policy No 3.5.4 relating to Substantial Commencement of Development, two further amendments have been proposed. The amendments arising from the formal advertising period are explained in the table below:

Policy Changes Proposed

Clause Amendments	Comments
<u>"Total Project Cost" means the approximate total cost of the proposed development, as indicated on the Application for Approval to Commence Development.</u>	This definition has been included to define large scale developments for which only 50% of the slab is required to have been laid.
To be included in the table relating to <i>Works Considered as "Substantial Commencement"</i> : <u>For developments where the Total Project Cost exceeds \$50,000,000: laying of fifty percent (50%) of the basement slab or ground floor slab.</u>	For large developments within the City it is not always practical to lay the entire slab therefore a concession has been made.

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 Western Australian Planning Commission, and other appropriate government agencies as determined by the City of Vincent.

A total of four (4) submissions were received during the four week consultation period as follows:

Government Authority Submissions

Position	Number Received	Percentage
Support	-	-
Object	-	-
Not Stated	4	100%
Total	4	100%

Community Submissions

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

Total Submissions Received

Position	Number Received	Percentage
Support	-	-
Object	-	-
Not Stated	4	100%
Total	4	100%

Comments with Position: 'Not Stated'

Issue	Comment
The current Policy does not recognise large scale developments which have been staged beyond two years. In certain circumstances it is not practical to have the entire basement slab or the entire ground floor slab established.	An amendment, relating to what is considered Substantial Commencement of Development, has been prepared and included in the Policy as follows: <u>For developments where the Total Project Cost exceeds \$50,000,000: laying of fifty percent (50%) of the basement slab or ground floor slab.</u>
<i>The policy does not consider that not all developments will involve the pouring of a slab (for example at grade paid carparking areas, buildings constructed on stumps etc).</i>	The City is unlikely to receive applications for buildings on stumps unlike those prevalent in Queensland. Paved car parking areas are not considered as 'substantially commenced' development, as in most developments, outdoor car parking areas are generally the last phase to be completed.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

Medium: It is important that a Local Planning Policy provides a clear and transparent planning tool when assessing and determining applications for Planning Approval compliance.

The risk to the City is that a site may be left vacant with an activated Planning Approval.

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
Nil

SOCIAL
Nil

ECONOMIC
Removes uncertainty and not result in undue delays in the construction and development industries.

FINANCIAL/BUDGET IMPLICATIONS:

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

Town Planning Scheme Amendments and Policies

Budget Amount: \$73,000
Spent to Date: \$ 1,175
Balance: \$71,225

COMMENTS:

The information provided from Planning Solutions and the Western Australian Planning Commission clearly outline the circumstances for which development is to be considered to have substantially commenced. The Policy has been refined following the formal advertising period and therefore is suitable for the endorsement of Council for the operation of this Policy.

In light of the above it is requested that the Council adopts the final amended version of Policy No. 3.5.4 relating to Substantial Commencement of Development.

9.2.2 Beaufort Streetscape – Engagement of a Landscape Architect

Ward:	South	Date:	16 August 2013
Precinct:	Forrest (14)	File Ref:	TES0234
Attachments:	Nil		
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. **AUTHORISES** the Chief Executive Officer to **APPROVE** the engagement of one of the following:
 1. **Ecoscope Sustainable Urban Design; or**
 2. **Opus; or**
 3. **PLAN – E; or**
 4. **Newforms Landscape Architecture; or**
 5. **Blackwell & Associates Pty Ltd; or**
 6. **PLACE Laboratory / ArborCentre; or**
 7. **Hames Sharley.**

Landscape Architectural consultants at an estimated cost of \$1000 – \$1,500 to undertake a review of the Beaufort Street verge tree species and provide a report and recommendation for a secondary tree which;

- 1.1 is currently available and can be sourced at local tree farms in Western Australia;
- 1.2 is available in large containers and at least 3 metres in height; and
- 1.3 will create a street canopy and provide shade.

COUNCIL DECISION ITEM 9.2.2

Moved Cr Carey, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(The Presiding Member Mayor Hon. Alannah MacTiernan had departed the Meeting at 7.32 pm and did not return.)

PURPOSE OF REPORT:

The purpose of the report is to provide the Council with a list of landscape architects that are willing to undertake the street tree species review for Beaufort Street and to seek a decision on the preferable company to undertake this consultancy work.

BACKGROUND:

At the Ordinary Meeting of Council held on 13 August 2013 a Notice of Motion was presented by Councillor John Carey to rescind part of the Council decision concerning Beaufort Streetscape - Proposed Tree Species – Approval.

The Council decision was (in part) as follows:-

“That the Council;...

4. *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(1)(e) of the Local Government Act 1995 the Council APPROVES BY AN ABSOLUTE MAJORITY that Clause 2.2 be changed to read as follows;*

“4.1 That the Council RESCINDS the planting of pear trees in the proposed new verge tree locations in Beaufort Street where space is restricted due to awnings and other obstacles;

4.2 That the Council RESCINDS planting of either the Red Mugga or Apple Gum in the proposed new verge tree in Beaufort Street, where sufficient area is available;

4.2. ENGAGES a landscape architect to recommend a secondary tree which is; (a) in current stock; (b) creates a street canopy and provides shade; and

4.3. RECEIVES a follow up report at the Ordinary Meeting of Council to be held in September 2013.”

DETAILS:

Several local landscape architectural companies have been contacted and are willing to be involved in this project. An hourly rate has been provided for a senior landscape architect to review the streetscape and provide a report to the City. It is envisaged that 6-8 hours will be required to undertake this project.

1. Ecoscape Sustainable Urban Design – Cost/hour \$165

Ecoscape is an established and respected consultancy firm providing services in the fields of environmental science, landscape architecture and spatial planning. They have been involved with many major urban centre projects and have won various awards for their work in Western Australia.

2. Opus – Cost/hour \$165

Opus Landscape Architects form part of an integrated environmental team providing services to a range of sectors and clients. They operate a best team approach with experts in New Zealand and Western Australia, to provide clients with innovative and sustainable environmental design solutions. Their design professionals have sound knowledge and experience in projects which vary in scale and scope, from the design, documentation and contract administration of minor landscape works through to major government works.

3. PLAN – E – Cost/hour \$180

Plan -E places strong emphasis on the exploration of design ideas for projects through a research basis and a detailed appraisal of site capabilities, in order to produce site-responsive landscape planning and design. Whilst PLAN-E believes in fostering amongst its team an understanding of current trends in national and international environmental design, an underlying motive for design is the commitment to developing a sense of regional identity for Landscape Architecture in Western Australia, and in particular a strong sense of design individuality for each commission. PLAN-E are an established landscape firm having been significantly involved with the Subiaco Redevelopment project and numerous other urban redevelopment projects.

- 4. Newforms Landscape Architecture - Cost/hour \$200**
Newforms Landscape Architecture is a vibrant and dynamic team that offers innovative ideas and solutions for the design of a wide range of landscapes. With a focus on cutting edge design, Newforms prides itself on creative, unique, intuitive and sustainable solutions to the design challenges presented by the unique conditions in contemporary urban and natural Australian environment. This company has been involved with the landscaping of the nib Stadium redevelopment and was recently engaged by the City to undertake the Forrest Park barrier option project.
- 5. Blackwell & Associates Pty Ltd - Cost/hour \$200**
Blackwell & Associates were established in 1987. They are a design practice focusing on sustainable landscape architectural and urban design solutions. The company has been engaged by the City to progress the Leederville Town Centre enhancement including the Oxford Street Reserve redevelopment and Oxford/Newcastle Street improvement works.
- 6. PLACE Laboratory / ArborCentre - Cost/hour \$240**
The name PLACE Laboratory defines the companies philosophical design approach. They shape places, adopting an environmentally focused approach to landscape architecture and urban design. Their rigorous analysis and strategy-led design approach aspires to be responsive and artistic but also a mode for catalytic transformation. Their desire is to create thriving places designed for people and communities. Recent projects have been completed with Metropolitan Redevelopment Authority, City of Stirling, Kwinana and Bunbury.
- 7. Hames Sharley - Cost/hour \$250**
Hames Sharley is an award winning company specialising in architecture, interior design, urban design and planning, and landscape architecture. Established in Adelaide in 1975, their portfolio of work is diverse as it is innovative. They have a rich culture of provoking and sharing new ideas and dedicate themselves to exceeding client expectations in project delivery. All projects are designed to world class standards and are constantly recognized by industry peers through the various awards received.

CONSULTATION/ADVERTISING:

All business owners and affected residents will be advised of the proposed new verge tree species upon receipt of the landscape architects report and a further report to the Council in September 2013.

LEGAL/POLICY:

Beaufort Street is a District Distributor A Road under the Care Control and Management of the City of Vincent.

RISK MANAGEMENT IMPLICATIONS:

Medium to High:

As previously reported to the Council, Main Roads WA has guidelines in accordance with Austroads and the Australian Standards for the "Assessment of Roadside Hazards" and "Guidelines for Assessing Trees within Recovery Zones on Established Roads".

While their guidelines are tailored more for Primary Distributors, which predominantly have higher vehicle speeds, the guidelines outline in detail the importance of maintaining clear zones and the risk management measures to be implemented where vegetation may encroach into a clear zone. Austroads suggests that the first 4m to 5m from the edge of the travel lane provides most of the potential benefit. Frangible shrubs and bushes are permitted in the clear zone where they do not pose a risk to drivers, etc.

Irrespective of which tree species is planted in the Beaufort Street central median, it will not comply with either MRWA or the Liveable Neighbourhood requirements.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2016 states:

"Natural and Built Environment

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

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

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

SUSTAINABILITY IMPLICATIONS:

As previously outlined the street tree selection for Beaufort Street has always been a difficult choice given the narrow median strip being an extremely "hostile" environment for trees to grow and the verge space available also being restrictive with adjacent building and awnings.

Native trees are more resilient and more sustainable than exotic species in these situations over the longer term, however the availability of particular species in larger containers not only at the time of planting but in the longer term for replacement plantings is an issue to be considered particularly in Beaufort Street.

FINANCIAL/BUDGET IMPLICATIONS:

Costs associated with the engagement of the landscape architect and completion of a report will be charged to the Technical Services 'Consultants' account. It is expected that a site inspection, assessment and report will amount to between 6-8 hours of work and therefore the total cost could be up to \$1,500 depending on who is selected.

COMMENTS:

The approved landscape architectural consultant will commence with the project and soon as possible and a report with recommendations presented back to the Council in September 2013.

9.2.3 Hyde Park Lakes Restoration Project – Final Report

Ward:	South	Date:	16 August 2013
Precinct:	Hyde Park (12)	File Ref:	RES0086 & TEN0465
Attachments:	001 – Photos August 2013		
Tabled Items:	Nil		
Reporting Officers:	K Bilyk, Property Officer; and J van den Bok, Manager Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the Final Progress Report for the Hyde Park Lakes Restoration Project as at 16 August 2013; and
2. **NOTES** that;
 - 2.1 the reinstatement works around the lakes, treatment train and construction, have been completed as shown in the photographs - Attachment 001; and
 - 2.2 the planting of the treatment train, lake islands commenced in May 2013 and final planting works which involved planting between the old and new lake walls has also recently been completed.

COUNCIL DECISION ITEM 9.2.3

Moved Cr Topelberg, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

Cr Carey departed the Chamber at 8.14pm.

Debate ensued.

Cr Carey returned to the Chamber at 8.16pm.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(The Presiding Member Mayor Hon. Alannah MacTiernan had departed the Meeting at 7.32 pm and did not return.)

The council expressed its appreciation to the Director Technical Services, the Officers and the Project Working Group for all their hard work in this project.

The finished project will be greatly appreciated by the Community.

PURPOSE OF REPORT:

The purpose of the report is to inform the Council on the progress of the Hyde Park Lakes Restoration Project.

BACKGROUND:

At its Special meeting held on 20 June 2012 the Council made the following decision (in part):

“That the Council;

1. *ACCEPTS the tender submitted by Advanteeering Civil Engineers (ACE) for \$2,965,178.70 (including GST) for the Restoration of Hyde Park Lakes, as being the most acceptable to the City, in accordance with the specifications as detailed in Tender No. 456/12;*
2. *AUTHORISES the:*
 - 2.1 *Chief Executive Officer, and the Mayor, to vary the tender specification to delete or improve the appearance of the construction of the proposed sediment trap as shown in Appendix 7.1, Drawing Nos. D003, D005 and D006 and negotiate a revised price with the successful tenderer;*
 - 2.3 *AUTHORISES the Chief Executive Officer and the Mayor, to approve changes and any other works which may arise, become necessary or result in cost savings to the City, subject to the amount not exceeding the sum specified in Confidential Appendix 7.1A;...*
4. *NOTES that the ‘Removal of Exotic Vegetation’ from the existing islands and replanting may be undertaken over the longer time frame depending on site conditions.”*

DETAILS:

1. Contract Documentation

1.1 Tender

Tender No. 456/12
Advertised: 26 May 2012
Closed: 15 June 2012
Awarded: Advanteeering Civil Engineers

1.2 Contracts

Construction contract signed on 27 June 2012.

1.3 Contract Variations/Additional Scope of Works

Construction

- Remaining portion of existing wall 200mm high to be retained and repaired;
- Bore inlet water feature – design and documentation;
- Lake edge treatment for lakes – design and documentation;
- Removal and treatment of vegetation Eastern Island;
- Additional culvert construction through causeway;
- Extending capping wall height (old wall) and render;
- Pipe extensions into lakes;
- Issue drawings and calculations to Water Corporation;
- Additional piling and panels to reduce beach area in Western lake;
- Removal of exotic vegetation from the western island as per the recommendations provided by GHD;
- Mini-excavator to remove Giant Reed root balls from the lake around the east island. The reach of the mini excavator was not sufficient to reach the outer

most root balls as a result of the moist unstable ground; hence, once the island has dried more a larger excavator will need to be utilized to remove the remaining root balls;

- Treatment train installation in lieu of Sediment Trap – once the final design was approved this variation shows the difference in cost compared to the initial tender design;
- Landscaping to new lake edge hard landscaping – paving only. Parks staff will complete the planting around the lake at a later date (April – May);
- Bore water inlet treatment William Street – to improve the water quality entering the lake from the William Street bore;
- Modification of construction site fencing for the Hyde Park Rotary Fair – as requested by the Rotary Club;
- Removal of Giant Reed balls from the Eastern Island – final preparation of Eastern Island for planting;
- Repack Lake Floor with limestone to reduce depth of lake floor to new wall base – approx 90m of filling required. Lake bed uneven depth throughout this section;
- Adjustment/repairs to existing manhole in treatment train area to reduce down to new ground level;
- Grinding of tree stumps on Western Island – after inspection of the island post exotic vegetation removal it was decided that removal of major tree stumps would be more effective in preventing re-growth instead of poisoning;
- Kerbing of north side of treatment train – to prevent erosion of battered area of the treatment train;
- Pipe inlet extension Western lake, bricked inlet modification Eastern lake as per Water Corporation instruction;
- Supply access ladders for wild life in the lakes – due to the age and condition of the existing ladders new ladders were required; and
- Supply and install fencing around treatment train as per Director Technical Services' instruction.

1.4 Cost Variations

Construction

Client Requests:

Description	Amount
Existing wall to be retained and repaired	\$ 5,253.10
Bore inlet water feature - design and documentation	\$ 5,880.00
Lake edge treatment for lakes - design and documentation	\$ 9,293.00
Removal and treatment of vegetation Eastern Island	\$ 27,102.50
Additional culvert construction through causeway	\$ 5,043.00
Extending capping wall height (old wall) and render	\$ 27,825.00
Pipe extensions into lakes	\$ 33,019.15
Issue drawings and calculations to Water Corporation	\$ 2,904.00
Additional piling and panels to reduce beach area in Western lake	\$ 15,970.25
Removal of exotic vegetation western island	\$ 40,040.00
Mini-excavator to remove Giant Reed Root Balls from the lake around the east island	\$ 1,100.00
Treatment train installation in lieu of Sediment Trap	\$ 5,800.00
Landscaping to new lake edge hard landscaping - paving only	\$ 21,654.00
Bore water inlet treatment William Street	\$ 4,280.00
Modification of construction site fencing for Hyde Park Fair	\$ 1,545.00

Removal of giant reed balls eastern island	\$ 11,262.50
Repack lake floor with limestone to reduce depth of lake floor to new wall base – approx 90m of filling required	\$ 11,025.00
Adjustment / repairs to existing manhole in treatment train	\$ 1,082.00
Grinding of tree stumps Western Island	\$ 3,300.00
Kerbing of north side of treatment train	\$ 4,085.00
Pipe inlet extension western lake, bricked inlet modification eastern lake as per Water Corp instruction	\$ 9,030.15
Supply access ladders for wild life in the lakes	\$ 4,071.00
Supply and install fencing around treatment train	\$ 2,932.00
Total	\$253,496.65

Summary of Variations

Total Variation Savings	(\$0)
Total Variation Additions	\$253,496.65
Total Variation	\$253,496.65

1.5 Pre Construction Costs

Consultancy Costs:

Date	Description	Amount
June 2005	Kabay Consultants Pty Ltd - Analysis of water quality / lake subsidence	\$ 5,900.00
February 2006	Rockwater Pty Ltd - Hydrogeology Report of Hyde Park Lakes	\$ 24,046.00
November 2006	Hydroplan - Irrigation & lakes water supply report	\$ 3,100.00
October 2007	Global Groundwater - Report on access of Leederville Aquifer	\$ 3,978.00
August 2007 to March 2008	Syrinx Environmental PI - Masterplan for Hyde Park Lakes	\$152,882.00
May 2008 to July 2008	Syrinx Environmental PI - Site investigation Technical report/Acid sulphate soils	\$ 17,016.00
August 2009	Cardno BSD Pty Ltd - Lake Surrounds survey	\$ 1,405.00
October 2009 to June 2010	GHD Pty Ltd - Engagement of Auditor/Consultancy	\$ 19,344.00
June 2010	Australian Interactive Consultants - Section 18/Ethnographical consultants	\$ 25,335.00
August 2009 to June 2011	Golder Associates - Consultancy /Detailed Site Investigation	\$118,325.00
September 2011 to June 2012	Golder Associates - Tender Preparation/design & documentation	\$333,000.00
	Total	\$704,331.00

1.6 Claims

Not applicable.

2. Works - Lakes

2.1 Piling and panel installation – completed.

2.2 Islands (east/west):

Eastern lake – Clearing and preparation completed.

Western lake – Clearing and preparation completed.

2.3 Pipe works – completed.

2.4 Sediment removal – completed.

3. Works – Flora and Planting

3.1 Edge treatment planting

The above works (subject to Council approval) are likely to commence in July and be completed by the end of August 2013.

3.2 East and west islands and beaches

All planting has been completed on the eastern island and beaches. Additional planting of trees and larger shrubs is being considered. Monitoring and replacement of damaged plants will be ongoing until plants mature. The western island will be planted when tube stock becomes available.

3.3 Treatment train

Completed – monitoring and replacement of damaged plants will be ongoing until plants mature. Maintenance schedule provided and will be implemented for all components of the treatment train.

4. Indicative Timeline

4.1 Progress

Practical completion was achieved on the 31 May 2013. As previously mentioned planting of flora is still ongoing and monitoring and replacement of damaged plants will be ongoing until plants mature.

4.2 Days Claimed

Zero (0) have been claimed.

5. Communication Plan

Various communication methods have been utilised to advise park patrons, stakeholders and employees of the redevelopment, these are listed below:

- A letter drop to surrounding residents;
- Signage at either end of the central causeway;
- Website updates, including a photo diary, plans and a detailed project overview; and
- Monthly report to the Council.

6. Further works required to complete project and reinstate the park

An amount of \$100,000 has been included in the 2013/14 capital works budget to install interpretive signage, for supplementary planting of the lake islands and lake surrounds following the forthcoming summer and for further repairs/works to level sections of footpath which have been affected by tree root heave.

7. Site inspection with members of the working group

A site meeting was held at Hyde Park at 4.30pm on the 30 July 2013 with members of the Hyde Park Lakes Restoration Working Group to view the completed works and outline any concerns with Advanteeing Civil Engineers and staff involved with the project construction.

Whilst a significant tree had unfortunately died most likely as a result of the treatment train works and some other minor issues were raised in regards to plant species etc generally all members were happy with the result.

Staff will carefully monitor the works over the forthcoming year and a water monitoring program has now been set up with Syrinx Environmental to gauge the effectiveness of the treatment train and lake water quality.

CONSULTATION/ADVERTISING:

The City's officers have been updating the City's web page on a regular basis and relevant information together with photographs of the progress of works provided. Additionally, a letter drop was conducted at the commencement of the project to residents surrounding the Hyde Park site.

LEGAL/POLICY:

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

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

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

RISK MANAGEMENT IMPLICATIONS:

Medium-High: The construction project is significant in terms of magnitude, complexity and financial implications. It will require close management to ensure that costs are strictly controlled. Notwithstanding the risk, the City has an experienced project team and a good track record for successfully completing significant construction projects (e.g. Loftus Centre Redevelopment, Rectangular Stadium, DSR Office Building, Leederville Oval Redevelopment).

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

SUSTAINABILITY IMPLICATIONS:

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

The original cost of the tender approved at the Ordinary Meeting of Council held on 20 June 2012 is \$2,695,617.00 (exclusive GST).

The total budget for the Hyde Park Lakes Restoration project was made up as follows:

Project Income and Expenditure Summary		
	Income	Expenditure
<i>Income for the Project</i>		
Reserve	\$2,356,170.00	
Contributions	\$ 160,000.00	
Federal Government	\$1,500,000.00	
<i>Expenditure for the Project</i>		
Advanteering's revised contract price		\$2,596,343.00
Approved variations		\$ 253,496.65
Pre construction costs		\$ 704,331.00
Expenditure (without City's costs)		\$3,554,170.65
<i>City of Vincent Works Completed for the Project and to Reinstate the Park</i>		
Planting between lake walls		\$ 25,000.00
Turf and garden reinstatement		\$ 35,000.00
Tree surgery/pruning		\$ 20,000.00
Footpath repairs/reinstatement		\$ 30,000.00
Total Budget	\$4,016,170.00	
Total Cost		\$3,664,170.65

Ten (10) progress claims have been received including the final claim from Advanteering Civil Engineering in May 2013 as follows:

Progress Payment Number	Date Received	Amount Requested (excl GST)	Amount Paid (excl GST)	Date Paid
No. 1	August	\$139,467.20	\$139,467.20	September 2012
No. 2	September	\$488,281.55	\$488,281.55	October 2012
No. 3	October	\$470,067.70	\$470,067.70	December 2012
No. 4	November	\$252,793.69	\$252,793.69	December 2012
No. 5	December	\$140,697.64	\$140,697.64	January 2013
No. 6	January	\$164,110.88	\$164,110.88	February 2013
No. 7	February	\$386,278.71	\$386,278.71	March 2013
No. 8	March	\$373,679.15	\$373,679.15	April 2013
No. 9	April	\$246,647.16	\$246,647.16	May 2013
No. 10	May	\$187,815.97	\$187,815.97	June 2013
		Total Paid	\$2,849,839.65	

COMMENTS:

As noted above, practical completion was achieved on the 31 May 2013. Monitoring and maintenance schedules are being developed to ensure the integrity and ongoing effectiveness of the treatment train is maintained and planting is replaced as required until maturity.

The contractor, Advanteering Civil Engineering, has been very easy to work with on what was quite a complex project. Their efforts in accommodating the events held at the park over the construction period and the day to day safety of park patrons given that the entire park has remained accessible over this time have been appreciated.

9.2.4 Oxford Street Reserve Playground Design - Expressions of Interest

Ward:	Both	Date:	16 August 2013
Precinct:	All	File Ref:	RES0037
Attachments:	001 – Confidential Evaluation Summary (Council Members Only) 002 - Appendix 9.2.3 (attachment 002)		
Tabled Items:	Nil		
Reporting Officer:	J van den Bok, Manager Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

CORRECTED OFFICER RECOMMENDATION:

That the Council;

1. **INVITES** the following companies to submit a 'Request for Tender' (RFT) for the Oxford Street Reserve Playground design and installation following the assessment and recommendation of the Leederville Town Centre Working Group:

No:	Company	Address
1.1	Playright Australia Pty Ltd	Unit 1, 17 Mordaunt Circuit CANNINGVALE WA 6155
1.2	Blackwell & Associates Pty Ltd	550 Stirling Highway PEPPERMINT GROVE WA 6011
1.3	Syrinx Environmental Pty Ltd	12 Monger Street PERTH WA 6000
1.3	<u>Ecoscope (Australia) Pty Ltd</u>	<u>9 Stirling Highway</u> <u>NORTH FREMANTLE WA 6159</u>
1.4	Form	Level1, 357 Murray Street PERTH WA 6000

2. **APPROVES** the Request for Tender (RFT) to include the following;
 - 2.1 the criteria for deciding which tender may be accepted in accordance with Appendix 9.2.3 (attachment 002); and
3. **NOTES** that a further report will be submitted to the Council in September 2013 once the Request for Tender has closed.

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

Moved Cr Harley, **Seconded** Cr Buckels

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Harley, Seconded Cr Buckels

That the Officer Recommendation be amended to read as follows:

“That the Council;

1. INVITES the following five (5) companies to submit a ‘Request for Tender’ (RFT) for the Oxford Street Reserve Playground design and installation following the assessment and recommendation of the Leederville Town Centre Working Group:

No:	Company	Address
1.1	Playright Australia Pty Ltd	Unit 1, 17 Mordaunt Circuit CANNINGVALE WA 6155
1.2	Blackwell & Associates Pty Ltd	550 Stirling Highway PEPPERMINT GROVE WA 6011
1.3	Ecoscape (Australia) Pty Ltd	9 Stirling Highway NORTH FREMANTLE WA 6159
1.4	Form	Level1, 357 Murray Street PERTH WA 6000
<u>1.5</u>	<u>GHD Pty Ltd</u>	<u>239 Adelaide Terrace</u> <u>PERTH WA 6000</u>

2. APPROVES the Request for Tender (RFT) to include the following;
 - 2.1 the criteria for deciding which tender may be accepted in accordance with Appendix 9.2.3 (attachment 002); and
3. NOTES that a further report will be submitted to the Council in September 2013 once the Request for Tender has closed.”

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(The Presiding Member Mayor Hon. Alannah MacTiernan had departed the Meeting at 7.32 pm and did not return.)

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)

(The Presiding Member Mayor Hon. Alannah MacTiernan had departed the Meeting at 7.32 pm and did not return.)

COUNCIL DECISION ITEM 9.2.4

That the Council;

1. INVITES the following five (5) companies to submit a ‘Request for Tender’ (RFT) for the Oxford Street Reserve Playground design and installation following the assessment and recommendation of the Leederville Town Centre Working Group:

No:	Company	Address
1.1	Playright Australia Pty Ltd	Unit 1, 17 Mordaunt Circuit CANNINGVALE WA 6155
1.2	Blackwell & Associates Pty Ltd	550 Stirling Highway PEPPERMINT GROVE WA 6011
1.3	Ecoscape (Australia) Pty Ltd	9 Stirling Highway NORTH FREMANTLE WA 6159
1.4	Form	Level1, 357 Murray Street PERTH WA 6000
1.5	GHD Pty Ltd	239 Adelaide Terrace PERTH WA 6000

2. **APPROVES the Request for Tender (RFT) to include the following;**
 - 2.1 **the criteria for deciding which tender may be accepted in accordance with Appendix 9.2.3 (attachment 002); and**
 3. **NOTES that a further report will be submitted to the Council in September 2013 once the Request for Tender has closed.**
-

ADDITIONAL INFORMATION:

As outlined in the report all submissions received were carefully evaluated in accordance with the detailed selection criteria included in the Tender and the evaluation panel comprised the following officers who are also Working Group Members.

- Director Technical Services;
- Manager Asset and Design Services;
- Manager Parks and Property Services; and
- Manager Community Development

At the Leederville Town Centre Enhancement Working Group Meeting held on 22 August 2013 the group viewed some of the design examples submitted and considered that GHD should also be invited to submit a 'Request for Tender' (RFT) for the Oxford Street Reserve Playground design.

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the outcome of the recent Expression of Interest called for Landscape Architects and Playground Designers to provide a playground design for Oxford Street Reserve, Leederville and obtain the Council's approval to invite specified companies to submit a tender.

BACKGROUND:

At the Ordinary Meeting of Council held on 11 June 2013 Progress Report No. 3 was presented to the Council where it was resolved (in part) as follows:-

- "2. *AUTHORISES the Chief Executive Officer to prepare an Expression of Interest (EOI) inviting submissions for a 'Playground Design' for the, Oxford Street Reserve at an estimated cost of construction of between \$150,000 and \$225,000;"*

DETAILS:

Call for 'Expression of Interest' (EOI):

In accordance with Clause 2 of the Council's decision, in June 2013, an EOI was advertised calling for Landscape Architects and Playground Designers to provide a playground design for Oxford Street Reserve, Leederville and by the closing date, twelve (12) submissions were received.

Scope of Works:

Consultants were requested to provide a design(s) and budget estimates for a new playground at Oxford Street Reserve located on the corner of Oxford Street and Leederville Parade, Leederville up to the value of \$225,000 (excluding GST).

The ultimate design will be unique and innovative, of suitable height and scale, incorporate the existing vegetation and be compatible with the features proposed as part of the Oxford Street Reserve upgrade.

The submissions received were to be assessed, shortlisted and further developed in conjunction with Leederville Town Centre working group.

Designers shortlisted will be invited to further develop an 'initial concept design' and receive a fee of \$2,000 payable on completion of the concept design stage.

Suggested Themes:

The playground design(s) may be themed around a local business or take into account the local history or future visions for the area. Additionally the design may be unique or nature based incorporating the existing trees located within the playground footprint.

The over arching design guidelines will give key consideration to the following:

- Cater for 1-10 year old children;
- Be original and creative;
- Provide an exciting and unique experience for children;
- Be built to a scale and height suitable for the location;
- Provide an element of intrigue.

Presentations:

Shortlisted designers will be invited to present their submission to the Leederville Town Centre Working Group and may further progress their design(s) if required.

Indicative Timeline:

The following Implementation Timetable was included in the EOI:

Invitation to submit EOI	10 July 2013
Closing date for submissions	24 July 2013
Assessment of submissions received	July / August 2013
Submissions shortlisted and preferred designers notified	August 2013
Presentation with working group/further design development	August/September 2013
<i>Indicative future Request for Tender (RFT) Timeline</i>	
<i>Invitation to submit RFT</i>	<i>September 2013</i>
<i>Closing date for RFT</i>	<i>September/October 2013</i>
<i>Award Contract</i>	<i>October 2013</i>

Future Request for Tender:

The respondents were also advised that the EOI was the first stage of a two (2) stage process whereby following the close of the EOI, the Principal may proceed to the calling of a restricted Request for Tender (RFT) or commence direct negotiations at the Principal's sole discretion.

The issuing of an EOI does not commit the Principal to proceeding with an RFT.

The respondents were further advised that eligibility to participate in the RFT would be restricted to providers who complied with the provisions of the EOI and who were accepted to be placed on a pre-qualified shortlist.

EOI Submissions Received:

At the close of the EOI period (4pm on the 24 July 2013), twelve (12) EOI Submissions were received from the following:

No:	Company	Address
1	Playright Australia Pty Ltd	Unit 1, 17 Mordaunt Circuit CANNINGVALE WA 6155
2	Forpark Australia	36 Adams Drive WELSHPOOL WA 6106
3	Expo Fixing	318 Charles Street NORTH PERTH WA 6006
4	Form	Level 1, 357 Murray Street PERTH WA 6000
5	Opus International Consultants	Level 1, 23 Spencer Street BUNBURY WA 6231
6	Playmaster Pty Ltd	12 Coney Drive KEWDALE WA 6105
7	GHD Pty Ltd	239 Adelaide Terrace PERTH WA 6000
8	Syrinx Environmental Pty Ltd	12 Monger Street PERTH WA 6000
9	Blackwell & Associates Pty Ltd	550 Stirling Highway PEPPERMINT GROVE WA 6011
10	Ecoscope (Australia) Pty Ltd	9 Stirling Highway NORTH FREMANTLE WA 6159
11	Nature Play Solutions Pty Ltd	Suite 11, 11 Ventnor Avenue WEST PERTH WA 6005
12	Playscape Creations (Aust.) Pty Ltd	Unit 1/553 Boundary Road RICHLANDS QLD 4077

Tender Evaluation:

The submissions received were evaluated in accordance with the following criteria:

Evaluation Criteria	Weighting
<p>Past experience in designing/creating exciting and original playgrounds:</p> <ul style="list-style-type: none"> Capacity to address the range of services required Understanding of the required service associated with delivering the services to the City. Relevance to area, quality and uniqueness of design Demonstrated evidence of successful results in undertaking similar project. Ongoing availability to provide sufficient skilled persons capable of performing the tasks consistent with the required standards Feasibility and practicality of design. 	30%
<p>History and Viability of Organisation:</p> <ul style="list-style-type: none"> Detail your history and viability Include any comments received from referees Demonstrate your capacity to deliver Demonstrate your capacity and depth to effectively address the range of requirements of the City 	20%

Key Personnel: <ul style="list-style-type: none"> • Role and credentials of the key person(s) in the provision of the service (i.e. formal qualifications and experience) • Experience, expertise and project team 	20%
Methodology: <ul style="list-style-type: none"> • Proposed methodology for this project to be completed on time and within budget • Demonstrated project management experience in relevant projects of a similar nature • Demonstrated ability to complete the project on time and within budget 	20%
Quality Assurance: <ul style="list-style-type: none"> • Demonstrate your level of quality assurance 	5%
References: <ul style="list-style-type: none"> • Provide details of at least three (3) referees 	5%
	100%

Evaluation Panel

The evaluation of the EOI's was carried out by a Panel comprising;

- Director Technical Services;
- Manager Asset and Design Services;
- Manager Parks and Property Services; and
- Manager Community Development

The results of the evaluation is attached and summarised in Confidential Evaluation Summary. As it is recommended that the Council invite a number of companies to submit a tender **it is essential that the Confidential Appendix information not be disclosed, as this may jeopardise the tender process.**

Assessment

Playright Australia Pty Ltd Unit 1, 17 Mordaunt Circuit CANNINGVALE WA 6155	Past Experience in Designing/creating Exciting and Original Playgrounds: Playright is a Western Australian company which has been designing and installing playgrounds for communities for nearly fourteen (14) years. A list of similar projects completed include: <ul style="list-style-type: none"> • Galaxy and Moments range playground, Faulkener Park stage one (1) and two (2), Belmont; • Galaxy and Elements range playground, Garvey Park stage one (1) and two (2), Redcliffe; • COROCORD range playground, Tomato Lake, Kewdale; • Moments range playground, Bristile Park, Belmont; • Galaxy and Elements range playground, Macaulay Park, Inglewood; • Galaxy range playground, Majestic/Noble Park, Dianella; • COROCORD range playground, Millet Selina Community Park, Innaloo; • Mixed installation playground, Civic Gardens Plaground, Cannington; and • Galaxy range playground, The Avenues, Grand Boulevard.
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	<p>History and Viability of Organisation:</p> <p>Playright was originally established in 1997, and received registration in 2000. Playright serves clients on a national and international level and has a strong history, successfully completing an extensive number of installations.</p> <p>Key Personnel:</p> <p>Six (6) key personnel qualified and experienced to undertake various roles have been detailed in the submission. Extensive summaries of qualifications, achievements and skills are presented.</p> <p>Methodology:</p> <p>Playright has detailed a quality approach to the methodology of this project, including details of the consultative procedure, design process, client liaison, delivery and installation and formal handover to the client.</p> <p>Quality Assurance:</p> <p>Playright has detailed a high standard of quality products and ensures that all work completed complies with all relevant Australian standards.</p> <p>References:</p> <p>Three (3) references have been provided.</p>
<p>Forpark Australia</p> <p>36 Adams Drive WELSHPOOL WA 6106</p>	<p>Past Experience in Designing/creating Exciting and Original Playgrounds:</p> <p>Forpark has been manufacturing playground equipment for over thirty one (31) years with a large volume of experience in dealing with Local Government clients.</p> <p>A list of similar projects completed include:</p> <ul style="list-style-type: none"> • Manufacture and installation of playground, Harbour Drive Park, City of Armadale; • Manufacture and installation of playground, Rotary Park, City of Armadale; • Manufacture, installation, mulch and limestone playground, Success Hill Reserve, Town of Bassendean; • Manufacture and installation of playground including rubber and shade, Ashfield Reserve, Town of Bassendean; • Manufacture and installation of playground, Ockley Square, City of Bayswater; • Manufacture and installation of playground, Harman Park, City of Belmont; • Manufacture and installation of playground, Lions Park, City of Belmont; • Manufacture and installation of playground, Bywater Park, Town of Cambridge; • Manufacture and installation of playground, Jubilee Reserve, City of Cockburn; and • Manufacture and installation of playground, Habitat Reserve, City of Cockburn.

	<p>History and Viability of Organisation:</p> <p>Forpark is a family owned company, established in 1979, with offices across Australia. For ten (10) years now, Forpark has been the largest manufacturer and supplier of playground equipment in Australia.</p> <p>Forpark offers a number of ranges of park equipment which are locally manufactured including playground equipment, outdoor gym equipment, park and street furniture and fitness tracks.</p> <p>Key Personnel:</p> <p>Forpark currently employs approximately forty (40) personnel to manufacture, design, sell and manage all operations. Five (5) key personnel were detailed in the submission with details relevant to their experience and in some cases qualifications.</p> <p>Methodology:</p> <p>Forpark has provided the methodology of their approach towards this project including an estimated time line of each stage. The stages include admin, manufacturing, packaging and installation.</p> <p>Quality Assurance:</p> <p>Forpark has been awarded with the certification to assure that the Australian Standards are consistently met. Forpark's equipment comes with various warranties.</p> <p>References:</p> <p>Seven (7) references have been provided.</p>
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<p>Expo Fixing</p> <p>318 Charles Street NORTH PERTH WA 6006</p>	<p>Past Experience in Designing/creating Exciting and Original Playgrounds:</p> <p>Expo has submitted minimal documentation outlining few previous projects, including maps and CAD designs.</p> <p>History and Viability of Organisation:</p> <p>Expo has demonstrated their ability is providing the services as outlined in their previous experience.</p> <p>Key Personnel:</p> <p>Details for two (2) personnel have been detailed in their submission, including current CV's as well as recent achievements.</p> <p>Methodology:</p> <p>Some information has been provided indicating the materials that will likely be included.</p> <p>Quality Assurance:</p> <p>Insufficient information has been provided.</p> <p>References:</p> <p>Some details of three (3) references have been provided.</p>
<p>Form</p> <p>Level 1, 357 Murray Street PERTH WA 6000</p>	<p>Past Experience in Designing/creating Exciting and Original Playgrounds:</p> <p>Form is an independent not-for-profit cultural organisation who specifically aims to engage with Government, business and the community to provide a range of services including the design and installation of playgrounds.</p> <p>A list of similar projects completed include:</p> <ul style="list-style-type: none"> • Art and playground installation, Cemetery beach playscape, Town of Port Headland; • Art and playground installation, Baynton west development, Landcorp, Karratha; • Street scape enhancement, Wedge Street redevelopment, Pilbara Development Commission, Port Headland; • Art and play area installation, Westfield Culver City Family Art Park, Culver City USA; • Art and play area installation, Westfield Carindale, Brisbane; • Play ground installation, Northlakes Playscape, Brisbane; and • Art and playground installation, Redfern Park, City of Sydney. <p>History and Viability of Organisation:</p> <p>Form has had a diverse range of experience, both nationally and internationally with many successful high profile installations.</p>

	<p>Key Personnel:</p> <p>Key personnel for this project have each been outlined, including their educational background and recent achievements.</p> <p>Methodology:</p> <p>Form has provided a strong sense of understanding and direction for the project, including proposed artists, materials and timeline of installation.</p> <p>Quality Assurance:</p> <p>Form has created a Quality Assurance system that monitors each project; however, they do not currently hold the Industry certification for Quality Assurance. It is noted that this is because of the very unique nature of each project.</p> <p>References:</p> <p>Four (4) references have been provided.</p>
<p>Opus International Consultants</p> <p>Level 1, 23 Spencer Street BUNBURY WA 6231</p>	<p>Past Experience in Designing/creating Exciting and Original Playgrounds:</p> <p>Opus has demonstrated their experience in the design and implementation of exciting and innovative playgrounds throughout Western Australia.</p> <p>A list of similar projects completed include:</p> <ul style="list-style-type: none"> • Design and implementation of playground, Timberland Park Playground, Manjimup; and • Design and implementation of playground, Hopetoun Foreshore and Playground, Hopetoun. <p>History and Viability of Organisation:</p> <p>Opus is a consultancy company which offers a range of environmental services including urban design, landscape architecture, town planning and structural design.</p> <p>Opus employs over 2,500 staff internationally, with seventy (70) of those staff from Perth, Bunbury and Albany.</p> <p>Key Personnel:</p> <p>Two (2) key personnel were detailed, including their educational background, experience and recent projects.</p> <p>Methodology:</p> <p>Opus has detailed the requirements of the City and has responded with the following key elements that will be followed, including meeting community needs, assuring inclusion, finding a sustainable solution, is low on maintenance costs, meets Australian Standards and incorporates crime prevention principles.</p>

	<p>Quality Assurance:</p> <p>Opus has been awarded with the certification to assure that the Australian Standards are consistently met.</p> <p>References:</p> <p>Four (4) references have been provided.</p>
<p>Playmaster Pty Ltd</p> <p>12 Coney Drive KEWDALE WA 6105</p>	<p>Past Experience in Designing/creating Exciting and Original Playgrounds:</p> <p>A list of similar projects completed include:</p> <ul style="list-style-type: none">• Supply and installation of playground, Camberwarra Park, City of Joondalup;• Supply and installation of playground, Lentham Park, City of Wanneroo;• Supply and installation of playground, Coldstream Park, City of Wanneroo;• Supply and installation of playground, McCoy Park, City of Wanneroo;• Supply and installation of playground, James Cook Reserve, City of Joondalup; and• Supply and installation of playground, Sunrays Park, City of Joondalup. <p>History and Viability of Organisation:</p> <p>Playmaster has provided numerous examples of previous experience with similar projects.</p> <p>Key Personnel:</p> <p>Playmaster has provided five (5) key personnel with various information pertaining to each individual.</p> <p>Methodology:</p> <p>Playmaster has provided some information outlining their approach to the project including extensive safety considerations.</p> <p>Quality Assurance:</p> <p>Playmaster has outlined various safety considerations pertinent to the project.</p> <p>References:</p> <p>Two (2) references have been provided.</p>

<p>GHD Pty Ltd</p> <p>239 Adelaide Terrace PERTH WA 6000</p>	<p>Past Experience in Designing/creating Exciting and Original Playgrounds:</p> <p>GHD is an integrated design consultancy in collaboration with Playrope to provide playground design and installation services.</p> <p>A list of similar projects completed include:</p> <ul style="list-style-type: none"> • Playground design, Cemetery Beach Park, Town of Port Headland; • Park re-development, Glen Logan Lakes Park, Town of Port Headland; and • Design and construction supervision, Stirling Gardens, City of Perth. <p>History and Viability of Organisation:</p> <p>GHD has a long history of successfully delivery a wide range of project, however is still relatively new to the space of playground design and construction.</p> <p>Key Personnel:</p> <p>Three personnel have been detailed, including relevant experience and recent projects.</p> <p>Methodology:</p> <p>A three (3) step approach has been detailed y GHD including the concept design, tender documentation and contract administration.</p> <p>Quality Assurance:</p> <p>GHD has been awarded with the certification to assure that the Australian Standards are consistently met.</p> <p>References:</p> <p>Insufficient references provided.</p>
<p>Syrinx Environmental Pty Ltd</p> <p>12 Monger Street PERTH WA 6000</p>	<p>Past Experience in Designing/creating Exciting and Original Playgrounds:</p> <p>Syrinx has a long history of providing various services to government and private enterprises.</p> <p>A list of similar projects completed include:</p> <ul style="list-style-type: none"> • Design and install playground, Point Fraser, City of Perth; • Interpretation signage, Point Fraser, City of Perth; • Design and install playground, Felming Reserve Masterplan, Shire of Kalamunda; • Art installation, Point Fraser Shade Structure, City of Perth; • Art installation, Roe highway, City of Canning; • Waterfront redevelopment, Albany Peace Park, City of Albany; and • Park redevelopment, Albion Westland and Community Park, Henley Brook. <p>History and Viability of Organisation:</p>

	<p>Syrinx has a long history of successfully delivery a wide range of project, however is relatively new to the space of playground design and construction.</p> <p>Key Personnel:</p> <p>Five (5) key personnel have been detailed in the submission including their educational history, previous experience and recent achievements.</p> <p>Methodology:</p> <p>A methodology statement has been provided which includes the following key stages:</p> <ul style="list-style-type: none"> • Initiation; • Enquiry; • Vision and ideas; • Options; • Development; and • Completion. <p>Quality Assurance:</p> <p>Syrinx has been awarded with the certification to assure that the Australian Standards are consistently met.</p> <p>References:</p> <p>Four (4) references have been provided.</p>
<p>Blackwell & Associates Pty Ltd</p> <p>550 Stirling Highway PEPPERMINT GROVE WA 6011</p>	<p>Past Experience in Designing/creating Exciting and Original Playgrounds:</p> <p>Blackwell has been involved in many playground designs ranging largely in size. Blackwell has been extensively involved with the Leederville Town Centre and specifically the Oxford Street Reserve project.</p> <p>A list of similar projects completed include:</p> <ul style="list-style-type: none"> • Design and contract administration, Faulkner Park, City of Belmont; • Design and contract administration, Miners Promise Memorial Park, East Newman; • Site redevelopment, Heathcote Hospital, Melville; and • Site redevelopment, Subiaco School of Early Learning, Subiaco. <p>History and Viability of Organisation:</p> <p>Blackwell was established in 1987 and specializes in design focusing on sustainable landscape architectural and urban design solutions. Blackwell has been the recipient of over fifty (50) separate national and state awards.</p> <p>Key Personnel:</p> <p>Five (5) key personnel have been detailed in the submission including their educational history, previous experience and recent achievements.</p> <p>Methodology:</p>

	<p>Blackwell has provided a strong sense of understanding and direction for the project, including various details in their submission.</p> <p>Quality Assurance:</p> <p>Blackwell has been awarded with the certification to assure that the Australian Standards are consistently met.</p> <p>References:</p> <p>Three (3) references have been provided.</p>
<p>Ecoscope (Australia) Pty Ltd</p> <p>9 Stirling Highway NORTH FREMANTLE WA 6159</p>	<p>Past Experience in Designing/creating Exciting and Original Playgrounds:</p> <p>Ecoscope is an established professional consultancy firm providing services in the fields of environmental science, landscape architecture and spatial planning. The company has over 20 years experience in urban projects with extensive experience in preparing playground designs.</p> <p>A list of similar projects completed include:</p> <ul style="list-style-type: none"> • Develop and implement masterplan, Kadidjiny Park and Playground, City of Melville; • Design and implementation, Mueller Park Universal Playspace, City of Subiaco; • Design and install, Bayswater Activ Playscape, Activ Foundation; • Study, Accessible and Inclusive Playground Study, City of Wanneroo; • Design, Freshwater Bay Playground, Shire of Peppermint Grove; • Design, Piney Lakes Sensory Playground, City of Melville; and • Landscape architecture, Corimbia, Stockland. <p>History and Viability of Organisation:</p> <p>Ecoscope has a moderately long and strong history of experience and successful delivery of projects.</p> <p>Key Personnel:</p> <p>Three (3) key personnel have been detailed in the submission including their educational history, previous experience and recent achievements.</p> <p>Methodology:</p> <p>An adequate methodology has been presented including the following stages:</p> <ul style="list-style-type: none"> • Initial concept design; • Briefing sessions; • Preparation of drawings; and • Development of timeline. <p>Quality Assurance:</p>

	<p>Ecoscope has been awarded with the certification to assure that the Australian Standards are consistently met.</p> <p>References:</p> <p>Three (3) references have been provided.</p>
<p>Nature Play Solutions Pty Ltd</p> <p>Suite 11, 11 Ventnor Avenue WEST PERTH WA 6005</p>	<p>Past Experience in Designing/creating Exciting and Original Playgrounds:</p> <p>Nature Play Solutions is an innovative, privately owned Western Australian company. Their expertise lies with environmental and sustainable outcomes connecting place and country.</p> <p>A list of similar projects completed include:</p> <ul style="list-style-type: none">• Design, Wattle Grove Nature Discovery Playspace, Shire of Kalamunda;• Concept design, Banks Reserve, City of Vincent;• Design, Fern Park, City of Canning;• Design, Woodbridge Riverside Play Space, City of Swan; and• Concept design, Pia's Playground, Whiteman Park. <p>History and Viability of Organisation:</p> <p>Nature Play Solutions was established in early 2011 and since then has established itself as a market leader in the design and development of nature-based play spaces and open-ended free play experiences.</p> <p>Key Personnel:</p> <p>Four (4) key personnel have been detailed in the submission including their educational history and previous experience.</p> <p>Methodology:</p> <p>The methodology submitted included a three phase proposal including project kick off, design and review and final concept design with budget estimates.</p> <p>Quality Assurance:</p> <p>Nature Play Solutions has outlined various safety considerations pertinent to the project.</p> <p>References:</p> <p>Five (5) references have been provided.</p>

<p>Playscape Creations (Aust.) Pty Ltd</p> <p>Unit 1/553 Boundary Road RICHLANDS QLD 4077</p>	<p>Past Experience in Designing/creating Exciting and Original Playgrounds:</p> <p>Playscape Creations has a long history with many Government and commercial operations with the capability to provide the design and implementation of play spaces.</p> <p>A list of similar projects completed include:</p> <ul style="list-style-type: none">• Supply, construct and project manage, Palmerston Water Park, Palmerston NT;• Design, supply and construct, Colleges Crossing Recreational Reserve, Ipswich QLD;• Design, supply and construct, Darwin Hospital;• Design, supply and construct, Fairholme College, Toowoomba QLD;• Design, supply and construct, Glen Eira City Council, Bentleigh East VIC;• Design, supply and construct, Princes Gardens, Prahran VIC; and• Design, supply and construct, Rainworth State School, Bardon QLD. <p>History and Viability of Organisation:</p> <p>Key Personnel:</p> <p>Four (4) key personnel have been detailed in the submission including their educational history and previous experience.</p> <p>Methodology:</p> <p>Playscape Creations has provided a strong sense of understanding and direction for the project, including various processes outlined in their submission.</p> <p>Quality Assurance:</p> <p>Playscape Creations has outlined various safety considerations pertinent to the project.</p> <p>References:</p> <p>Sufficient references were provided.</p>
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CONSULTATION/ADVERTISING:

The EOI process is prescribed by the Local Government (Functions and General) Regulations 1996 and this requires the EOI to be advertised for a minimum of fourteen (14) days.

The respondents were advised that the EOI was the first stage of a two (2) stage process whereby following the close of the EOI, the Council may proceed to the calling of a Tender (RFT).

LEGAL/POLICY:

~~Local Governments receive their statutory authority to provide waste management services through the Waste Avoidance and Resource Recovery Act 2007 (WARR) and the Health Act 1911.~~

The Expression of Interest and tender requirements are prescribed by the Local Government (Functions and General) Regulations 1996. This states as follows;

"23. *Choice of Acceptable Tenderers*

- (1) *An expression of interest is required to be rejected unless it is submitted at a place, and within the time, specified in the notice.*
- (2) *An expression of interest that is submitted at a place, and within the time, specified in the notice but that fails to comply with any other requirement specified in the notice may be rejected without considering its merits.*
- (3) *Expressions of interest that have not been rejected under sub-regulation (1) or (2) are to be considered by the Local Government and it is to decide which, if any, of those expressions of interest are from persons who it thinks would be capable of satisfactorily supplying the goods or services; and*
- (4) *The CEO is to list each of those persons as an acceptable tenderer."*

RISK MANAGEMENT IMPLICATIONS:

High: The EOI and tender process must be strictly in accordance with the Local Government (Functions and General) Regulations 1996.

Unless the process is strictly followed, it could have legal ramifications for the City.

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:

An amount of \$225,000 has been noted for the supply and installation of the playground within Oxford Street Reserve. All costs associated with the design, supply and installation shall be charged to the Leederville Town Centre Enhancement budget.

COMMENTS:

A total of twelve (12) EOI's were received at the closing time and date for the playground design for Oxford Street Reserve, Leederville. These have been assessed in accordance with the Local Government (Functions and General) Regulations 1996 and the EOI Selection Criteria.

Accordingly four (4) companies were considered to have satisfied the EOI Selection Criteria and would be capable of satisfactorily supplying the requested goods and services (as specified in the EOI document).

It is therefore recommended that four (4) companies be invited to submit a tender, as detailed in the Officer Recommendation.

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

9.2.6 LATE REPORT: Beaufort Street Enhancement – Proposed Six (6) Month Trial of a Filtered Drinking Water Dispenser – Progress Report No. 8

Ward:	South	Date:	27 August 2013
Precinct:	Beaufort (13)	File Ref:	TES0067
Attachments:	001 – Plan No. 3070-CP-01 002 – Product Information from ProAcqua		
Tables Items:	Nil		
Reporting Officer:	C Wilson, Manager Asset and Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** a six (6) month trial of the installation of a filtered drinking water dispenser in Beaufort Street, Mount Lawley, adjacent the Barlee Street car park, as shown on attached Plan No. 3070-CP-01; and
2. **ACCEPTS** ProAcqua Australia's offer to supply, install and maintain a Filtered Drinking Water Dispenser, at no cost to the City, as detailed in Clause 1 above.

Moved Cr Buckels, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND LOST UNANIMOUSLY (0-8)

(The Presiding Member Mayor Hon. Alannah MacTiernan had departed the Meeting at 7.32 pm and did not return.)

REASONS FOR CHANGING THE OFFICER RECOMMENDATION:

The dispenser is considered unsuitable for use on Council Land.

SUBSEQUENT MOTION:

Moved Cr Maier, Seconded Cr Carey

That the Council REINSTATE the mains Water supply or equivalent, as soon as practicable.

SUBSEQUENT MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(The Presiding Member Mayor Hon. Alannah MacTiernan had departed the Meeting at 7.32 pm and did not return.)

COUNCIL DECISION ITEM 9.2.6

That the Council REINSTATE the mains Water supply or equivalent, as soon as practicable.

PURPOSE OF REPORT:

To obtain the Council's approval of a proposal presented to the City by ProAcqua Australia to install and maintain a commercial (i.e. fee paying) filtered and chilled drinking water dispenser as a six (6) month trial, at no cost to the City, in Beaufort Street, Mount Lawley.

BACKGROUND:

Over the past eighteen (18) months the City has been undertaking a number of streetscape improvements in Beaufort Street, Mount Lawley/Highgate between Walcott Street and St Albans Avenue.

These improvements have been guided by the Beaufort Street Enhancement Working Group with the approval of the Council.

At its Ordinary Meeting of 18 December 2012 approved (in part) the following:

"That the Council;

2. *APPROVES the remaining funds of approximately \$17,000 being used to install additional seating planters and drinking fountain/s, in locations approved by the Director Technical Services (in liaison with the Beaufort Street Enhancement Working Group)."*

DETAILS:

In accordance with the Council's decision of 18 December 2012, the City's Officers researched 'contemporary' drinking fountains and presented several options to the Working Group. The proposed fountains were to be in addition to the (*then) existing drinking fountain adjacent the Barlee Street carpark.

*since removed to accommodate the installation of the Beaufort Street 'iconic' artwork, due to commence shortly.

However the Group decided not to pursue additional drinking fountains for reasons of cost. The purchase, installation and metered water service for a basic fountain was in the order of \$6,000 per unit.

Further, anecdotal evidence would suggest that the (then) existing fountain at Barlee Street was little used as people tend to be wary of public drinking fountains. However the Group also acknowledged that until all the new and existing trees grow to a substantial size that Beaufort Street can be a hot and hostile environment in summer and that some form of secured and safe drinking water dispenser would add to the amenity of the area.

ProAcqua Australia's Proposal

In June 2013 the City was approached by ProAcqua Australia, a Western Australian based company, looking to install commercial 'smart card' operated filtered water dispensers within the streetscape, i.e. the road reserve, throughout the greater Perth metropolitan area in those locations of high pedestrian activity.

ProAcqua indicated that a number of European countries, most notably Italy, have introduced the new generation of public water fountain, one that dispenses filtered and refrigerated water. While the machines are a commercial venture, the positive aspect is the reduction in the use of plastic bottled water, an acknowledged environmental issue.

"Our high tech water fountain is very different and unique in many ways and has been very successful in Italy when placed in strategic locations.

It is an outdoor fountain which offers micro-filtered refrigerated, still or sparkling water at a very affordable price to the public purchased via a smart card.

It is a real alternative to bottled water, encouraging people to stop using plastic bottles (80% which end up in landfill) and instead educate the public to use reusable stainless steel bottles.

There are various features which offer many advantages, from the income potential from the sale of the water, to the 37 inch monitor which allows the council to promote information and also receive income from advertising if they wish.

We are offering our fountains (with monitor) at no cost to Councils and Universities, and will maintain the fountains at our cost.

Much of the technical data and other information is available on our web site along with a short video showing the machine in operation www.proacquaaustralia.com.au.

The cost to the consumer would be as follows:

- 500 ml. 25 cents
- 1 litre. 40cents
- 1.5 litre 50cents

The average usage in Italy is 1.2 litres per day in summer and 500 to 700 millilitres in winter based on a population density of 5,000 people.

We are basing our figures on an average of 350 to 500 millilitres per day with a population density greater than 10,000.

In the event that a council chooses to expand the arrangement and buy one or more fountains and enters into a profit share arrangement, this represents a return of approx 55%, not including any potential advertising revenue. "

Current Australian situation:

ProAcqua's Managing Director advised that they had recently installed their first Australian drinking fountain in Forrest Place in central Perth, launched by the Lord Mayor, Lisa Scaffidi, on the 15 August, and were keen to engage with the City of Vincent.

They are also in discussions with other State Capital City Councils and several major Universities.

Since the launch in Perth they have sold in excess of 1,000 smart cards and water bottles, far exceeding their expectations.

As can be seen above ProAcqua are keen to install a machine within the City of Vincent to establish and build a market presence.

In discussions with the officers and in recognition of the need for drinking water 'fountain' in Beaufort Street it is proposed to accept ProAcqua's offer and install a fountain in Beaufort Street adjacent the Barlee Street carpark as a six (6) month trial, with the option to extend if both parties agree.

This site has an existing water service and power supply greatly simplifying installation.

The proposed location of the machine, as shown on attached drawing 3070-CP-01, will be 'tucked' in behind the iconic art work so not as to detract from it (the art work). In respect of the appearance of the machine the one proposed for Beaufort Street is the same as that which has been located in Forrest Place, however it will not have the canopy as shown in the photo (refer to attachment 2 – Product Information).

It is intended, that if approved by the Council, that the drinking water 'fountain' will be installed and operational in time for the Beaufort Street Festival in November.

Officers Comments:

From discussions with ProAcqua they intend to approach nearby Beaufort Street businesses to have them sell and recharge their 'smart card', as well as sell the steel water bottles, on a commission basis.

It is envisaged that the monitor (as mentioned above in italics), in addition to ProAcqua's self promotion and instructions to where to purchase the smart cards and on how to use the machine, the City would use it to advertise forthcoming events and community information.

Alternative Suppliers/Options:

The City Officers also canvassed other suppliers and manufacturers of drinking fountains to ensure that similar products and/or business models were not currently available in the Australian market. At this time ProAcqua's offer and product is unique.

Its closest competitor is a product manufactured by a Sydney based company. The point of difference is they sell their water dispensers only, after which the purchaser takes on the installation and on-going maintenance of the machine. Further, while the fountain dispenses filtered water it does not provide the option of chilled water. There would be considerable upfront cost (yet to be quantified) to the City to purchase and install.

However the aforementioned company are currently in negotiations with the Water Corporation of Western Australia to supply twenty (20) of their drinking fountains for installation in the Perth metropolitan area, several of which the Water Corporation are looking to install in the Leederville area. The fountains would be free to the public and are part of the Water Corporations on-going campaign to discourage the use of (plastic) bottled water.

Note: This would be subject to a separate report once the Water Corporation has made a formal approach to the City. However the Water Corporation is not currently considering Mt Lawley/Highgate as potential location at this time.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Beaufort Street is classified as a District Distributor A road under the care, control and management of the City.

RISK MANAGEMENT IMPLICATIONS:

Low: Improvement to aesthetics and amenities.

STRATEGIC IMPLICATIONS:

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

To improve the economic vibrancy of the area and make the area more sustainable for both business activities by the type of infrastructure improvements proposed.

FINANCIAL/BUDGET IMPLICATIONS:

ProAcqua Australia would be responsible for the drinking water dispenser's installation, running costs and maintenance.

COMMENTS:

As indicated in the main body of the report the Beaufort Street Enhancement Working Group has identified the lack of readily available drinking water in Beaufort Street as a shortcoming of the precinct. Further, there is generally reluctance on the part of the public to use the traditional style water fountains.

ProAcqua Australia's proposal to install a new generation water 'fountain' in Beaufort Street at no cost to the City addresses this issue and provides the public with an attractive, safe and environmentally sustainable alternative.

9.3.1 Investment Report as at 31 July 2013

Ward:	Both	Date:	16 August 2013
Precinct:	All	File Ref:	FIN0033
Attachments:	001 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	B C Tan, Manager Financial Services; B Wong, Accountant		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **NOTES** the Investment Report for the month ended 31 July 2013 as detailed in Appendix 9.3.1.

Moved Cr Maier, Seconded Cr Pintabona

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Pintabona

“That the Officer Recommendation be amended to read as follows:

That the Council **NOTES** the Investment Report for the month ended 31 July 2013 as detailed in Appendix 9.3.1 **and that the investments in the National Australia Bank and Suncorp Bank were temporarily over the limits set by the City’s Investment Policy.”**

Debate ensued.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(The Presiding Member Mayor Hon. Alannah MacTiernan had departed the Meeting at 7.32 pm and did not return.)

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)

(The Presiding Member Mayor Hon. Alannah MacTiernan had departed the Meeting at 7.32 pm and did not return.)

COUNCIL DECISION ITEM 9.3.1

That the Council **NOTES** the Investment Report for the month ended 31 July 2013 as detailed in Appendix 9.3.1 and that the investments in the National Australia Bank and Suncorp Bank were temporarily over the limits set by the City’s Investment Policy.

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

DETAILS:

Total Investments for the period ended 31 July 2013 were \$9,611,000 compared with \$8,511,000 at 30 June 2013. At 31 July 2012, \$18,211,000 was invested.

Investment comparison table:

	2012-2013	2013-2014
July	\$18,211,000	\$9,611,000

Total accrued interest earned on Investments as at 31 July 2013:

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$281,340	\$23,445	\$10,576	3.76
Reserve	\$386,610	\$32,217	\$23,134	5.98

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 decrease in investment fund as compared to previous year is due to loan and contributions received for Beatty Park Redevelopment have been fully spent.

The interest earned is below budget. This is due to the decrease in the Reserve Bank of Australia cash rate from 3.50% to 2.75% in the last 12 months.

The investment in National Bank and Suncorp Bank exceeded the maximum of allowed in each institution required under the Investment Policy. It was difficult to adjust the investment amount at month end due to the large payment to creditors.

The report comprises of:

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

9.4.5 LATE REPORT: Public Artwork – Approval of Consultant

Ward:	Both	Date:	27 August 2013
Precinct:	All	File Ref:	CMS0010
Attachments:	001 – Scoring Matrix 002 – Request for Quotation		
Tabled Items:	Nil		
Reporting Officer:	Y Coyne, Arts and Creativity Coordinator J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That the Council;

1. **ACCEPTS** the quotations submitted by Jenny Beahan and Helen Curtis as being the most suitable to the City for the project management and procurement services of the Arts consultancy for the projects listed below;
2. **APPROVES** the:
 - 2.1 Beatty Park Percent for Art project and Leederville Town Centre Public Art project, to be managed by Jenny Beahan; and
 - 2.2 North Perth Town Centre Public Art project, to be managed by Helen Curtis;
3. **AUTHORISES** the Chief Executive Officer to negotiate the consultancy Agreements, in accordance with the specifications as detailed in the Request for Quotation (Attachment 002);
4. **DEFERS** consideration to contract consultancy services to review and revise the City's Arts policies and artwork procurement processes, until completion of the listed projects; and
5. **NOTES** that the procurement of the Aboriginal Sculpture for Weld Square will be given further consideration as a community project to be undertaken by the City in consultation with Aboriginal stakeholders.

COUNCIL DECISION ITEM 9.4.5

Moved Cr Carey, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(The Presiding Member Mayor Hon. Alannah MacTiernan had departed the Meeting at 7.32 pm and did not return.)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval for awarding of the contract for the project management and procurement services of an Arts Consultant.

BACKGROUND:

At the Ordinary Meeting of Council held on 28 May 2013, the following was resolved:

"That the Council;

1. *APPROVES BY AN ABSOLUTE MAJORITY to AUTHORISE the Chief Executive Officer to obtain quotations to engage a specialist Public Art Consultant in accordance with the Evaluation Criteria, specified in the report, for a period determined by the Chief Executive Officer to assist the City with the following;*
 - 1.1 *Project management of the Procurement for the Leederville Town Centre, North Perth Town Centre and Beatty Park Leisure Centre major Artworks;*
 - 1.2 *Develop protocols and engage in the development and commission of an Aboriginal Sculpture, to be installed in Weld Square; and*
2. *AUTHORISES the Chief Executive Officer to co-opt persons with specialist and relevant Arts qualifications, industry knowledge and professional experience to the City's Arts Advisory Group, until 12 October 2013."*

DETAILS:

Call for 'Request for Quotation' (RFQ)

In accordance with Clause 1 of the Council's decision, a RFQ was advertised calling for an Arts Consultant to assist with project management and procurement services, and by the closing date (29 July 2013), five (5) submissions were received.

Scope of Works

The RFQ called for suitably qualified arts professionals to undertake the project management of selected Arts projects. The following were listed as expected outcomes to be achieved by the successful applicant:

- 1.1 Successful community engagement/consultation and procurement of innovative, best practice artwork for the Leederville Town Centre, North Perth Town Centre and Beatty Park Leisure Centre;
- 1.2 Manage the procurement of artwork for the Leederville Town Centre, North Perth Town Centre and Beatty Park Leisure Centre;
- 1.3 Successful procurement and completion of artwork for the Leederville Town Centre, North Perth Town Centre and Beatty Park Leisure Centre;
- 1.4 Develop protocols and engage in the development and commission of an Aboriginal Sculpture, to be installed in Weld Square;
- 1.5 Consultation with Aboriginal stakeholders to develop the scope of works required for the Aboriginal Sculpture for Weld Square;
- 1.6 Successful procurement and completion of the Aboriginal Sculpture for Weld Square;
- 1.7 Liaise with the Arts Advisory Group to consider and comment on progress of projects as contracted;

- 1.8 Ensure projects are managed and delivered on time in line with the expectations of the City and Council;
- 1.9 Ensure positive publicity for the City of Vincent and Council at all times in the execution of contracted projects; and
- 1.10. Review and revise the City's Arts policies and artwork procurement processes for Council approval.

Selection Criteria

The following criteria were listed to meet the aspirations of the City in contracting a suitable professional;

- 2.1 Tertiary qualifications in a related Arts degree. Postgraduate qualifications will be highly regarded;
- 2.2 Demonstrated experience of at least five (5) years in Arts Management;
- 2.3 Knowledge and a minimum of ten (10) years experience in the development, implementation and project management of Public Art projects;
- 2.4 Knowledge of Arts principles and practices, including trends, programmes and initiatives;
- 2.5 Extensive experience in utilising community engagement strategies and initiatives;
- 2.6 Demonstrated knowledge of and networks within the Western Australian Arts industry; and
- 2.7 Significant experience working with a diverse range of stakeholders in a complex and challenging environment.

A minimum of two (2) referees was also required to reinforce the experience and knowledge requirements of the contracted position.

Submissions Received

At the close of the RFQ period (4pm on 29 July 2013), five (5) submissions were received from the following:

No:	Company	Address
1	Artsource	Level 1, 357 Murray Street Perth WA 6000
2	Pala Management	PO Box 1001 Hillarys WA 6923
3	Jenny Beahan	31 Hinker Road Kalamunda WA 6076
4	Helen Mathie	19/146 Joel Terrace Mount Lawley WA 6050
5	Helen Curtis	52 Chelmsford Road Mount Lawley WA 6050

Evaluation of Submissions

The following weighted criteria was applied in the assessment of prospective consultant.

Evaluation Criteria	Weighting
<p>Financial offer / fee proposal</p> <ul style="list-style-type: none"> • <i>This contract is offered on a lump sum (fixed price) fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST).</i> • Represents the "best value" for money. <p>Note</p> <ul style="list-style-type: none"> • The City may consider a set fee as a percentage of the contract value. Please indicate if this is your preference. 	<p>20%</p>
<p>Relevant experience and expertise</p> <p>Demonstrate your:</p> <ul style="list-style-type: none"> • Experience and expertise. • Role and credentials of the person in the provision of the service (i.e. qualifications and experience). • Ability to provide ongoing availability performing the tasks consistent with the required standards. • Understanding of the requirements associated with delivering the services to the City. • Experience and success in the sphere of recent similar facilities. <p>Note:</p> <ul style="list-style-type: none"> • It is a preference that the consultant have a minimum of ten (10) years' experience in arts management and the development, implementation and project management of Public Art projects. • Tertiary Qualifications in a related Arts degree is essential. 	<p>40%</p>
<p>History</p> <ul style="list-style-type: none"> • Detail your history, viability and experience. • Demonstrate your capacity and depth to effectively address the range of requirements of the City. 	<p>20%</p>
<p>References</p> <ul style="list-style-type: none"> • Submission of contact details of two (2) referees for similar projects. 	<p>10%</p>
<p>Knowledge and range of networks in the Western Australian Arts Industry</p>	<p>10%</p>
<p>TOTAL</p>	<p>100%</p>

Evaluation Panel

The evaluation of the RFQs was carried out by a Panel comprising;

- Manager Community Development;
- A/Manager Financial Services; and
- Coordinator Arts and Creativity.

The results of the evaluation is attached and summarised in Attachment 001.

Summary of Submissions

1. Artsource

Total Weighted Score	53
<i>Financial offer / fee proposal</i>	Artsource is proposing a fixed fee of \$4000 to review the City of Vincent's art policies and procurement processes, and an art consultancy fee of 12.5% of the total artwork budget, which is based on an estimate of \$380,000 (ex GST). Additional requirements will be charged at an hourly rate of \$150 (ex GST).
<i>Experience and expertise</i>	Artsource as an organization has been operating for 25 years.
<i>History</i>	Artsource has worked with the City on a number of Percent for Art projects, as well as the Vietnamese Monument.
<i>References</i>	Artsource has provided three referees: Liz Ledger, Executive Manager, People and Places, Town of Claremont Daniel High, Place Activation Manager, MRA Terry Hendricks, Data Centre Project Manager, Next DC.
<i>Knowledge and range of networks in the Western Australian Arts Industry</i>	Artsource has a portfolio of 900 artists and links to the industry.

Officer's comments:

Artsource has a good network of artists and strong links to the local industry. Recent City of Vincent public art projects managed by Artsource have been complicated and untimely.

2. Pala Management

Total Weighted Score	38
<i>Financial offer / fee proposal</i>	Pala Management have proposed an hourly rate: Weekdays 8am to 6pm - \$152.27 Weekdays after 6pm - \$176.61 Weekends - \$192.83 Disbursements – cost + 10%.
<i>Experience and expertise</i>	Pala Management have strong project management experience within the building and construction industry; however, the application lacks evidence of strong arts networks and expertise. The application did not include a response to the selection criteria; however, it was noted that the applicant has had public art consultancy experience with particular housing developments.
<i>History</i>	Brad Schrader from Pala Management has overseen 30+ artworks installed throughout WA, from coordinating the artist, construction and installation.
<i>References</i>	Pala have provided two referees: Artist Phillipa O'Brien and Directors at Plan E who worked with Brad on Baldvis public artworks.
<i>Knowledge and range of networks in the Western Australian Arts Industry</i>	It is not evident from the application that Pala Management has strong knowledge and networks in the local arts industry or expertise in arts consultancy.

Officer's comments:

The application was delivered without addressing each selection criteria. Some of the key criteria (networks of artists, level of arts management experience required) are not evident in the application.

3. Jenny Beahan

Total Weighted Score	79.3
<i>Financial offer / fee proposal</i>	17% + GST on works up to \$80,000 15% + GST on works over \$80,000 \$150+GST per hour for policy development work.
<i>Experience and expertise</i>	Over twenty years experience in the arts and cultural sector. Cultural policy development within the Department of Culture and the Arts. Freelance cultural planning consultancy.
<i>History</i>	Designed and initiated the WA Percent for Art Scheme & established the Ministerial Taskforce on Public Art.
<i>References</i>	Four referees were provided including Central Institute Technology Senior Lecturer and Sculptor, Tony Jones; Designer at Cox Howlett + Bailey Woodford Mr Gary Giles; Curtin University's Pamela Gaunt and the CEO of Foundation Housing Kathleen Gregory.
<i>Knowledge and range of networks in the Western Australian Arts Industry</i>	This applicant has very strong knowledge and arts network base.

Officer's comments:

This applicant exceeds the minimum requirements in terms of experience and networks.

4. Helen Mathie

Total Weighted Score	39.8
<i>Financial offer / fee proposal</i>	12.5% for artworks with a budget between \$250,000 - \$399,000 Rate for services is \$110 per hour.
<i>Experience and expertise</i>	Helen Mathie's CV lists three years experience as an art consultant at Artsource, and sixteen years experience as a high school art teacher. This does not meet the minimum requirement. Currently, Helen is a casual lecturer at TAFE Central.
<i>History</i>	Was the originating Artsource consultant working with the Vietnamese community for the Monument of Gratitude, and oversaw a tender for the Shire of Bridgetown, amongst other projects through Artsource.
<i>References</i>	Helen has provided four referees: Ron Bradfield Jnr, Artsource Regional & Indigenous Manager; Mark Datodi, Artist; Joanna Robertson, Kidojo Art House Manager; and Coral Lowry, Artist.
<i>Knowledge and range of networks in the Western Australian Arts Industry</i>	Item 2.6 "Demonstrated knowledge of and networks within the Western Australian Arts industry" of the selection criteria was not addressed in the application.

Officer's comments:

This applicant does not meet the minimum requirements in terms of experience and networks.

5. Helen Curtis

Total Weighted Score	64.3
<i>Financial offer / fee proposal</i>	Lump sum fee proposal of \$35,700 Calculated on \$85 per hour for 420 hours.
<i>Experience and expertise</i>	Extensive fifteen years experience as an arts manager, curator and public art co-ordinator.
<i>History</i>	City of Perth's Arts and Cultural Development Officer for five years and Senior Policy Officer for three years. In 2009, Helen completed a Public Art Review for the City of Perth.
<i>References</i>	Provides two reputable artists as references: Malcolm McGregor and Tony Jones.
<i>Knowledge and range of networks in the Western Australian Arts Industry</i>	This applicant has very strong local knowledge and arts network base.

Officer's comments:

This applicant exceeds the minimum requirements in terms of experience and networks.

Aboriginal Sculpture, Weld Square

At the Ordinary Meeting of Council on 9 April 2013, the Council resolved to include an amount of \$52,000 for an Aboriginal artwork that was to come out of the Weld Square redevelopment budget.

A number of consultations with Aboriginal stakeholders have indicated that the statue of a woman and child, which used to be situated within the offices of the Aboriginal Advancement Council at 201 Beaufort Street, Perth, is of cultural and historical significance.

Discussions have been held with Mayor Hon. Alannah MacTiernan on this project and it has been determined that further background information needs to be considered to move forward with this project as a community driven initiative.

A Council report will be prepared for consideration on this matter once the various protocols and information has been determined.

CONSULTATION/ADVERTISING:

The Request for Quotation (RFQ) process has been conducted in accordance with the Local Government (Functions and General) Regulations 1996, Regulation 11A.

The RFQ has been advertised through industry networks, Arts agencies and peak organisations, as well as through the newspapers.

LEGAL/POLICY:

- City of Vincent Policy No. 1.2.3 Purchasing
- City of Vincent Policy No. 3.10.7 Art
- City of Vincent Planning and Building Policy No. 3.5.13 Percentage for Public Art
- WALGA Purchasing and Tender Guide

RISK MANAGEMENT IMPLICATIONS:

MODERATE: The Request for Quotation must be carried out strictly in accordance with the City's Purchasing Policy.
The engagement of an Arts Consultant may assist in ensuring specialist advice is on hand to Council members in the protocols and processes of Arts acquisition and procurement.

STRATEGIC IMPLICATIONS:

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

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

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

SUSTAINABILITY IMPLICATIONS:

The Arts Consultants will be required to adhere to the sustainability principles and policies that are endorsed and in practice at the City.

FINANCIAL/BUDGET IMPLICATIONS:

The engagement of Arts Consultants will require a contractual arrangement and appropriate fees to ensure that clear outcomes are outlined along with required consultation processes that will be required to be achieved to meet with the Council's expectations.

It is anticipated that the funds for the consultant will be sourced as a percentage of the funds available for major artworks in question.

COMMENTS:

The Arts Advisory Group was briefed on the selection of the consultants at the meeting held on Monday, 26 August 2013. It was recommended that the two submissions from Jenny Beahan and Helen Curtis were acceptable and to distribute the major projects between them, ensuring that the projects were completed without delay.

9.5.1 Metropolitan Local Government Structural Reform/Amalgamations – Progress Report No.1 and Approval of Expenditure

Ward:	-	Date:	20 August 2013
Precinct:	-	File Ref:	ORG0031
Attachments:	001 – Maps of Proposed New Local Governments (1-14) 002 – Map of Proposed New Local Governments – Metropolitan Area 003 – Comparison Capital City’s – boundaries and populations 004 – Media Article – Premiers Announcement		
Tabled Items:			
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** Progress Report No.1, as at 20 August 2013 concerning the Metropolitan Local Government Structural Reform/Amalgamations;
2. **APPROVES BY AN ABSOLUTE MAJORITY;**
 - 2.1 the expenditure of \$29,750 as part of the City’s campaign to oppose part of the City of Vincent being merged with the City of Stirling and for the whole of the City of Vincent to be merged with the City of Perth as follows:

ITEM	Amount
Mailout to Residents	\$10,000
Printing Campaign Material	\$5,000
Consultant – Media/Communications	\$5,000
Community Rally Costs	\$4,200
Advertising Local newspapers	\$2,800
Graphic Designer	\$1,550
Employee Overtime	\$1,200
Total	\$29,750

and

- 2.2 Proposed expenditure of up to \$10,000 for future campaign costs; and
3. **AUTHORISES** the Chief Executive Officer to identify a funding source at the Midyear Budget Review, to cover the expenditure in the Clause 2 above.

COUNCIL DECISION ITEM 9.5.1

Moved Cr Harley, **Seconded** Cr Topelberg

That the recommendation be adopted.

Debate ensued.

The Chief Executive Officer provided a verbal update on the matter.

MOTION PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (8-0)

(The Presiding Member Mayor Hon. Alannah MacTiernan had departed the Meeting at 7.32 pm and did not return.)

PURPOSE OF REPORT:

To inform the Council concerning the City's campaign for all of the City of Vincent to be incorporated into the City of Perth.

BACKGROUND:

Previous Reports

The Council previously considered the matter of Local Government structural reform at the Ordinary Meetings of Council held on 7 September 2005, 20 December 2005, 16 March 2009, 28 April 2009, 7 July 2009 and 25 August 2009, 22 September 2009, 9 March 2010, 7 December 2010, 20 December 2011, 13 March 2012, 8 May 2012, 22 May 2012 6 November 2012, 26 March 2013, 30 July 2013 and 13 August 2013.

DETAILS:

Previous Council Decision:

At the Ordinary Council Meeting held on 13 August 2013, the Council considered the following;

"COUNCIL DECISION ITEM 13.1

That the Council;

1. *Formally REQUESTS the City of Perth to;*
 - 1.1 *SUPPORT the City of Vincent's position that ALL of the City of Vincent be incorporated into the City of Perth; and*
 - 1.2 *Include in its submission to the Local Government Advisory Board for the extension of the proposed City of Perth Local Government boundaries to include all of the City of Vincent Local Government District; and*
2. *ADVISES the City of Perth of the strength of City of Vincent's financial position."*

At the Special Council Meeting held on 30 July 2013, the Council resolved as follows:

COUNCIL DECISION ITEM 7.1

That the Council;

1. *RECEIVES the report dated 30 July 2013 concerning the Local Government Structural Reform and proposed amalgamations of Metropolitan Local Governments, as detailed in this report and shown in Appendix 7.1 (Attachments 005, 006, 007 & 008);*
2. *RECOGNISES the need for Local Government structural reform in Western Australia;*
3. *OPPOSES the State Government's proposal to merge a significant proportion of the City of Vincent into the City of Stirling, as shown in Appendix 7.1 (Attachment 007 - Map 1), as it is considered there is very little "community of interest" between the population of the two municipalities and that it will be to the detriment of the inner city identity of the precincts that make up the City of Vincent;*
4. *STRONGLY SUPPORTS a full merger of the City of Vincent with the City of Perth, as this is considered the best way to deliver efficient and dynamic Governance for the City's residents, business's and five (5) Town Centres;*
5. *OPPOSES the State Government's decision to amend the Local Government Act 1995 to remove any poll or referendum provisions for residents or ratepayers of Metropolitan Local Government's;*

6. *Establishes a community and social media campaign, including petitions, town hall meetings and advertising to oppose the Stirling merger plan to be directed by a committee formed by the Mayor and four Councillors and relevant officers. The following four Councillors were appointed;*
 1. *Cr Carey;*
 2. *Cr Harley;*
 3. *Cr Topelberg;*
 4. *Cr Wilcox; and*
(Cr McGrath if Cr Topelberg is unavailable);
7. *REQUESTS the Chief Executive Officer to engage personnel with the skill to oversee the campaign for the next two (2) months;*
8. *APPROVES the appointment of the Mayor and Chief Executive Officer to the proposed Implementation Transition Committee for the City of Vincent;*
9. *REQUESTS the Chief Executive Officer to provide a report to the Council no later than 27 August 2013, concerning the following:*
 - 9.1 *the progress of the community campaign; and*
 - 9.2 *the preparation of a submission to the Local Government Advisory Board;*
10. *AUTHORISES the Chief Executive Officer and Mayor to;*
 - 10.1 *enter into discussions with stakeholders, including the Minister for Local Government, Members of Parliament, City of Perth, City of Stirling and any other relevant persons/organizations; and*
 - 10.2 *commence discussions with the City of Perth on a merger of the whole of the City of Vincent into the City of Perth;*
 - 10.3 *consult with the Vincent community concerning the Government's proposal;*
11. *REQUESTS its representatives in State Government to support the Council's position; and*
12. *ADVISES the Premier, Minister for Local Government, City's of Perth, City of Stirling and the City's ratepayers and residents of its decision."*

ACTION TAKEN TO DATE:

Following the Council's Special Meeting held on 30 July 2013, the following action has been taken:

1. Letter to the Premier and Leader of the Opposition;

The Mayor wrote to the Premier of Western Australia and Leader of the Opposition on 5 August 2013.

2. The City of Vincent's Campaign:

Letter to ratepayers and residents and business proprietors

A letter together with the City's petition was sent to all ratepayers, residents and business proprietors in the City was sent on Thursday 8 August 2013.

3. Petition

A petition was agreed by the campaign committee.

The petition has been placed in the:

- Administration and Civic Centre;
- Beatty Park Leisure Centre; and
- Library and Local History Centre.

As at the 20 August 2013, 2,409 signatures have been received. The number of signatures is increasing rapidly each day.

4. Advertisements

Advertisements have been placed in Local community newspapers and appeared in the *Guardian Express* on 6 August 2013 and *The Perth Voice* on 10 August 2013.

5. Website

A special page has been included in the City's website and is regularly updated.

6. Meeting with the City of Perth

On Monday 12 August 2013 the City's Mayor met with the Lord Mayor of the City of Perth.

On Thursday 15 August 2013 the Chief Executive Officer met informally with the City of Perth CEO to discuss Local Government Structural Reform.

7. Meeting with the City of Stirling

The City has requested a meeting with the City of Stirling Mayor and Chief Executive Officer and at the time of writing this report, the City was awaiting a time and date.

8. Department of Local Government Briefing

The Chief Executive Officer attended a briefing organised by the Department of Local Government and Communities on Thursday 8 August 2013.

The Department of Local Government has advised that it has commenced meeting with Local Governments commencing on Monday 26 August 2013. At the time of writing this report the City was scheduled to meet with the department on 30 August 2013.

9. Announcement by the Premier of Western Australia

On 14 August 2013 the Premier of Western Australia announced in the Media that "he would not stand in the way of a merger between the City of Vincent or City of Perth – Appendix 9.5.1 - Attachment 004.

10. Letter to Minister for Local Government

On the 12 August 2013 the Mayor wrote to the Minister for Local Government seeking clarification of the State Government's proposed amalgamation plans. At the time of writing this report no response had been received from the Minister.

11. Letters to Members of Parliament

Letters to Members of Parliament have been drafted and will be sent in Late August/early September.

12. Council's Community Campaign

Committee

THE COUNCIL ESTABLISHED A COMMITTEE AS FOLLOWS:

6. *Establishes a community and social media campaign, including petitions, town hall meetings and advertising to oppose the Stirling merger plan to be directed by a committee formed by the Mayor and four Councillors and relevant officers. The following four Councillors were appointed;*

1. *Cr Carey;*
2. *Cr Harley;*
3. *Cr Topelberg;*
4. *Cr Wilcox; and*
(Cr McGrath if Cr Topelberg is unavailable);

7. *REQUESTS the Chief Executive Officer to engage personnel with the skill to oversee the campaign for the next two (2) months;*

Meetings

The Committee has met on the following occasions

- 1 August 2013
- 8 August 2013
- 19 August 2013

Neighbourhood Volunteers

A meeting has been arranged for Thursday 22 August 2013, at Woodville Reserve, North Perth.

13. Engagement of External Personnel

On 1st August 2013 the CEO engaged an external person to provide additional resource, with media and strategic advise for a period of one (1) month.

14. City of Vincent Submission

The Chief Executive Officer has commenced preparation of the City's submission, on the basis of the Council Decision of 30 July 2013 (that is to merge the whole of the City of Vincent with the City of Perth) This submission will be progressed, once the Council provides further details and direction to the Chief Executive Officer.

Strengthening Perth as A Global City

There is a strong case that merging the two Cities will be of great benefit to the City of Perth as follows:

1. Merging the City of Vincent and the City of Perth makes sense to build a sustainable global city that is a gateway to the movement of people, capital and ideas.
2. By world and Australian standards, the City of Perth lags behind major capitals in terms of population. The City of Perth has the smallest area and population of any Australian capital city but faces increasing demands for services by a rapidly growing but fragmented residential population.
3. The City of Perth's own submission identifies the small size and population as a problem in planning the City well – including Kings Park in the boundary will not change that. With a population of 17,000, the current City of Perth is smaller than the City Councils of Hobart, Darwin and Adelaide.
4. Merging the City of Vincent with the City of Perth would produce a capital city authority of 50,000 people – still well behind the other capitals we compete with for commerce, tourism and investment. (Refer to attachment 007)
5. The country's most successful cities have Capital City authorities of more than 100,000 people – Sydney with 187,679 and Melbourne with 100,611 - and they work more effectively because of their size. In each case the bulk of the population is in the inner-city suburbs, not the central area.
7. The State Government's own review of local government recommended that Vincent be incorporated into Perth.
8. Vincent's vibrant and diverse inner-city urban villages and varied housing styles are a natural fit with the consolidation of Perth as a centre for business, entertainment, education and cultural events.
9. The City of Perth would gain Beatty Park Leisure Centre, which has recently undergone a \$17m redevelopment and is now considered to have one of the best Leisure Centre's in the State. It has a current value of approx. \$30 million. This would fit well with the intention to include high profile assets in the City of Perth. The membership numbers have exceeded expectations and it is expected that the Centre will now be operationally financially sustainable for the future. Historically Beatty Park is associated a being an icon for the leisure and recreation industry in the state of Western Australia and is used by many high profile sporting groups both local and interstate for rehabilitation. The Centre has a close link with the City of Perth will many of the patrons coming from the City and also a number of the Clubs who utilise the Centre and associated with the City of Perth. The Centre would be a valuable asset for the City of Perth- not only in financial terms.

Local Government Advisory Board – Guiding Principles

The Local Government Advisory Board had previously specified that any submissions to the board for changes to Local Government Boundaries should meet the following guiding principles:

1. Community of Interest;
2. Physical and Topographical features;
3. Demographic trends;
4. Economical and Financial Impact;
5. History of the area;
6. Transport and Communication;
7. Matters affecting viability of the Local Government(s) involved; and
8. Delivery of Local Government services.

What is Community of Interest?

The Local Government Advisory Board (LGAB) describes community of interest as:

For example, sporting, leisure and library facilities create a focus for the community. The use of shopping areas and the location of schools also act to draw people together with similar interests. This can also give indications about the direction that people travel to access services and facilities. The external boundaries of a local government need to reflect distinct communities of interest wherever possible. Neighbourhoods, suburbs and towns are important units in the physical, historical and social infrastructure and often generate a feeling of community and belonging. The Board believes that wherever possible, it is inappropriate to divide these units between local governments.

The term "Community of Interest" can include a sense of community identity and belonging, similarities in the characteristics of the residents, and similarities in the economic activities. It can also include dependence on shared facilities such as catchment areas for schools, shopping centres, sporting teams and other facilities.

Reasons for City of Vincent to be merged with City of Perth – LGAB Principles

There are many good reasons why the City of Vincent fits best with the City of Perth, as follows:

1. Community of Interest

- 1.1 The City of Stirling is a very large Local Government and many (if not all) of its suburbs **do not** have a "community of interest" with the City of Vincent.
- 1.2. City of Vincent residents identify as inner city residents. They have lived in the area for either most of their lives, or have moved here because they work, live and recreate in the City;
- 1.3 Vincent has vibrant inner-city communities, built around five town centres, which are interconnected and share a common sense of identity. The inclusion within the City of Perth fits with this focus;
- 1.4 The City of Vincent economic structure is based on mainstreet commercial entertainment strips, which need active place making. The City shares this with Perth and not with Stirling;

2. Physical and Topographical Features

- 2.1 The boundaries proposed by the State Government DO NOT comply with the principle of following major roads/physical features or barriers, eg: Richmond Street is a minor road.
- 2.2 The current proposed boundaries are illogical and do not meet the guidelines prescribed by the Local Government Advisory Board.
- 2.3 The current proposed boundary will split the Mount Lawley/Beaufort Street business district, - it will be governed by three (3) different Local Governments. Beaufort Street is under this proposal in three different local government areas- if the City of Vincent was completely amalgamated with the City of Perth, this would mean the majority of commercial Beaufort Street would be in the City of Perth;

3. Demographic Factors

- 3.1 The Demographics of Vincent more closely aligned with the City of Perth than the City of Stirling.

4. Economic and Financial Impact

- 4.1 The City of Perth has the lowest rates of any Local Government in the Metropolitan area (\$981 on GRV 21,000.) this compares to the City of Stirling of 1368 and the City of Vincent 1414. Refer to appendix 13.1, attachment 006.
- 4.2 The City of Perth would inherit a budget in excess of \$40 million. (as opposed to only a part of the Vincent budget.)
- 4.3 The City of Perth would receive Cash Reserve Funds of approx \$8.60 million.
- 4.4 Determination/methodology for the allocation of assets would be easier- especially those assets that are not location specific. eg Depot at Osborne Park(valued at approx \$10-12 million), Depot trucks, tractors, vehicles, machinery etc,(\$3.5 million), the City's share of Tamala Park land (valued at approx \$20 million.).
- 4.5 The amalgamation process would be more cost efficient and much easier to implement by two local governments (instead of three).

5. History of the area

- 5.1 Vincent has been a part of the City of Perth since the early 1900's, up until 1 July 1994, when the former City of Perth was split – creating the Towns of Vincent, Cambridge and Victoria Park.
- 5.2 Many long term residents still identify with the City of Perth.
- 5.3 The Robson Report recommends in both of its options that the WHOLE of the City of Vincent amalgamate with the City of Perth;

6. Transport and Communication

- 6.1 The City of Vincent is well serviced by public transport, which provide an efficient to the central business service.
- 6.2 Many Vincent residents work in the central business district and rely on the current transport network to the CBD.
- 6.3 The transport network to many part of the City of Stirling are not available.

7. Matters affecting viability of Local Government

- 7.1 This principle would not be affected.

8. Delivery of Local Government services

- 8.1 The City of Perth is more physically closer to the most of Vincent than is the City of Stirling, thereby making it easier for the Vincent residents to conduct business.

Submissions to the Local Government Advisory Board:

The following was announced at the meeting held on 30 July 2013.

The Minister for Local Government has REQUESTED each Local Government to lodge a submission with the Local Government Advisory Board on the Government's proposal for proposed new Local Governments in the Metropolitan Area, by the 4 October 2013.

If a Local Government HAS LODGED its submission with the Local Government Advisory Board by 4 October 2013, if it is in accordance with the Government's proposal, it may receive \$200,000 from the State Government, to assist in the Structural Reform process.

If a Local Government HAS NOT LODGED its submission with the Local Government Advisory Board by 4 October 2013, the Minister for Local Government will lodge his own submission concerning the Local Government, based on the Government's proposal, as announced on 30 July 2013.

The Minister for Local Government has announced that he and/or the Local Government Advisory Board are prepared to consider any submissions for minor changes ("*tweaking*") to the Government's proposed boundaries and significant ("*wholesale changes*") will not be considered.

An Implementation Transition Committee (comprising of representatives Department of Local Government and Communities, Western Australian Local Government Association (WALGA) and Local Government Managers Association), reporting to the Minister for Local Government will be formed to oversee the Structural Reform process and Local Government Implementation Transition Working Groups for each new Local Government entity (comprising of Council Members and Officers), will report to the Implementation Transition Committee.

In the short time available to prepare this report it has not been possible to detail the impact and ramifications on the preparation of a submission. Accordingly, a further report is proposed to be submitted to the Council no later than 27 August 2013.

CONSULTATION/ADVERTISING:

There has been considerable media reporting concerning Local Government Structural Reform in Western Australia.

The Council has approved of a campaign to engage with the City's ratepayers, residents and business proprietors, for all of the City to be merged with the City of Perth.

LEGAL/POLICY:

Any Local Government boundary amendment is subject to the provisions of Schedule 2.1 of the Local Government Act 1995, relating to creating, changing the boundaries of, and abolishing districts.

The Premier and Minister announced that amendments would be made to the Local Government Act poll provisions (that is a Schedule 2.1).

The Local Government Advisory Board is required to consider the following criteria when looking into structural reform changes:

- Community of interest;
- Physical and topographic factors;
- Demographic factors;
- Economic matters;
- History of the area;
- Transport and communication;
- Matters affecting viability of the Local Government(s) involved; and
- Delivery of Local Government services.

Additionally, Schedule 2.1 provides that the employment of staff is not to be terminated or varied as a result of amalgamation unless compensation acceptable to the person is made, or a period of at least two years has elapsed since the order for amalgamation had effect.

RISK MANAGEMENT IMPLICATIONS:

High: There is a strong risk that if the City does not provide a submission to the Local Government Advisory Board, by 4 October 2013, on the Government's proposal, it will miss an opportunity to influence, to some degree, the future of the City of Vincent.

It will also not receive the \$200,000 funding

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2011-2021 provides various stated objectives of financial sustainability, sustainable community infrastructure and best management practices.

SUSTAINABILITY IMPLICATIONS:

The City is in a strong financial position, with considerable funds in reserve, debts covered by money-back guarantees, considerable future revenue from its share of the Tamala Park land and with potential income from the future redevelopment in Leederville.

FINANCIAL/BUDGET IMPLICATIONS:

There are no funds in the 2013/2014 Budget for Local Government Structural Reform matters.

Therefore an Absolute Majority Decision of the Council is required to approve of expenditure relating to Local Government Structural Reform Matters and in particular the City's campaign as approved at the Special Meeting of Council held on 30 July 2013.

If the City lodges its submission with the Local Government Advisory Board by 4 October 2013, it may received \$200,000 to assist in the Structural Reform process.

Expenditure to date

ITEM	INDICATIVE COST
Mailout to Residents	\$10,000
Printing Campaign Material	\$5,000
Consultant – Media/Communications	\$5,000
Community Rally Costs	\$4,200
Advertising Local newspapers	\$2,800
Graphic Designer	\$1,550
Employee Overtime	\$1,200
Total	\$29,750

Proposed Expenditure:

It is estimated that up to \$10,000 maybe required as part of the City's Campaign. – however this amount is indicative only.

COMMENTS:

The Government's proposal for Metropolitan Local Governments is very disappointing as it is contrary to the recommendations of the Metropolitan Local Government Review Panel report (Robson Report).

The splitting of the City of Vincent between the City of Perth and City of Stirling is considered a detriment to the City's ratepayers and residents. It is considered that the City of Stirling has very little in common with the City of Vincent population, as the City of Vincent is a vibrant inner city Local Government – more aligned with the City of Perth.

The Chief Executive Officer is of the strong opinion that if the City of Vincent is to be amalgamated, the whole of the City should merge with the City of Perth – as recommended by the "Robson Report".

The Vincent Community reaction against the Government's proposal is widespread and there is almost total support for the whole of the City of Vincent to be merged with the City of Perth.

The Premier's announcement on 14 August 2013 is very encouraging.

The support of the City of Perth for the City's position is considered very important.

Approval of the Officer Recommendation is therefore requested.

9.5.3 FURTHER REPORT: Draft Policy No. 4.1.34 – Active Citizens Award

Ward:	Both	Date:	16 August 2013
Precinct:	All	File Ref:	FIN0202
Attachments:	001 – Amended Draft Policy No. 4.1.34 – Active Citizens Award and Guidelines		
Tabled Items:	Nil		
Reporting Officers:	E Everitt, Community Development Officer J Anthony, Manager Community Development		
Responsible Officers:	R Boardman, Director Community Services John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **RECEIVES** the further report relating to the Draft ‘Active Citizens Award’ Policy;
2. **APPROVES BY AN ABSOLUTE MAJORITY** the amended Draft Policy No. 4.1.34 – ‘Active Citizens Award’ that has been aligned with the ‘Premier’s Australia Day Active Citizen Award’, as shown in Appendix 9.5.3; and
3. **AUTHORISES** the Chief Executive Officer to:
 - 3.1 advertise the Draft Policy No. 4.1.34 – ‘Active Citizens Award’, for a period of twenty-one (21) days, seeking public comment;
 - 3.2 report back to the Council with any public submissions received; and
 - 3.3 include the Policy in the City’s Policy Manual if no public submissions are received.

Moved Cr Maier, Seconded Cr Harley

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Topelberg

“That clause 2 be amended as follows:

That the Council;

1. **RECEIVES** the further report relating to the Draft ‘Active Citizens Award’ Policy;
2. **APPROVES BY AN ABSOLUTE MAJORITY** the amended Draft Policy No. 4.1.34 – ‘Active Citizens Award’ that has been aligned with the ‘Premier’s Australia Day Active Citizen Award’, as shown in Appendix 9.5.3 inclusive of the following amendments; and
 - 2.1 Change 2.4 to “The Nominee can only be ~~nominated~~ considered once per calendar year ...”;

- 2.2 Change “~~nominated~~” to “considered” in Guideline 2;
 - 2.3 Remove 3.1 and renumber 3.2 as 3.1 with “Once a nomination is received, it will be assessed in accordance with the policy and guidelines by the Manager Community Development ~~and at the discretion of a committee of Council Members.~~ If the nomination is successful considered to be worthy of an award, a recommendation for an award will be made to the Council for approval. Once approval has been granted, the Nominee and Nominator will receive a letter notifying them of the award and inviting them to a Council Meeting to receive the award. This assessment process can take approximately four weeks with an additional two weeks to be presented with the award at the next available Council Meeting. the Premier’s Australia Day Active Citizen Award’ Ceremony.”;
 - 2.4 Change Guideline 5 to “... and must outline the details of how the Nominee has”;
 - 2.5 Replace Guideline 6 with “The Nomination will be assessed by the City’s Officers within 30 days of receiving the Nomination and the Nominator will be informed of the outcome.”;
 - 2.6 Replace Guidelines 7 and 8 with “If the Nomination is successful the Nominee and Nominator will be invited to attend an Ordinary Meeting of Council at their convenience.”; and
3. AUTHORISES the Chief Executive Officer to:
- 3.1 advertise the Draft Policy No. 4.1.34 – Active Citizens Award, for a period of twenty-one (21) days, seeking public comment;
 - 3.2 report back to the Council with any public submissions received; and
 - 3.3 include the Policy in the City’s Policy Manual if no public submissions are received.”

Debate ensued

AMENDMENT PUT AND CARRIED (6-2)

For: Deputy Mayor Cr Warren McGrath, Cr Buckels, Cr Maier, Cr Pintabona, Cr Topelberg and Cr Wilcox
Against: Cr Carey and Cr Harley

(The Presiding Member Mayor Hon. Alannah MacTiernan had departed the Meeting at 7.32 pm and did not return.)

MOTION AS AMENDED PUT AND CARRIED (6-2)

For: Deputy Mayor Cr Warren McGrath, Cr Buckels, Cr Carey, Cr Maier, Cr Pintabona, and Cr Wilcox
Against: Cr Harley and Cr Topelberg

(The Presiding Member Mayor Hon. Alannah MacTiernan had departed the Meeting at 7.32 pm and did not return.)

COUNCIL DECISION ITEM 9.5.3

That the Council;

1. **RECEIVES** the further report relating to the Draft 'Active Citizens Award' Policy;
2. **APPROVES BY AN ABSOLUTE MAJORITY** the amended Draft Policy No. 4.1.34 – 'Active Citizens Award' that has been aligned with the 'Premier's Australia Day Active Citizen Award', as shown in Appendix 9.5.3 inclusive of the following amendments;
 - 2.1 **Change 2.4** to The Nominee can only be considered once per calendar year;
 - 2.2 **Change** to considered in Guideline 2;
 - 2.3 **Remove 3.1 and renumber 3.2 as 3.1** with Once a nomination is received, it will be assessed in accordance with the policy and guidelines by the Manager Community Development If the nomination is considered to be worthy of an award, a recommendation for an award will be made to the Council for approval. Once approval has been granted, the Nominee and Nominator will receive a letter notifying them of the award and inviting them to a Council Meeting to receive the award. This assessment process can take approximately four weeks with an additional two weeks to be presented with the award at the next available Council Meeting;
 - 2.4 **Change Guideline 5** to and must outline the details of how the Nominee has;
 - 2.5 **Replace Guideline 6** with The Nomination will be assessed by the City's Officers within 30 days of receiving the Nomination and the Nominator will be informed of the outcome;
 - 2.6 **Replace Guidelines 7 and 8** with If the Nomination is successful the Nominee and Nominator will be invited to attend an Ordinary Meeting of Council at their convenience; and
3. **AUTHORISES** the Chief Executive Officer to:
 - 3.1 **advertise the Draft Policy No. 4.1.34 – Active Citizens Award**, for a period of twenty-one (21) days, seeking public comment;
 - 3.2 **report back to the Council** with any public submissions received; and
 - 3.3 **include the Policy in the City's Policy Manual** if no public submissions are received.

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for the implementation of an Active Citizens Award aligned with the 'Premier's Australia Day Active Citizen Award'.

BACKGROUND:

At the Ordinary Meeting of Council held on 23 July 2013, the following resolution was adopted;

“That the Council;

1. *RECEIVES the further report relating to the Draft ‘Active Citizens Award’ Policy; and*
2. *AUTHORISES the Chief Executive Officer to:*
 - 2.1 *Align the Draft Policy No. 4.1.34 – ‘Active Citizens Award’ with the Australia Day Premier’s Award; and*
 - 2.2 *Report back to the Council with an amended Draft Policy to include the discretion to include a committee of Council Member to assist with nominations.”*

DETAILS:

The City’s Officers recommend implementing an Active Citizens Award by which local residents could be nominated by other residents, businesses and organisations within the City or Council Members on an ad hoc basis for their contribution to the community.

The purpose of implementing an Active Citizens Award would be to give the Council and the community an opportunity to recognise and thank citizens that often contribute to community in small ways that may otherwise go unnoticed. Although these contributions may be small, they are often the things that contribute to the sense of community; such as assisting an elderly neighbour with taking out their bins or assisting a business in keeping their alfresco area tidy.

The City currently holds the ‘Premier’s Australia Day Active Citizen Award’ which recognises outstanding achievements State wide, whereas the recommended Active Citizens Award aims to pay tribute to local level community contributions. Given the objectives of the two awards are distinct from each other and due to the different objectives of each award, the City’s Officers do not recommend combining the two awards. The City’s Officers recommend implementing the Active Citizens Award as outlined in the amended Draft Policy No. 4.1.34, in order to recognise community contributions at a grassroots level.

The City’s Officers recommend keeping the objectives of the proposed Active Citizens Award as originally recommended; however, the Draft Policy No. 4.1.34 has been amended to align the Active Citizen Awards with the ‘Premier’s Australia Day Active Citizen Award’ ceremony.

Provision has also been made in Draft Policy No. 4.1.34 under clause 3.2 to allow assessment of nominations at the discretion of a committee of Council Members.

CONSULTATION/ADVERTISING:

The Active Citizens Award would be advertised on the City of Vincent Website, social media sites and in printed and electronic newsletters.

The Award would also be advertised to local business and organisations within the City to make community members aware of the programme, so they would be inclined to nominate residents for it.

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:

The approval of the proposed Active Citizens Award is in keeping with the *City's Strategic Plan 2011-2016*, where the following Objectives state:

- “3.1.1 Celebrate, acknowledge and promote the City's cultural and social diversity;*
- 3.1.5 Promote and provide a range of community events to bring people together and to foster a community way of life; and*
- 3.1.6 Build capacity within the community to meet its needs.”*

SUSTAINABILITY IMPLICATIONS:

Implementation of Active Citizens Award within the City of Vincent is a socially sustainable way to promote and support diversity and mutuality within the community.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The objective of the proposed Actives Citizens Award differs from the objectives of the 'Premier's Australia Day Active Citizen Award' Ceremony. The City's Officers recommend keeping the objectives of the proposed Active Citizens Award as originally recommended, however, the Draft Policy No. 4.1.34 has been amended to align the Active Citizen Awards with the 'Premier's Australia Day Active Citizen Award' ceremony.

9.5.4 Review of Code of Conduct – Adoption of Amended Clause 8.4 and Clause 8.5

Ward:	Both	Date:	20 August 2013
Precinct:	Both	File Ref:	ADM0050
Attachments:	001 – Code of Conduct Current Clauses 8.4 and 8.5		
Tabled Items:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

1. **NOTES** that minor changes are recommended by the City's Solicitors to Clauses 8.4 and 8.5 of the City's Code of Conduct 2013; and
2. **ADOPTS** the amended Clauses 8.4 and 8.5 of the City's Code of Conduct 2013, as shown in Appendix 9.5.4.

Moved Cr Maier, Seconded Cr Harley

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Buckels

"That Clause 8.5 (i) (a) be deleted as follows:

1. Clause 8.5 – Comment During Public Consultation Period Advice

When a matter is being advertised for public comment or is yet to be considered and determined by the Council:

(i) Council Members and Employees:

- (a) ~~will refrain from making public comment expressing a personal opinion which is biased, or which may be perceived as biased or prejudging the matter; whilst the matter is being advertised for public comment and/or is yet to be considered and determined by the Council;~~

Debate ensued.

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

"That Clause 8.5 (i) (a) be deleted as follows:

1. Clause 8.5 – Comment During Public Consultation Period Advice

When a matter is being advertised for public comment or is yet to be considered and determined by the Council:

(i) Council Members and Employees:

- (a) will refrain from making public comment expressing a personal opinion which is biased, or which may be perceived as biased or prejudging a development application the matter; whilst the matter is being advertised for public comment and/or is yet to be considered and determined by the Council;"

Debate ensued.

**AMENDMENT PUT AND LOST ON THE
CASTING VOTE OF THE PRESIDING MEMBER (4-5)**

For: Presiding Member, Deputy Mayor Cr Warren McGrath (Deliberative vote), Cr Buckels, Cr Carey and Cr Maier

Against: Presiding Member, Deputy Mayor Cr Warren McGrath (casting vote), Cr Harley, Cr Pintabona, Cr Topelberg and Cr Wilcox

(The Presiding Member Mayor Hon. Alannah MacTiernan had departed the Meeting at 7.32 pm and did not return.)

Debate ensued.

MOTION PUT AND CARRIED (7-1)

For: Deputy Mayor Cr Warren McGrath, Cr Carey, Cr Harley, Cr Maier, Cr Pintabona, Cr Topelberg and Cr Wilcox

Against: Cr Buckels

(The Presiding Member Mayor Hon. Alannah MacTiernan had departed the Meeting at 7.32 pm and did not return.)

COUNCIL DECISION ITEM 9.5.4

That the Council;

1. **NOTES** that minor changes are recommended by the City's Solicitors to Clauses 8.4 and 8.5 of the City's Code of Conduct 2013; and
 2. **ADOPTS** the amended Clauses 8.4 and 8.5 of the City's Code of Conduct 2013, as shown in Appendix 9.5.4.
-

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the City's Solicitors advice, as it applies to Clauses 8.4 and 8.5.

BACKGROUND:

At the Ordinary Meeting of Council held on 9 April 2013 the Council considered this matter and resolved as follows;

"COUNCIL DECISION ITEM 9.5.2

That the Council;

1. *NOTES that;*
 - 1.1 *the Council's Code of Conduct has been reviewed as required by clause 9.1(b);*
 - 1.2 *minor changes are recommended to the Code of Conduct; and*
2. *ADOPTS the Code of Conduct 2013, as shown in Appendix 9.5.2; and*
3. *REQUESTS a report be prepared concerning Clause 8.5 (i) (a) of the Code of Conduct to clarify the application of the Clause and in particular whether it relates to development applications only."*

Forum – 20 August 2013

This matter was presented to the council Member Forum for discussion.

Local Government Act

The Local Government Act 1995 requires every local government to prepare and adopt a Code of Conduct to be observed by Council Members and employees. The Council first adopted a Code of Conduct on 26 August 1996.

Whilst it is no longer a legal requirement for a Local Government to review its Code of Conduct every two (2) years, it is "best practice" to do so, as this ensures;

- The Code remains current and relevant;
- That any Legislative changes can be included; and
- The review acts as a reminder to Council Members and Employees.

DETAILS:

Legal Advice about the City's Current Code of Conduct – Clauses 8.4 and 8.5

Following the Ordinary Meeting of Council held on 9 April 2013, the Chief Executive Officer obtained advice from Mr Neil Douglas, Partner of McLeods Barristers and Solicitors.

The City's solicitors advises as follows:

1. "The principles and restrictions relating to bias and prejudice apply beyond development applications to any matter to be determined by the Council which affect, or may affect, the rights or interests of a person. For this reason, in my view, **clause 8.5** should continue to be expressed broadly and should not be restricted to development applications, as follows:

1. Clause 8.5 – Comment During Public Consultation Period Advice

When a matter is being advertised for public comment or is yet to be considered and determined by the Council:

(i) Council Members and Employees:

- (a) will refrain from making public comment expressing a personal opinion which is biased, or which may be perceived as biased or prejudging the matter; ~~whilst the matter is being advertised for public comment and/or is yet to be considered and determined by the Council;~~
- (b) will clearly preface any of their remarks as being their own personal views and not those of the Council ~~or possibly be construed to be on behalf of the Council;~~ and
- (c) will encourage members of the public to make a written submission to the City; and .

(ii) ~~t~~The Mayor and/or the Chief Executive Officer will take appropriate action (including issuing a statement to the media) correcting any misinformation or erroneous information which is in the public arena."

Forum - Comments

Comments at the Forum were diverse and there was considerable discussion as to the intent and wording of this Clause.

Chief Executive Officers Comment:

The Chief Executive Officer supports the City's Solicitors advice as it removes ambiguity as to when the Clause is applicable.'

In view of the diverse comments expressed at the Forum held on 20 August 2013, the Chief Executive Officer is of the opinion that no change should be made (as recommended by the City's Solicitor) and the matter should be reported to the Council for consideration and determination

2. Clause 8.4 - Expression of Personal Views – Generally

The City Solicitor has also recommended the following change;

"(i) Council Members are free to make their own personal position known about any matter, which is pertinent to the business of the City, (including Council decisions) and may express a personal opinion on an issue of public interest provided that:

(a) any statement made it cannot be construed to be a statement on behalf of the Council;

(b) ~~(ii)~~ Council Members ~~and Employees~~ will refrain from making personal statements to the media without clearly prefacing such remarks that they are personal views and not those of the Council;

(c) ~~(iii)~~ Council Members ~~and Employees~~ will not adversely reflect on a Council decision; and

(d) Council Members will always act in accordance with their duty of fidelity to the City.

~~(iv) This shall not prejudice an individual member's right to express a personal opinion on issues of public interest.~~

(ii) Employees may express a personal opinion on an issue of public interest provided that:

(a) any statement made cannot be construed to be a statement on behalf of the Council;

(b) Employees will not adversely reflect on a Council decision; and

(c) Employees will always act in accordance with their duty of fidelity to the City. "

Forum - Comments

There was general consensus during discussion that Clause (iv) as recommended by the Solicitors, as Clause 8.4 (i) already clarifies the matter of expressing a "personal opinion".

Chief Executive Officers Comment:

The Chief Executive Officer supports the City's Solicitors advice as it removes ambiguity and makes it clearer.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Plan 2009-2014, Objective 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."

RISK MANAGEMENT:

High: It is a legal requirement for every Local Government to have a Code of Conduct. It is important to regularly review the Code to ensure that it meets the requirements expected of Local Government Council members and City employees.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Chief Executive Officer supports the City's Solicitors advice. It is recommended that the amendments to the Code of Conduct be adopted

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

PROCEDURAL MOTION

At 9.20pm Moved Cr Pintabona, Seconded Cr Wilcox

That the Council proceed “behind closed doors” to consider confidential item 14.1, relating to properties with significant unpaid rates, as this matter contains information concerning:

- the personal affairs of any person; and
- legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(The Presiding Member Mayor Hon. Alannah MacTiernan had departed the Meeting at 7.32 pm and did not return.)

There were no members of the public present.

Executive Assistant (Minutes Secretary) – Jerilee Highfield departed the meeting.

Media – Sara Fitzpatrick and David Bell departed the meeting.

PRESENT:

Presiding Member Cr Warren McGrath (*Deputy Mayor*) South Ward

Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward

John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Community Services
Petar Mrdja	A/Director Planning Services
Rick Lotznicker	Director Technical Services

**14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING
MAY BE CLOSED (“BEHIND CLOSED DOORS”)**

**14.1 Confidential Report: Properties requiring Property Seizure and Sale
Order for Land due to unpaid Council Rates**

Ward:	Both	Date:	16 August 2013
Precinct:	All	File Ref:	FIN0007
Attachments:	Outstanding Rates Properties Report (Council Members Only)		
Tabled Items:	Nil		
Reporting Officers:	B C Tan, Manager Financial Services; E Currie, Senior Rates Officer		
Responsible Officers:	M Rootsey, Director Corporate Services – Recovery of Rates John Giorgi JP, Chief Executive Officer – Legal Action		

OFFICER RECOMMENDATION:

That the Council;

1. **APPROVES** three (3) properties to be issued with a Property Seizure and Sale Order for Land to recover a total of \$22,543.94 in unpaid rates (as per Confidential Appendix 14.1, Attachment 001); and
2. **AUTHORISES** the Chief Executive Officer to;
 - 2.1 implement all necessary measures, including legal action and sale of the subject properties to recover the outstanding rates; and
 - 2.2 **APPROVE** of any acceptable repayment arrangements, if required.

COUNCIL DECISION ITEM 14.1

Moved Cr Maier, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

Cr Carey departed the Chamber at 9.20pm.

Debate ensued.

Cr Carey returned to the Chamber at 9.22pm.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(The Presiding Member Mayor Hon. Alannah MacTiernan had departed the Meeting at 7.32 pm and did not return.)

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning:

- the personal affairs of any person; and
- legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

LEGAL:

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

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

"2.14 Confidential business

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

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

In accordance with the legislation, the report is to be kept confidential until determined by the Council to be released for public information.

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

PROCEDURAL MOTION

At 9.30pm Moved Cr Pintabona, Seconded Cr Buckels

That the Council resume an “open meeting”.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)

(The Presiding Member Mayor Hon. Alannah MacTiernan had departed the Meeting at 7.32 pm and did not return.)

15. CLOSURE

There being no further business, the Presiding Member, Deputy Mayor Cr Warren McGrath, declared the meeting closed at 9.30pm with the following persons present:

Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Community Services
Petar Mrdja	A/Director Planning Services
Rick Lotznicker	Director Technical Services

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 10 September 2013.

Signed:Presiding Member
Mayor Hon. Alannah MacTiernan

Dated this day of 2013