



**CITY OF VINCENT**

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*"Enhancing and celebrating our diverse community"*

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# MINUTES

**23 OCTOBER 2012**

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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 23 October 2012, commencing at 6.00pm.

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

The Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting open at 6.05pm 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:**

Cr John Carey will be arriving late – due to a prior medical appointment.

Cr Roslyn Harley was unwell. (Apology received at 6.52pm and the Council was subsequently informed)

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

Nil.

**(c) Present:**

Mayor Hon. Alannah MacTiernan      Presiding Member

Cr Warren McGrath (*Deputy Mayor*)      South Ward

Cr Matt Buckels      North Ward  
Cr John Carey      South Ward (from 6.17pm)  
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  
Jacinta Anthony      A/Director Community Services  
Carlie Eldridge      Director Planning Services  
Rick Lotznicker      Director Technical Services  
Mike Rootsey      Director Corporate Services

Jerilee Highfield      Executive Assistant (Minutes Secretary until 10.00pm)

Employee of the Month Recipient

Nil.

Media

Lauren Stringer      Journalist – *"The Guardian Express"* (until approximately 9.43pm)  
David Bell      Journalist – *"The Perth Voice"* (until approximately 9.50pm)

Approximately 29 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. Karen Hennessy of Irish Families Perth – Item 9.4.1 Stated the following:
  - She advised that they would like to have the St Patricks Day Celebrations in the City of Vincent. Their mission is to develop and organise a multicultural family fun event, in Leederville under the banner/umbrella of St Patricks day celebration.
  - She felt that it fits in with the Mission Statement of City of Vincent, where you want to “enhance and celebrate your diversity within your community”. The concept of St Patricks Day Celebrations, was initiated by a group of young professionals within the Irish Families in Perth, they consist of lawyers, teachers and engineers.
  - The Irish Families in Perth was founded to help the community of recent immigrants to Australia from Ireland and there was a huge void in the St Patricks Day celebrations our National Celebration.
  - Last year the event ended up in Whiteman Park, which was demographically to far North to cater for the Irish families within the South and North of the river.
  - They have planned to hold a parade this year and our looking to choose Leederville as our proposed event area.
2. John Little of Irish Families Perth – Item 9.4.1 Stated the following:
  - He this has been done for almost twenty (20) years in Fremantle and stopped three (3) or four (4) years ago, it will bring a minimum of five (5) and upto twenty thousand (20,000) people into Leederville for this day.
  - The results and benefits are obvious one would hope to everyone that is involved in it.
  - He asked for the Council to support the Item.
3. Graham Lantzke of 13 Egina Street, Mount Hawthorn – Item 9.4.4 Stated the following:
  - He wanted to advise the Councillors his support for the need of a Masterplan and their willingness to work with the Council and all the other stakeholders to make that effective and get the best values from the reserve.
4. Phillip Kemp of 67 Norfolk Street, North Perth – Item 9.4.4 Stated the following:
  - He advised that there would be four (4) speakers at tonight’s meeting to address the Council in relation to Item 9.4.4. The four (4) addressers will be speaking on behalf of the residents formed that have an interest in the future of Woodville Reserve. This group represents families, children and dog walkers that use this park and residents adjacent to the reserve will be affected by the proposed Masterplan changes.
  - His group is called the “*Friends of Woodville Reserve*” and up until late last week there was little or no awareness of the existing proposed Masterplan or advertising at the Reserve indicating any pending proposal. His group have since reviewed the scope of the plan and have great concern’s in relation to its proposed implementation
  - He did not believe to date there has been adequate consultation with stakeholders in relation to the draft plans and in particular the proposed future purposes of the plan. In particular his group were concerned with the Masterplan requesting the Chief Executive Officer to investigate the use of Woodville Reserve to include but not be limited to item 2.4 “the sports training on Woodville Reserve”.
  - The group accepts and subject to community consultation would be in favour of developing the un-used areas and buildings adjacent to the bowling club to the communities. The group understands that community asset’s are a shared resource, during the football season Woodville Reserve is used for soccer games on the weekend. These weekends are a valuable time that our community gives up to encourage sport within the community.

- During other times the reserve is actively used by families and children with and without dogs. He had real concern with the freedom of access that would be lost to a diverse community of users should it be turned into a training pitch for sporting interest.
  - He felt that the proposed changes are not equitable. They do not reflect a burden on Council to meet the Strategic Plan objective of Community Development and Wellbeing, when the implementation of the proposed Masterplan is detrimental to those objectives.
5. Bob Crowe of 9 High Street, Mount Lawley – Item 9.4.4 Stated the following:
- He was representing the Men’s Shed Committee. He was aware of the recent imperative to do something very soon and was hoping that there would be clear thinking to make a decision faster and to not make a decision that would be regretted at a later stage.
  - He advised that they have taken everyone’s interest into consideration, but believed that the Men’s Shed will be around for a long time, serving this community.
6. Angela D’silva of 67 Norfolk Street, North Perth – Item 9.4.4 Stated the following:
- She advised that Woodville Reserve is utilised daily by local rate paying residents who exercise themselves, their children and their dogs. As previously mentioned Woodville Reserve is the only off leash area in North Perth. This is important to note as most users arrive by foot.
  - The residents that use this park comprise of a mix of ages and professions, from children, early teens and to mid seventies. Her group comprises of single men and women and families that utilise the entire space including the playground, couples whose adult children no longer reside at home or even in the State and childless couples with their dogs.
  - She first started coming to Woodville Reserve when she purchased her home in Norfolk Street in 2003 and what a wonderful caring community she belonged to. There are residents who attend this park with their children and their dog, that rely on this daily interaction and give them a sense of community, something that the City of Vincent is keen to foster in Objective 3 of the Strategic Plan.
  - It is essential that the City consults with the key stakeholders such as the dog owners and the users of this reserve is undertaken. For this reason we have formed the group “Friends of Woodville Reserve”, and would like to be the City’s point of contact for the consultation regarding to the proposed dog area and proposed use of the playing fields that would affect the adults and the children who utilise the local community space daily.
  - She supported the Local Community by shopping locally, dining locally and socialising in local bars, and would like to see the Council support the local Woodville Reserve community as well.
7. John Tuttle of 3/121 Alma Road, North Perth – Item 9.4.4 Stated the following:
- He advised that there are no objections to establishing the Men’s shed or the community garden, he believed that these are very worthwhile community initiatives that will enhance the community and provide much needed support.
  - His concern is in relation to the use proposed use of Woodville Reserve and what he believed is a current lack of consultation.
  - The City’s Strategic Plan talks about promoting a range of Community events and bringing people together to foster a community way of life, he advised that Woodville Reserve currently promotes this and does this quite well, and there greatest fear is by making the park a non dog exercise area or a restricted exercise area, will be lost to them all.
  - His concern were supported through research, Dr Lisa Wood from UWA centre for built Environment and Health in 2009 published a book called *living well together, how companion animals can strengthen social fabric* and this is located at [www.petnet.com.au](http://www.petnet.com.au) .

8. Audrey Hays of 2 Pansy Street, North Perth – Item 9.4.4 Stated the following:
  - She has resided at the above address for the last eighteen (18) years. Two (2) weeks ago the community was made aware of the plans to change the current use of Woodville Reserve situated on the Corner of Farmer and Fitzgerald Street, North Perth. She wished to comment that there are not just dog owners who frequent the park in fact a large group of local residents/rate payers who have formed a close knit community that has been going on for more than eight (8) years.
  - They are an extensive cross section of people who enjoy spending time in the park, early morning and early evening. The community spirit is quite amazing as good as or even better than a Church group or a sporting group, such as a yacht club. We have always shared the park with the North Perth Soccer Club and this has been an amicable arrangement.
  - She advised the fact that creating communities seems to be the attention of the City of Vincent, yet by redefining the use of Woodville Reserve destroys and already high functioning community, the intrusion of lights causing visual openness is also a factor, why spoil such an attractive park, when another venue could surely be located for the project the City has in mind.
9. Brent Shulman of 16 Namur Street, North Perth – Item 9.4.4 Stated the following:
  - He advised that the Mayor Hon. Alannah MacTiernan may not be aware, however the Chief Executive Officer is aware, some years ago this facility when the WA Football Commission made changes to their structure and were doing work to the Leederville Oval, that the City (Town) of Vincent authorised the Football Commission to train footballers at this ground, every night of the week to the point that the users of the park, and residents were excluded from the use of the park.
10. Tony Logis Brown of 57 Glendowner Street, Perth – Item 9.1.2 Stated the following:
  - He provided the Council with information regarding the Item, including a Town Planning Report that had been prepared by Town Planning Consultants.
  - He opposed the application and had other concerns that due process was not followed over the last eighteen (18) months with this matter and they have not taken into account all off the issues.
  - He believed if approved it would have a severe impact on his amenities and ambience in the area.
11. Karen Wrighton of 5 Marmion Street, North Perth – Item 9.4.4 Stated the following:
  - She advised that she was representing the North Perth Community Garden Steering Committee and wished to reinforce their commitment in developing a community hub including a community garden that can be enjoyed by all members of the community and not just those interested in gardening.
  - She commended the Council for voting to ensure that efficient and proper usage of the reserve is maximised. Some stakeholders have already been engaged and at this stage of the Masterplan she felt it was important to reinforce the wide range of benefits that a community garden could provide if given the opportunity to do so under the original community garden proposal.
  - The Multicultural Centre and the potential benefit to the users of the Centre is being able to access and enjoy the garden which will provide a significant contribution to their physical and mental wellbeing of the elderly and the disabled and not to mention groups of unemployed and those with mental health issues.
  - There is limited community space for a community garden in the City of Vincent and they had extensive consultation with the community via workshops and public forums and close working with City Officers in the Community Development section.

12. Tim Dawkins of Level 1, 55 St Georges Terrace, Perth – Item 9.1.8 Stated the following:
- He is the Associate Director for the Planning Consultants Urbis. He supported the Officer Recommendation.
  - Urbis and the applicant have been working closely with City Officers for the last six (6) months both on a pre lodgement as well as the formal application process to achieve a quality design outcome for the site.
  - He advised that Urbis presented the proposal to the Vincent Design Advisory Committee and made relatively extensive changes with the feedback received.
  - Firstly, it responds appropriately to the site characteristics, including the streetscape and adjoining properties.
  - Secondly, it meets the Statutory Requirements of the Planning System.
  - Thirdly, it contributes positively to the desired future form of the Locality and lastly, it will provide a living environment that meets the aspiration of the future owners and tenants.
  - He believed that the proposal is an excellent outcome and very positive for the locality. He noted that Urbis were the primary authors of Part 7 of the Multi Housing Code or the R Codes and he believed that this development is what was envisaged by that document.
  - He did not have any issues with the Officer Report or the way in which the application had been described. There a few areas where he sought to meet the performance criteria to provide a more site responsive design.
  - He did take issue with the number of conditions that have been applied as they cause problems for the implementation of the proposal, he requested that conditions 6.1, 6.3.2, 6.4 and 7.3 be deleted for the reasons as set out in their letter sent to the Elected Members dated 19 October 2012.
  - In addition he requested that condition 5 be deleted as this was left out of the letter and noted that the City of Vincent Planning Policy No. 3.5.13 percentage for art does not apply to development consisting of residential development only.
  - He commended the City of Vincent and the Officers for the willingness to work collaboratively with the Urbis team in the pre-lodgement environment as well as during the application process and accordingly he requested that the Council approve the application as per the Officer Recommendation with the deletion of the conditions as requested.
13. Richard Naylor of 55 Glendowner Street, Perth – Item 9.1.2 Stated the following:
- He urged the Council not to retrospectively approve the building. He advised that it sets a very poor precedence, it is already causing issues with regard to parking and there is no ability for the occupants to park there.
  - He advised that there is another building very close to his residence was constructed without approval some years ago and the approval was granted retrospectively, however the parking on both of the properties is not utilised at all.
  - He advised that if the Council approved this it would add to the current parking issue.
14. Steven Voros of 59 Glendowner Street, Perth – Item 9.1.2 Stated the following:
- He advised that he agreed with the previous speaker Mr. Naylor. He lives in the street as well and there are concerns with the noise and the parking issues. When he purchased this property, the front part of the house was occupied by the vendor and the rear which is the retrospective request was leased out to another party.
  - He did not want to hinder the community or do anything that upsets the residents, however there is the allocated parking. He had checked with the Settlement Agent who advised him that it had been approved, he had owned the property for three (3) years. When he received the original copies it did state something to the effect: "it has been approved and it was not for use".



15. Brent Shulman of 16 Namur Street, North Perth – Item 5 Stated the following:
- He spoke regarding the petition for the North Perth Bowling Club, he raised concerns relating to years of tolerance to advise grievances to the City in relation to the use of the club on Friday and Saturday nights. He advised that the Club seemed to hire out these facilities to Non-Members under their extended Trading Permit for the licence.
  - His concern was that this licence is giving the management the apparent belief that under the licence they can operate the club as it believes and does not respect the amenity of the adjoining residents and community.
  - These events usually result in unacceptable noise levels, blaring music and intolerable language, singing, shouting by intoxicating people, unsociable behaviour late at night, people parading around the perimeter of the greens making undue noise and disturbance and drinking outside licensed areas.
  - He had contacted the Police several years ago who informed him that they were not interested as it is a local issue, he visited the Club in March 2010 and spoke to the President and Treasurer, that seemed to have fallen on deaf ears and has actually gotten worse rather than better since this period and over the last two (2) years the general attitude of the club and its hierarchy is that well the residents have bought next to a club that is over a hundred (100) years of age.
16. Kim Doepel of 61 Forrest Street, Subiaco – Item 9.1.1 Stated the following:
- He is the project architect for the project and supported the Officer Recommendation as he had worked closely with City Officers and the Design Advisory Committee who have implemented all the recommendations proposed and are happy with the outcome.
  - He sought the Council support.

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

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

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

- 4.1 Cr McGrath requested leave of absence from 31 October 2012 to 2 November 2012 (inclusive), due to work commitments.

**Moved Cr Carey Seconded Cr Pintabona**

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

**CARRIED UNANIMOUSLY (8-0)**

**(Cr Harley was an apology for the Meeting.)**

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

- 5.1 Petition received from residents adjoining the North Perth Bowling and Recreational Club Inc, Farmer Street, North Perth along with 20 signatures objecting to the use of the North Perth Bowling and Recreational Club, North Perth mainly caused by noise levels, large groups, unsociable behaviour, drinking outside regulation hours and affecting the amenity of the area.

The Chief Executive Officer recommended that this petition be received and referred to the Director Corporate Services and Director Community Services jointly for investigation and report.

**Moved Cr McGrath Seconded Cr Pintabona**

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

**CARRIED UNANIMOUSLY (8-0)**

**(Cr Harley was an apology for the Meeting.)**

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

6.1 Minutes of the Ordinary Meeting of Council held on 9 October 2012

**Moved Cr Maier Seconded Cr Pintabona**

**That the Minutes of the Ordinary Meeting of Council held 9 October 2012 be confirmed as a true and correct record.**

**CARRIED UNANIMOUSLY (8-0)**

**(Cr Harley was an apology for the Meeting.)**

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

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

**7.1 WITHDRAWAL OF ITEM 9.5.2**

The Chief Executive Officer has advised that Item 9.5.2 relating to "City of Vincent Policy No. 4.1.20 – Social Media– Proposed Amendment" has been WITHDRAWN for further investigation and clarification of conditions. This matter will be presented to the Ordinary Meeting of Council to be held on 6 November 2012.

**8. DECLARATIONS OF INTERESTS**

8.1 Cr Maier declared an Impartiality interest in Item 9.4.1 – St Patrick's Day Parade 2013. The extent of his interest being that one of the Applicants distributed flyers concerning him during the 2005 Council Elections.

8.2 Cr Topelberg declared an Impartiality interest in Item 9.1.8 – No. 110 (Lot 31; D/P 18903) Broome Street, Highgate – Proposed Construction of Three (3) Storey Building Comprising Eight (8) Multiple Dwellings, One (1) Single Bedroom Dwelling and Associated Car Parking. The extent of his interest being that the adjacent property owner at No. 112-120 Beaufort Street is a personal acquaintance during the consultation period he was delivered a letter relating to the development at No.110 Broome Street which was then handed to the Director Planning Services. Cr Topelberg has had no other contact with the neighbour relating to this proposed development.

8.3 Cr Topelberg declared an Impartiality interest in Item 9.4.2 – William Street Festival Community Consultation. The extent of his interest being that his family own a property on William Street within the proposed festival area, this is also his primary place of business as a wholesale business he has no benefit to gain from the Community Festival and would unlikely to open if a Festival were to take place as it has been the case in the previous two (2) years.

Cr Topelberg and Cr Maier stated that as a consequence, there may be a perception that their impartiality on the matters may be affected. They declared that they would consider the matters on their 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 9.1.1, 9.1.2, 9.1.8, 9.4.1 & 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 9.1.2, 9.3.5, 9.5.1, 9.5.3, 9.5.4 & 9.5.5

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

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	Nil
Cr Carey	9.4.3
Cr Harley	Apology for the meeting
Cr Maier	9.1.5, 9.1.7 & 9.2.1
Cr McGrath	9.5.3
Cr Pintabona	Nil
Cr Topelberg	9.2.4, 9.4.2 & 9.5.6
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 9.1.3\*, 9.1.4, 9.1.6, 9.2.2, 9.2.3, 9.3.1, 9.3.2, 9.3.3, 9.3.4 & 9.5.7

\*subsequently recommitted by the Council and separately determined and approved.

**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 9.1.3\*, 9.1.4, 9.1.6, 9.2.2, 9.2.3, 9.3.1, 9.3.2, 9.3.3, 9.3.4 & 9.5.7  
\*subsequently recommitted by the Council and separately determined and approved.

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

Items 9.1.1, 9.1.2, 9.1.8, 9.4.1 & 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 Wilcox Seconded Cr Pintabona**

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

**Items 9.1.3\*, 9.1.4, 9.1.6, 9.2.2, 9.2.3, 9.3.1, 9.3.2, 9.3.3, 9.3.4 & 9.5.7  
\*subsequently recommitted by the Council and separately determined and approved.**

**CARRIED UNANIMOUSLY (8-0)**

**(Cr Harley was an apology for the Meeting.)**

**9.5.2 City of Vincent Policy No. 4.1.20 – Social Media– Proposed Amendment**

**ITEM WITHDRAWN BY THE CHIEF EXECUTIVE OFFICER AS HE IS SEEKING FURTHER INVESTIGATION AND CLARIFICATION OF CONDITIONS.**

**9.1.3 Scheme Amendment No. 32 to the City of Vincent Town Planning Scheme No. 1**

<b>Ward:</b>	North	<b>Date:</b>	12 October 2012
<b>Precinct:</b>	COS 16	<b>File Ref:</b>	PLA0239; PLA0224
<b>Attachments:</b>	<a href="#">001</a> – Summary of Submissions <a href="#">002</a> – Map of Submissions		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	O May, Planning Officer (Strategic)		
<b>Responsible Officer:</b>	C Eldridge, Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RESOLVES** pursuant to Town Planning Regulation 17, 18 and 25:
  - 1.1 To **CONSIDER** the 19 submissions shown in Appendix 9.1.3 (001), in relation to Amendment No. 32 to the City of Vincent Town Planning Scheme No. 1;
  - 1.2 That Amendment No. 32 to the City of Vincent Town Planning Scheme No. 1, **BE ADOPTED FOR FINAL APPROVAL** to:
    - 1.2.1 Include the area bounded by Scarborough Beach Road, Brady Street, Powis Street and the Mitchell Freeway, ceded from the City of Stirling to the City of Vincent as part of the Local Government boundary changes in July 2007, and to incorporate Metropolitan Region Scheme Amendment 1181/57 into the City's Town Planning Scheme No. 1, by incorporating the area into Scheme Map 1 – Mount Hawthorn Precinct and Scheme Map 15 - Banks Precinct respectively;
    - 1.2.2 Amending clause 8 of the City's Town Planning Scheme No. 1, by adding clause (g) as follows:
 

“(g) City of Stirling District Planning Scheme No. 2 13 December 1985”;
    - 1.2.3 Include provisions relating to Development Contribution for Infrastructure by incorporating an additional Part 7 – Special Control Area, in the City's Town Planning Scheme No. 1; and
    - 1.2.4 Include two additional Schedules to the City's Town Planning Scheme No. 1 - Schedule 6 relating to the certification of a Structure Plan and Schedule 7 relating to Development (Structure Plan) Areas;
2. **AUTHORISES** the Mayor Hon. Alannah MacTiernan and the Chief Executive Officer to execute and affix the City of Vincent Common Seal to Amendment No. 32 to the City of Vincent Town Planning Scheme No. 1 Amendment documents reflecting the Council's endorsement of final approval;
3. **FORWARDS** the relevant executed documents to the Western Australian Planning Commission and **REQUESTS** the Honourable Minister for Planning and the Western Australian Planning Commission to adopt for final approval and gazettal, Amendment No. 32, to the City of Vincent Planning Scheme No. 1; and
4. **ADVISES** those who made a submission of the Council decision.

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**COUNCIL DECISION ITEM 9.1.3**

**Moved Cr Wilcox, Seconded Cr Pintabona**

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY "EN BLOC" (8-0)**

**(Cr Harley was an apology for the Meeting.)**

**NOTE: This matter was recommitted by the Council for further consideration – refer to page 112.**

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**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the outcome of the community consultation relating to Scheme Amendment No. 32 and request the Council to endorse the amendment for final approval.

**BACKGROUND:**

Date	Comment
1 July 2007	The area bounded by Scarborough Beach Road, Brady Street, Powis Street and the Mitchell Freeway was transferred to the City of Vincent from the City of Stirling as part of a local government boundary change.
25 May 2010	Metropolitan Region Scheme Amendment (1181/57) was gazetted for lots along East Parade to be reclassified from 'Primary Regional Road Reserve' to 'Urban'.
24 April 2012	Scheme Amendment No. 32 was initiated and approved advertising for a period of forty-two (42) days, in accordance with regulation 25 of the Town Planning Regulations 1967 and the City's Consultation Policy.
23 May 2012	The City received a letter from the Western Australian Planning Commission, granting consent to advertise Scheme Amendment No. 32.
12 June 2012	The 42 day consultation period commenced.
7 August 2012	The 42 day consultation period closed.
12 September 2012	Public meeting was held relating to Scheme Amendment No. 32. Following this meeting the consultation period was extended.
28 September 2012	The extended consultation period closed.

**DETAILS:**

The purpose of Scheme Amendment No. 32 was to include the area bounded by Scarborough Beach Road, Brady Street, Powis Street and the Mitchell Freeway which was transferred to the City of Vincent in July 2007 from the City of Stirling and incorporate Metropolitan Region Scheme Amendment (1181/57) into the City's Town Planning Scheme No. 1.

In light of this, the City has identified the need to include *Part 7*, to the City's Town Planning Scheme No. 1 to allow for guided strategic development and the potential to implement Development Contribution Controls, Design Guidelines and Structure Plans to the area in close proximity to the Glendalough Train Station and across the City of Vincent area.

The City's Town Planning Scheme No. 1 requires amending in relation to the following areas:

**East Parade (Metropolitan Region Scheme Amendment 1181/57)**

A Metropolitan Region Scheme amendment (1181/57) has been undertaken by the WAPC, relating to, among other things, transferring portions of various lots abutting the southern side of East Parade and Guilford Road from 'Primary Regional Road Reservation' to 'Urban'.

Under the City's Town Planning Scheme No. 1, the transferred portions of the various lots will reflect the current zoning and will be zoned R20 or R60, depending on the zoning of abutting lots.

Mount Hawthorn (former Glendalough)

An increased zoning of Residential R60 from Residential R50 has been proposed for the greater part of this area, with the following exceptions:

- the Toyota site and what is termed the 'Mixed Residential Cell', under the City of Stirling District Planning Scheme No. 2, which have been proposed to be zoned as R-AC2;
- the majority of the lots abutting the northern side of Gibney Street, which have been proposed to be zoned as R80; and
- those lots flanked by the Mitchell Freeway and Jugan Street (excluding the Toyota site which is zoned R-AC2), which have been proposed to be zoned as R100.

The rationale for these zonings is outlined in the City's Draft Local Planning Strategy and the State Planning Strategy *Directions 2031*, and is a result of best practice planning outcomes identified for the area by the Scarborough Beach Road Activity Corridor Working Group, of which the City officially became part of in February 2009 and the Draft Scarborough Beach Road Activity Corridor Framework to be released shortly by the WAPC for comment. The rationale collated from these sources, which includes the Scarborough Beach Road Urban Design Framework endorsed by Council at its Ordinary Meeting on 27 September 2011, supports the proposed zonings and include:

- to provide the opportunity for an increase in housing choice and population density within walking distance of the Glendalough Train Station, in line with Transit Oriented Development principles, as outlined in the City's Draft Local Planning Strategy;
- according to *Directions 2031*, the region will have a population of at least 2.2 million people by 2031, which represents over half a million new residents to be housed. As such, *Directions 2031* has identified the connected city model as the preferred medium-density future growth scenario, which, among other things, is characterised by '*planning and developing key public transport corridors, urban corridors and transit oriented developments to accommodate increased housing needs...*'; and
- one of the five key themes of *Directions 2031*, relates to Perth being an 'Accessible' City. One of the strategies to achieve this is to '*plan and develop transit oriented developments to accommodate a mixed use and medium-rise high density housing development.*'

Following the completion of Scheme Amendment No. 32, the City's Officers will need to amend Policy No. 3.1.1 relating to the Mount Hawthorn Precinct – Scheme Map 1 to include the area bounded by Scarborough Beach Road, Brady Street, Powis Street and the Mitchell Freeway. This will ensure development provision and Design Guidelines are in place for the Mount Hawthorn (former Glendalough) area.

Development Contributions for Infrastructure

The provisions for development contributions within a local government context are outlined in the State Planning Policy 3.6 relating to *Development Contributions for Infrastructure*. The Policy outlines the principles and considerations that apply to development contributions for the provision of infrastructure in new and established areas, and specifies the Model Scheme Text provisions for development contributions. In addition, it sets out the principles underlying development contributions, and the form, content and process for the preparation of a Development Contribution Plan under a Local Planning Scheme.

Therefore, in order for the City to be able to enforce a Development Contribution Plan on an area, general provisions relating to developer contribution are being proposed in the City's Town Planning Scheme No. 1 as part of this Scheme Amendment No. 32, in accordance with the Draft Model Scheme Text provisions for development contribution plans outlined in Appendix 2 of State Planning Policy 3.6.



### Design Guidelines

The City recognises that there are some large sites that can accommodate greater development, and for those sites that are significantly larger, the City believes that these require 'special attention' and therefore sites over 3000m<sup>2</sup> must submit dedicated Design Guidelines.

This provision describes all the information which is required for the submission of Design Guidelines as well as the process for the adoption and implementation of these Guidelines. Council can permit variations to the requirements listed in the Residential Design Codes on the condition that the dedicated Design Guidelines are consistent with Local Planning Strategy and do not adversely impact the amenity to the surrounding area. It is noted that an adopted set of Design Guidelines will override the relevant Precinct Policy and they will expire four years from the date of adoption.

### Structure Plans

The City has proposed general provisions relating to Structure Plans to guide its preparation, implementation and adoption process of Structure Plans within the City. The provision of Local Structure Plans will coordinate the provision of planning for infrastructure and facilities and involve those areas generally under 300 hectares. An Activity Centre Structure Plans are to be prepared in line with State Planning Policy 4.2 – Activity Centre for Perth and Peel. This is what is currently being prepared for Leederville Town Centre.

In this regard, the City has proposed Schedule 6 – Certification of Structure Plan, to reflect the Council's and Commission's certification of an adopted Structure Plan. In addition, the City has proposed Schedule 7 – Development (Structure Plan) Areas, to identify the Structure Plans adopted in the City's Town Planning Scheme No. 1.

### **CONSULTATION/ADVERTISING:**

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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### **Consultation Period**

Scheme Amendment No. 32 was advertised for a period of 42 days in accordance with Regulation 25 of the Town Planning Regulations 1967. Following this period, a community forum was initiated to discuss the purpose and intentions of Scheme Amendment No. 32, providing clarity in the statutory changes associated with the proposed zonings. Given this forum, it was deemed appropriate to further extend the advertising period for a further two weeks and the City commented on all submission made during this time.

### **Consultation Type**

Four advertisements in local paper, notice on the City's website, copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre, letters to the affected owner(s) and occupier(s) determined by the City's Officers, Western Australian Planning Commission, and other appropriate government agencies as determined by the City of Vincent.

**Submissions Received During Consultation**

A total of 19 submissions were received with the breakdown of submissions as outlined below. When considering the submissions, only one submission per person was tabled, however it is noted that three of the submissions were prepared externally and prepared on behalf of multiple landowners.

Community Submissions

Position	Number Received	Percentage
Support	7	46.7%
Object	6	40.0%
Not Stated	2	13.3%
<b>Total</b>	<b>15</b>	<b>100%</b>

State Authority Submissions

Position	Number Received	Percentage
Not Stated	4	100%
<b>Total</b>	<b>4</b>	<b>100%</b>

An analysis was conducted on the affected streets to determine whether there was a pattern in the responses received. The table below are based on the community submissions and the affected property address of each submission and tabled separately. A map of the submissions is shown as an Attachment to this report.

Street Name	Support	Object	Not Stated
Anderson Street	1	1	0
Bonnievale Street	0	0	1
Brady Street	1	1	0
Jugan Street	<u>4</u> 2	0	0
Milton Street	1	3	0
Purslowe Street	0	1	0
Scarborough Beach Road	7	0	1
<u>Tasman Street</u>	<u>2</u>	<u>0</u>	<u>0</u>
Not Stated	<u>3</u>	<u>0</u>	<u>0</u>
Not Applicable	0	0	-4
<b>Total</b>	<b>14</b>	<b>6</b>	<b>5</b> <u>2</u>

**Comments Raised During Consultation – Objections**

The key issues raised in the consultation, both in the submissions received and the feedback during the community forum are outlined below, followed by an Officer comment. A detailed summary of all submissions received both against and in favour of the Amendment is shown as an attachment to this report.

1. Rezoning from R50 to R60

- *The zoning change from R50 to R60 will result in a development density which is not sustainable given the existing infrastructure and services in the area.*

The City's Officers note that their key concern raised by the 6 objectors is the increase in density from R50 to R60. The City's Officers do not support this concern and propose that the designated area be rezoned to R60, in accordance with the proposed Scheme Map.

In preparing Scheme Amendment No. 32, the City's Officers took into consideration the recommendations of State Planning Strategic documents including *Directions 2031* and the zoning increase being most appropriate where there is good access to public transport facilities and amenities as seen in the subject area.

Notwithstanding the above, it is noted that in terms of single houses and grouped dwellings a zoning of R50 and R60, have very similar requirements with respect to the Residential Design Codes of Western Australia and the associated City of Vincent Local Planning Policies. The table below outlines the key development requirements and the differences between an R50 zone and R60 zone.

<b>Development Requirements</b>	<b>R50 Zone – City of Stirling DPS No. 2</b>	<b>R60 Zone – City of Vincent TPS No. 1</b>
Density – Grouped Dwellings Only	Minimum Site Area = 160 square metres Average Site Area = 180 square metres <i>(As per Residential Design Codes)</i>	Minimum Site Area = 160 square metres Average Site Area = 180 square metres <i>(As per Residential Design Codes)</i>
Land Use	Residential <i>(As per City of Stirling DPS No. 2)</i>	Residential <i>(As per City of Vincent TPS No. 1)</i>
Building Height	2 Storeys <i>(As per City of Stirling Residential Building Height Policy)</i>	2 Storeys plus Loft <i>(As per City of Vincent Residential Design Elements Policy and Multiple Dwellings Policy)</i>
Plot Ratio – Multiple Dwellings Only	0.6 <i>(As per Residential Design Codes)</i>	0.7 <i>(As per Residential Design Codes)</i>
Street Setbacks	4 metres for grouped dwellings 2 metres for multiple dwellings <i>(As per Residential Design Codes)</i>	Average of 5 properties either side of the development for grouped and multiple dwellings. <i>(As per City of Vincent Residential Design Elements Policy)</i>
Car Parking	<i>(As per Residential Design Codes)</i>	<i>No proposed changes (As per Residential Design Codes)</i>
Open Space	<i>(As per Residential Design Codes)</i>	<i>No proposed changes (As per Residential Design Codes)</i>

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

The above table illustrates one proposed change that would occur with rezoning of the land from R50 to R60 and two proposed changes that would occur as of right, when this land is incorporated into the City of Vincent Town Planning Scheme No. 1.

The change of the building height limits, from two storeys to two storeys plus loft is a change from the City of Stirling Residential Building Heights Policy to the City of Vincent Residential Design Elements Policy. It is noted that when this land is incorporated into the City of Vincent Town Planning Scheme, all the Local Planning Policies adopted by the City of Vincent Council would apply. The policy relating to Residential Design Elements applies to all Residential zones within the City of Vincent, regardless of the actual residential coding of the land. Therefore, if the subject land was to be incorporated into the City of Vincent Town Planning Scheme, but remained at the R50 zoning, the policy allowing two storeys and loft would still apply.

Furthermore, this same principle applies to the Street Setbacks. The City of Stirling apply the Residential Design Codes for the street setback requirements for this area, whereas the City of Vincent's Residential Design Elements Policy require the street setback to be calculated based on the average of five properties either side of the development. Like the building heights, this setback requirements are applied to all areas zoned Residential in the City, regardless of the residential coding. Again, if the subject land was to be incorporated into the City of Vincent Town Planning Scheme, but remained at the R50 zoning, the Residential Design Elements would still apply and the development will be required to be setback in accordance with this policy.

The change in plot ratio from 0.6 to 0.7 is the only change that occurs based on the rezoning from R50 to R60 and this is only applied to Multiple Dwelling Developments. For example, on lot with a land area of 1000 square metres, a proposed multiple dwelling development could have an increase from 600 square metres of plot ratio floor area to 700 square metres. Given an average size apartment is approximately 80 square metres, this additional plot ratio has the potential to result in an additional dwelling on the lot, provided that other requirements such as open space are met. Furthermore, the City has stringent guidelines for all new multiple dwelling development, which would also require the development to adhere to the City's Residential Design Element Policy and the City's Multiple Dwelling Policy to ensure any new multiple dwellings are cognisant of the existing streetscape character.

Notwithstanding the above, it is noted that the development requirements listed in the table above are Acceptable Development provisions and any variations to these developments requirements are able to be considered in accordance with the listed Performance Criteria in the Residential Design Codes and the City's Local Planning Policies.

## 2. The land should be rezoned to R30

- *Rezoning the area west of Brady Street to be consistent with the R30 zoning east of Brady Street is more appropriate.*

The area zoned R30 east of Brady Street has always been in the City of Vincent, and prior to this, the City of Perth and under both municipalities being zoned R30. Given this, together with the lot configuration, size and subdivision patterns and resultant original building stock it is considered appropriate that the area east of Brady Street remain at zoned as R30. It is however to be noted that multiple dwellings (apartments) are permitted in both an R30 zoning and an R50 zoning.

The area formally known as "Glendalough Station Precinct" was partly ceded to the City of Vincent in 2007, in which the City of Stirling had zoned the land R50 in its District Planning Scheme No. 2. This area is characterised by larger lots and a predominance of grouped dwelling style development dating from the 1980s, reflective of the R50 zoning. The resultant higher zoning of this former City of Stirling area, together with its close proximity to the Glendalough Train Station, which has been identified as a 'District Centre' under the State's *Direction 2031*, confirms the inappropriateness of lowering the zoning in this area. It is also noted that there are also many other areas of high zoning throughout the municipality that have a R60 zoning or higher and/or are proposed to be higher zoning through TPS No. 2, and therefore it is not considered that this area has been 'singled out' in this regard.

In light of this, the City's Officers do not support a rezoning to from R50 to R30 for this area.

## 3. Parking and Traffic

- *Traffic flow and movement is unsafe given the high number of unregulated on-street parking and 'rat runs' through the area.*
- *Glendalough Station is already at capacity during peak hours.*
- *Allowing a higher density will exacerbate traffic and parking issues.*
- *It cannot be assumed given the close proximity to public transport, that individuals do not own cars. Further to this it can be assumed that each dwelling has at least 2 vehicles and thus 1 parking bay is insufficient.*

The City's Officers note these concerns, however as the population of the City of Vincent and wider Metropolitan area grow, so do issues relating to parking and traffic congesting, which is not unique to this area. Both State and Local Governments are actively investigating and implementing changes to address these issues.

Developments are to comply with the parking requirements set by the Residential Design Codes and City's Parking and Access Policy. Occupiers are made aware of developments with minimal car parks and restrictions are in place to prevent on-street parking for those properties.

The City will investigate and monitor vehicle movement and parking for the area bounded by Scarborough beach Road, Brady Street, Powis Street and the Mitchell Freeway.

#### 4. Character and Amenity

- *Retaining streetscape is critical and with an increasing zoning, the character of the streets and the amenity of the suburb is vulnerable and rapidly decreasing.*
- *There is a loss of greenery and streetscape with multiple dwelling developments.*
- *Liveability issues associated with privacy, noise and health regulations will be worsened as higher zoning encourage anti-social behaviour.*

When this area is transferred, so that the City's Town Planning Scheme No. 1 will apply, the City's Local Planning Policies will also apply to this area. The City's Residential Design Elements Policy and the City's Multiple Dwelling Policy will provide the framework to ensure that new development is cognisant of the existing streetscape. Furthermore, the City's Multiple Dwelling Policy which is currently being amended to ensure that all multiple dwelling development provide soft landscaping areas. The City also has a Design Advisory Committee that assesses all multiple dwelling developments in the City prior to formal lodgement.

The City's Officers do not support the comments raised regarding the correlation between high density and anti-social behaviour. In fact, it is consider that the proposed zonings will result in increased passive surveillance, which can act to decrease anti-social behaviour. The City has various Policies in place that ensure compliance with standard health and noise regulations.

#### 6. Multiple Dwelling Developments

- *Rezoning will further enable unwanted large scale development being built.*

The City has taken into consideration the recommendations of *Directions 2031* and the Draft Sub-Regional Central Strategy which recognises Glendalough Station as an area of 'planned growth' and a District Centre. The proposed zoning allows for this demand to be met and further enables for a diverse range of housing stock to serve a diverse and changing demographic (such as single occupancy dwellings). This demand for development is reiterated in the Scarborough Beach Road Activity Corridor Framework which encourages a more integrated centre offering a range of housing types and a variety of commercial uses for day and evening activity.

Further to the above, it is also noted that multiple dwelling development is already permitted under the current zonings. In light of this, the City's Officers do not support these comments.

#### **Comments Raised During Consultation – Support**

Of the 19 submissions received during the Community Consultation period, 7 submissions were for support of the proposed Scheme Amendment. These comments generally support the increase in the zonings throughout the subject areas as the area is within close proximity to public transport and other amenities and supports the Draft Sub Regional Strategy released by the Western Australian Planning Commission in August 2010.

A detailed outline of these comments is presented in Appendix 9.1.3 (001) of this report.

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

- City of Vincent Town Planning Scheme No. 1 and associated Policies;
- City of Stirling District Planning Scheme No. 2;
- City of Stirling District Planning Scheme Amendment 423 (Schedule 14);
- Planning and Development Act 2005; and
- Town Planning Regulations 1967.

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

**Medium:** The Amendment requires the City to use its amended ~~its~~ Town Planning Scheme No. 1 to allow for Structure Plans, Design Guidelines and Development Contribution Control. This would allow for Structure Plans be

developed for the areas of Claisebrook and Leederville Town Centre, following the community visioning workshop and Leederville and for dedicated Design Guidelines be prepared for sites over 3000 square meters.

The Mount Hawthorn (former Glendalough) area although ceded to the City of Vincent still applies the City of Stirling District Scheme No. 2. This scheme is no longer in effect in the City of Stirling and the City has been using this outdated scheme since 2007. It is time that an up to date Scheme, that can be administered and endorsed by the City for this area, and associated Policy provisions, including Policy No. 3.1.1, relating to the Mount Hawthorn Precinct – Scheme Map 1 and dedicated Design Guidelines for the ‘Mixed Residential Cell’.

**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.*

- 1.1.1 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.*
- 1.1.4 Take action to improve transport and parking in the City and mitigate the effects of traffic.*
- 1.1.5 Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.*

Leadership, Governance and Management:

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

- 4.1.4 Plan effectively for the future.*
- 4.1.5 Focus on stakeholder needs, values, engagement and involvement.”*

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

**SUSTAINABILITY IMPLICATIONS:**

ENVIRONMENTAL	
Issue	Comment
The amendment will allow for future planning and developing of a Transit Orientated Development. This will accommodate higher density housing development around the Glendalough Train Station and provide the opportunity for an increase in housing choice and population density within walking distance of the train station.	

SOCIAL	
Issue	Comment
The amendment will facilitate the City's intention to accommodate the increased housing needs identified in the State Planning Strategy, <i>Directions 2031</i> .	

ECONOMIC	
Issue	Comment
The amendment will help achieve best practice planning outcomes within all areas of the City of Vincent. Through amending the City's Town Planning Scheme No. 1, the City has highlighted opportunities for economic growth and vibrancy through employment opportunities and mixed use development.	

**FINANCIAL/BUDGET IMPLICATIONS:**

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

'Town Planning Scheme Amendments and Policies'

Budget Amount: \$80,000  
Spent to Date: \$ 2,302  
Balance: \$77,697

**COMMENTS:**

The completion of Scheme Amendment No. 32 is considered to be beneficial to the City as it will allow the City to apply its own Town Planning Scheme No. 1 when considering planning applications, rather than the City of Stirling District Planning Scheme No. 2.

The City's Officers have considered comments and recommendations raised in both the submissions and at the public meeting. However, in light of the support and strategic framework set out by *Directions 2031* and the Scarborough Beach Road Working Group, it is considered unnecessary to amend Scheme Amendment No. 32 and rather more appropriate to pursue the current proposed zonings.

In light of the submissions received during the consultation period and the corresponding comments provided by the City's Officers, it is recommended that the Council adopt the Officer Recommendation to endorse Scheme Amendment No. 32 to be forwarded to the Western Australian Planning Commission for final approval.

**9.1.4 Amendment No. 90 to Planning and Building Policy Manual– Policy No. 3.1.1 relating to the Mount Hawthorn Precinct – Scheme Map 1**

<b>Ward:</b>	North	<b>Date:</b>	12 October 2012
<b>Precinct:</b>	Mount Hawthorn (P1)	<b>File Ref:</b>	PLA0031
<b>Attachments:</b>	<a href="#">001</a> – Draft Amended Policy		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	O May, Planning Officer (Strategic); and T Young, Manager Strategic Planning, Sustainability and Heritage Services		
<b>Responsible Officer:</b>	C Eldridge, Director Planning Services		

**CORRECTED OFFICER RECOMMENDATION:**

That the Council;

1. ~~ADVERTISES the Draft Amended Policy No. 3.1.1, relating to the Mount Hawthorn Precinct – Scheme Map 1, as shown in Attachment Appendix 9.1.4, for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 (TPS No. 1), including:~~
  - 1.1 ~~advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;~~
  - 1.2 ~~where practicable, notifying those persons who, in the opinion of the City, might be directly affected by the subject Policy; and~~
  - 1.3 ~~forwarding a copy of the subject Policy to the Western Australian Planning Commission; and~~
2. ~~after the expiry of the period for submissions:~~
  - 2.1 ~~REVIEWS the Draft Amended Policy No. 3.1.1, relating to the Mount Hawthorn Precinct – Scheme Map 1, having regard to any written submissions; and~~
  - 2.2 ~~DETERMINES the Draft Amended Policy No. 3.1.1, relating to the Mount Hawthorn Precinct – Scheme Map 1, with or without amendment, to proceed or not to proceed with them, to take effect on gazettal of Scheme Amendment No. 32 to the City’s Town Planning Scheme No. 1.~~

AUTHORISES the Chief Executive Officer to advertise the Policy No. 3.1.1 relating to Mount Hawthorn Precinct, Scheme Map 1, as shown in Appendix 9.1.5 for public comment and in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 relating to Community Consultation, subject to the following correction:

1. Under clause 1, the sentence referring to the R80 and R100 height limit is deleted and replaced with:  
  
“Notwithstanding the above, for the areas fronting “Gibney Street that are zoned R80 the height limit is three storey’s.”

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

**COUNCIL DECISION ITEM 9.1.4**

Moved Cr Wilcox, Seconded Cr Pintabona

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

(Cr Harley was an apology for the Meeting.)



**PURPOSE OF REPORT:**

The purpose of this report is for the Council to endorse the Draft Amendment Policy No. 3.1.1, relating to the Mount Hawthorn Precinct – Scheme Map 1.

**BACKGROUND:**

Date	Comment
27 March 2001	The City's Policy No. 3.1.1 relating to Mount Hawthorn Precinct – Scheme Map 1 was adopted as part of the Town's Planning and Building Policy Manual.
25 October 2005	Policy 3.1.1 relating to Mount Hawthorn Precinct – Scheme Map 1 was amended.
1 July 2007	The area bounded by Scarborough Beach Road, Brady Street, Powis Street and the Mitchell Freeway was transferred to the City of Vincent from the City of Stirling as part of a local government boundary change.
22 February 2011	The Council at its Ordinary Meeting, endorsed a 39.5 metre road reservation, which accounts for an additional 3.5 metres for the area between Brady Street and Mitchell Freeway.
24 April 2012	The Council at its Ordinary Meeting, resolved to initiate a Scheme Amendment No. 32 to include the area ceded from City of Stirling and to incorporate Metropolitan Regions Scheme Amendment 1181/57 into the City's Town Planning Scheme No. 1, by incorporating the area into Scheme Map 1 – Mount Hawthorn Precinct and Scheme Map 15- Banks Precinct respectively.
23 May 2012	The City received a letter from the Western Australian Planning Commission, granting consent to advertise Scheme Amendment No. 32 for a period of forty-two (42) days, in accordance with regulation 25 of the Town Planning Regulations 1967 and the City's Consultation Policy.
12 June 2012	Advertisement of Scheme Amendment No. 32 commenced.
12 September 2012	Public Meeting relating to Scheme Amendment No. 32 was held.
28 September 2012	Advertisement of Scheme Amendment No. 32 ceased

**DETAILS:**

On 1 July 2007, the City of Vincent obtained the area formerly known as Glendalough, bounded by Scarborough Beach Road on the north, Brady Street on the east, Powis Street on the south and the Mitchell Freeway on the west, from the City of Stirling. The City is currently in the process of amending its TPS No. 1 to include the area within the City's Scheme. To ensure that there are development provisions in place when the area is transferred, following the completion of Scheme Amendment No. 32, the City is amending Policy No. 3.1.1, relating to the Mount Hawthorn Precinct – Scheme Map 1.

The development guidelines have been based on the information prepared as part of the collaborative work that the City has been undertaking with the Department of Planning and the City of Stirling as part of the Scarborough Beach Road Activity Corridor Project, as well as the information in the Draft Mount Hawthorn Precinct Policy that has been prepared as part of the Town Planning Scheme review, and approved by the Council at its Ordinary Meeting held on 20 December 2011 to be forwarded to the Western Australian Planning Commission for consideration.

The major changes to the Policy are outlined below.

**RESIDENTIAL AREA**

**Uses**

For the areas zoned Residential R80 and R100 the height limit is three storeys.

## RESIDENTIAL/COMMERCIAL R-AC2 AREA

All development within the R-AC2 zone is to comply with the City of Vincent Town Planning Scheme No. 1 and the Residential Design Codes (R-Codes).

For all land zoned R-AC2 Design Guidelines for the development of the site are required to be prepared and adopted by the Council, prior to lodgement of a planning application to the City, in accordance with Clause 56 of the City of Vincent Town Planning Scheme No. 1.

Applications for Alterations and Additions and Change of Use are exempt from the preparation of Design Guidelines and instead will be assessed in accordance with the City's Town Planning Scheme 1 and relevant Local Planning Policies.

A detailed outline of all the proposed changes to Policy No. 3.1.1, relating to the Mount Hawthorn Precinct – Scheme Map 1, is shown Appendix 9.1.4.

### CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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The Draft Amended Policy No. 3.1.1, relating to the Mount Hawthorn Precinct – Scheme Map 1, will be 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 the affected owner(s) and occupier(s) determined by the City's officers, Western Australian Planning Commission, and other appropriate government agencies as determined by the City of Vincent.

### LEGAL/POLICY:

City of Vincent Town Planning Scheme No. 1 and associated Policies.

### RISK MANAGEMENT IMPLICATIONS:

**Medium:** The Mount Hawthorn (former Glendalough) area although ceded to the City of Vincent still applies the City of Stirling District Scheme No. 2. This scheme is no longer in effect in the City of Stirling and the City has been using this outdated scheme since 2007. Scheme Amendment No. 32 allows for an up to date Scheme and therefore Policy No. 3.1.1 needs to be respectively updated to ensure that there are development provisions in place when the area is transferred. Policy No. 3.1.1 allows for associated Policy provisions, relating to the Mount Hawthorn Precinct - Scheme Map 1 and dedicated Design Guidelines for the 'Mixed Residential Cell'.

In accordance with the proposed policy, the applicant/owner is required to prepare Design Guidelines for the development on sites zoned R-AC2. These Design Guidelines will be endorsed as per the procedure of a Local Planning Policy, and will override the requirements of Policy No. 3.1.1, relating to the Mount Hawthorn Precinct – Scheme Map 1.

### STRATEGIC IMPLICATIONS:

In keeping with the City's Strategic Plan 2011-2016:

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

**SUSTAINABILITY IMPLICATIONS:**

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

<b>ENVIRONMENTAL</b>	
<b>Issue</b>	<b>Comment</b>
The amendments to Policy No. 3.1.1 serve to promote and adhere to the City's commitment to environmentally sustainability outcomes being achieved through the encouragement of high quality environmental design. In addition the Policy states the retention of healthy, mature trees is a priority, importance of landscaping and that public places such as parks, reserves and streets are to be further enhanced and maintained so that they contribute to the pleasant and attractive environment of the precinct.	

<b>SOCIAL</b>	
<b>Issue</b>	<b>Comment</b>
The amendments to Policy No. 3.1.1 promote mix use developments and encourage the integration of workplace, retail and place of residence. The character and scale of non-residential buildings must also be compatible with adjacent residential development and, where applicable, comply with the Policy relating to Non-Residential/Residential Development Interface.	

<b>ECONOMIC</b>	
<b>Issue</b>	<b>Comment</b>
The amendments to Policy No. 3.1.1 will contribute to the economic vibrancy around Glendalough train station through mix uses to extend the hours and provide increase employment opportunities to the greater surrounding area of Mount Hawthorn.	

**FINANCIAL/BUDGET IMPLICATIONS:**

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

'Town Planning Scheme Amendments and Policies'

Budget Amount:	\$80,000
Spent to Date:	<u>\$ 2, 302</u>
Balance:	\$77, 697

**COMMENTS:**

To ensure that there are development guidelines in place for when Scheme Amendment No. 32, relating to the area bounded by Scarborough Beach Road, Brady Street, Powis Street and the Mitchell Freeway is complete, Policy No. 3.1.1, relating to the Mount Hawthorn Precinct – Scheme Map 1, is required to be amended.

The development guidelines have been based on the information prepared as part of the collaborative work that the City has been undertaking with the Department of Planning and the City of Stirling as part of the Scarborough Beach Road Activity Corridor Project, as well as the information in the Draft Mount Hawthorn Precinct Policy that has been prepared as part of the review of the Town Planning Scheme (approved by the Council at its Ordinary Meeting held on 20 December 2011).

In light of the above, it is recommended that the Council endorse the Officer Recommendation to amend Policy No. 3.1.1, relating to the Mount Hawthorn Precinct – Scheme Map 1 as it adequately caters for the development bounded by Scarborough Beach Road, Brady Street, Powis Street and the Mitchell Freeway.

**9.1.6 Amendment No. 105 to Planning and Building Policy Manual – Rescission of Appendix No. 7, 9, 13 and 14**

<b>Ward:</b>	South Ward	<b>Date:</b>	12 October 2012
<b>Precinct:</b>	Hyde Park Precinct; Banks Precinct; Norfolk Precinct	<b>File Ref:</b>	PLA0251
<b>Attachments:</b>	<a href="#">001</a> – Appendix No. 7 <a href="#">002</a> – Appendix No. 9 <a href="#">003</a> – Appendix No. 13 <a href="#">004</a> – Appendix No. 14		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	D Mrdja, Senior Strategic Planning and Heritage Officer		
<b>Responsible Officer:</b>	C Eldridge, Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council **AUTHORISES** the Chief Executive Officer to advertise the proposed rescission of the following Appendices of the Planning and Building Policy Manual, as shown in Appendix 9.1.6, for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 relating to Community Consultation:

1. **Appendix No. 7 – Design Guidelines for the ‘Old Bottleyard’;**
2. **Appendix No. 9 – Walters Brook Design Guidelines for Lots 229-232 Pakenham Street, Mount Lawley;**
3. **Appendix No. 13 – Design Guidelines for No. 57 (Lots 178, 179 and 416) Monmouth Street, Mount Lawley; and**
4. **Appendix No. 14 – Design Guidelines for No. 95 (Lot 75 and Part Lot 76) Chelmsford Road, Mount Lawley.**

**COUNCIL DECISION ITEM 9.1.6**

**Moved Cr Wilcox, Seconded Cr Pintabona**

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

**(Cr Harley was an apology for the Meeting.)**

**PURPOSE OF REPORT:**

To inform the Council of:

- an update of the review of the City’s Planning and Building Policy Manual;
- the consideration of the rescission of the abovementioned appendices; and
- to authorise the Chief Executive Officer (CEO) to advertise the rescission of these appendices in accordance with clause 47 of the TPS No. 1.

This report is the third round of the review of the Appendices of the Planning and Building Policy Manual.

**BACKGROUND:**

The City of Vincent Draft Town Planning Scheme No. 2 (TPS No. 2) and Local Planning Strategy (LPS) were endorsed by the Council at the Ordinary Meeting held on 20 December 2011. These documents, along with the draft Precinct Policies were sent to the Department of Planning on 23 December 2011 in order for them to give the City consent to advertise the TPS No. 2 and LPS. As a part of the scheme review process, the City's Officers are also reviewing the Planning and Building Policy Manual.

The subject Planning and Building Policy Amendment is the third stage of the review of the Appendices of the Planning and Building Policy Manual.

The first review of the Appendices known as Amendment No. 93 to Planning and Building Policy Manual, included Appendix Nos. 1, 2, 4, 5 and 10. The Council at its Ordinary Meeting held on 10 July 2012, resolved formally rescind these Appendices.

The second review of the Appendices known as Amendment No. 97 to Planning and Building Policy Manual, included Appendix Nos. 6, 15, 17, 21 and Policy No. 3.1.13. The Council at its Ordinary Meeting held on 28 August 2012 resolved to amend Appendix No. 6 and 15 and to rescind Appendix No. 21. As a result of the rescission of Appendix No. 21, the Council also resolved to amend Policy No. 3.1.13 relating to the Beaufort Precinct.

The City's Officers also proposed that Appendix No. 17 be amended and these properties on Lacey Street form part of a Heritage Area. Further advertising for this was required, and due to this, the amendment was reported to Council on 9 October 2012. The Council resolved to defer this item and as a result, the Officer's have prepared a further report for this meeting.

In regards to the proposed Amendment No. 105 to rescind Appendix Nos. 9, 13 and 14, the City's Officers were required to write to the WAPC for their consent to initiate the rescission of these Appendices as the adoption of the Design Guidelines were due to a condition of subdivision approval, which was issued by the WAPC. The City wrote to the WAPC on 30 April 2012 seeking their approval to rescind the Appendices and a letter was received back from the WAPC on 10 October 2012 advising that the WAPC had no concerns with this proposed rescission.

In regards to Appendix No. 7 – Design Guidelines for the 'Old Bottleyard', the proposed rescission of this policy, originally formed part of Amendment 93, however on the Council at its Ordinary Meeting held on 24 April 2012 resolved as follows:

*"That the Council:*

*...2. DEFERS the rescission of Appendix No. 7 – Design Guidelines for the 'Old Bottleyard', and for this to be and considered at an Ordinary Meeting of Council to be held in June 2012."*

At the same Council Meeting on 24 April 2012, the Council resolved to initiate Scheme Amendment No. 32 which, among other items, proposes to include requirements for the preparation of Design Guidelines for lots over 3000 square metres. The Council discussed at this meeting that given the 'Old Bottleyard' site is over 3000 square metres, the rescission of these design guidelines should wait until this Scheme Amendment has been gazetted. Since the initiation of this Scheme Amendment by the Council on 24 April 2012, the amendment has been forwarded to the WAPC, the Environmental Protection Authority and advertised for a period of 42 days. The Officers have prepared a report to Council for this same Ordinary Meeting of Council for the Council to consider the submissions received and forward to the WAPC for final approval from Minister and gazettal. It is considered that whilst the WAPC are considering the amendment for final approval, the City can advertise the rescission of Appendix No. 7. It is noted that the City's Officers will not prepare a final rescission report to Council until the gazettal of Scheme Amendment No. 32 is complete.

**History:**

Appendix No. 7 – Design Guidelines for the ‘Old Bottleyard’

<b>Date</b>	<b>Comment</b>
8 March 1999	The Council at its Ordinary Meeting resolved to adopt Design Guidelines for the ‘Old Bottleyard’ site. These Design Guidelines were developed in response to a subdivision application submitted by the City for three (3) residential lots at approximately 2,500 square metres in size with a pedestrian access way that ran from the corner of Palmerston Street and Stuart Street to Robertson Park.
3 May 1999	The WAPC approved the subdivision of No. 73 Palmerston Street, Perth into three (3) residential lots. This subdivision approval did not proceed.
11 November 1999	The City commissioned Van Der Meer Consulting to review development and subdivision options for the ‘Old Bottleyard’ site. This report proposed nine (9) different subdivision options.
8 February 2000	The Council at its Ordinary Meeting resolved to adopt subdivision Design Option A from the Van Der Meer report.
15 February 2000	The Council at its Ordinary Meeting resolved to amend the Design Guidelines to be consistent with subdivision Design Option A.
12 June 2001	The City of Vincent submitted an application to subdivide the subject lot into two (2) lots as per subdivision Design Option A. This subdivision created two (2) lots, one being 5,737 square metres and being set aside for public open space and the other 4,004 square metres and proposed to be subdivided into seventeen (17) other lots, with a land area of approximately 190 square metres each.
23 October 2001	The Western Australian Planning Commission approved the subdivision of No. 73 Palmerston Street, Perth, in accordance with Design Option A
11 January 2002	The City wrote to the WAPC requesting that the subdivision be staged and the two (2) ‘super lots’ be created, prior to the creation of the seventeen (17) lots.
31 May 2002	The WAPC approved the amended subdivision into two (2) ‘super lots’.
31 March 2003	The City of Vincent sold No. 75 (Lot 88) Palmerston Street, Perth.
17 January 2006	An application was submitted to the WAPC for the subdivision of No. 75 Palmerston Street into seventeen (17) green title lots. This subdivision layout was consistent with the approval issued by the WAPC on 23 October 2001.
10 May 2006	The WAPC approved the subdivision into seventeen (17) green title lots.

The owner had a period of 3 years to complete the works stated in the conditions of subdivision approval granted on 10 May 2006 and to lodge the endorsement plan to the WAPC. The owner did not complete the works associated with these conditions and the subdivision expired on 10 May 2009.

Appendix No. 9 – Walters Brook Design Guidelines for Lots 229-232 Pakenham Street, Mount Lawley

<b>Date</b>	<b>Comment</b>
6 July 1998	An application was submitted to the WAPC for the subdivision of lots 229-232 Pakenham Street into 13 green title lots.
24 August 1998	The Council at its Ordinary Meeting resolved to recommend refusal of the proposed 13 lot subdivision. The WAPC subsequently discussed the application with the applicant and revised plans were submitted for a 10 lot subdivision.
30 November 1998	The Council at its Ordinary Meeting resolved to recommend refusal of the proposed 10 lot subdivision as this was non-compliant with the density and minimum site area requirements of the R20 zone.

Date	Comment
4 December 1998	The City of Vincent Town Planning Scheme No. 1 was gazetted and a zoning of R20/R40 was approved for these lots.
16 February 1999	The WAPC approved the proposed 10 lot subdivision subject to the subject to several conditions including the following:  <i>“The preparation and development of design guidelines to address but not be limited to, building envelopes, plot ratio (if necessary), building height, setbacks and street interface in liason with the Town of Vincent and to the satisfaction of the Commission.”</i>
21 September 1999	The City received draft Design Guidelines prepared by Greg Rowe and Associates.
11 October 1999	The Council at its Ordinary Meeting held on 11 October 1999, resolved to adopt in principle the <i>“Walters Brook Mount Lawley – Design Guidelines for Lots 229-232 Pakenham Street, Mount Lawley”</i> subject to a number of modifications. These modifications were made, and forwarded to the WAPC for approval.

Since the time the subdivision was endorsed by the WAPC and titles were issued by Landgate, Planning and Building applications for the 9 vacant lots have been submitted to the City for consideration. All of these lots except for No. 2 Bream Cove have been developed, however a Planning Approval and Building Licence has been issued for this lot and the construction of the a two-storey dwelling on this lot, began in June 2012.

Appendix No. 13 – Design Guidelines for No. 57 (Lots 178, 179 and 416) Monmouth Street, Mount Lawley

Date	Comment
22 May 2003	An application was submitted to the WAPC subdivide the existing nursing home located at No. 57 Monmouth Street into 13 green title lots, with an average land size of 222 square metres.
12 November 2003	The WAPC approved the subdivision subject to a condition that proposed lot 13 be set aside as public open space and detailed residential design guidelines be prepared for the area. These detailed design guidelines were required to be approved by the WAPC.
28 November 2003/ 18 December 2003	The City received two letters with attached draft Design Guidelines from the applicant.
11 February 2004	The WAPC wrote to the City advising that the applicant had submitted the Residential Design Guidelines to them and that the <i>“minimum level of detail regarding these matters should be generally consistent with the standard set by the existing residential design guidelines adopted by the Town under the Scheme...”</i>
24 February 2004	The Council at its Ordinary Meeting resolved to adopt immediately and advertise the draft Design Guidelines.

Since the time the subdivision was endorsed by the WAPC and titles were issued by Landgate, Planning and Building applications for the 12 vacant lots have been submitted to the City for consideration. All of these lots except for No. 57 Monmouth Street been developed, however a Planning Approval was granted on 15 August 2011 and Building Licence has been issued on 6 July 2012 for this lot. The owner has until 15 August 2013 to substantially commence the construction of the development.

Appendix No. 14 – Design Guidelines for No. 95 (Lot 75 and Part Lot 76) Chelmsford Road, Mount Lawley

The dwelling at No. 95 Chelmsford Road existed over two lots. One lot had a land area of 230 square metres with a 6.1 metre frontage (currently known as No. 95B (Lot 802) Chelmsford Road) and the other had a land area of 463 square metres with a frontage of 12.2 metres. The subdivision application consisted of subdividing the larger lot into two, side by side lots, therefore creating three narrow lots with a 6.1 metre frontage (currently known as No. 95 (Lot 800) and No. 95A (Lot 801) Chelmsford Road).

Date	Comment
1 August 2003	An application was submitted to the WAPC to subdivide and re-align the boundaries of the two lots at No. 95 Chelmsford Road into three lots all with a frontage of 6.1 metres.
30 October 2003	The WAPC approved the subdivision, subject to several conditions including the following:  <i>"The applicant obtaining development approval for the development of a dwelling(s) on proposed lots 1, 2 and 3 and the building(s) being constructed to plate height prior to the submission of the Diagram or Plan or Survey (LG)."</i>
24 November 2004	The applicant submitted a request to the WAPC to reconsider condition 11 relating to the construction over a development to plate height.
20 May 2004	The WAPC supported the request for reconsideration of condition 11 and modified the condition as follows:  <i>"Detailed Residential Design Guidelines for Proposed Lots 1, 2 &amp; 3 being submitted to the Western Australian Planning Commission for approval and adopted by the Town of Vincent pursuant to clause 47 of the Town of Vincent Town Planning Scheme, to address such issues as building orientation, site coverage, setbacks, the location of driveway crossovers, location of party walls, common fencing and parking (WAPC/LG)."</i>
2 December 2004	The City received the draft design guidelines from the applicant.
18 January 2005	The City received a letter from the WAPC advising that they are <i>"satisfied that the draft Design Guidelines will be in an acceptable format for Council's adoption"</i> .
22 February 2005	The Council at its Ordinary Meeting held on resolved to adopt the design in the interim and advertise the draft Design Guidelines.

The owner of No. 95 Chelmsford Road, also owns the adjacent property at No. 97 Chelmsford Road. The owner carried through the endorsement of the subdivision, however on 28 February 2006, the Council resolved to approve a garage, poolroom and fence to the existing single house. The subject 'existing single house' is the dwelling located on No. 97 Chelmsford Road and the garage, poolroom, fence and extensive landscaping was approved over the three subdivided lots at Nos. 95, 95A and 95B Chelmsford Road. These four lots are currently owned by the original owner who submitted the application for subdivision.

**Previous Reports to Council:**

There have been no previous reports to the Council in relation to the subject rescission of Appendix Nos. 9, 13 and 14. In relation to Appendix No. 7, this was originally reported to Council on 24 April 2012, however it was resolved that the rescission of this Appendix be put on hold.

**DETAILS:**

As a part of the third review of the Appendices, the City's Officers propose that Appendix Nos. 7, 9, 13 and 14 be rescinded. There are several specific reasons why these Appendices should or can be rescinded and these are explained below.

**Appendix No. 7 – Design Guidelines for the 'Old Bottleyard'**

These Design Guidelines were developed as a result of a Council resolution to create Design Guidelines in response to a subdivision that was submitted to the WAPC, by the City on 8 May 1998. The subdivision was subsequently amended and approved by the WAPC on 23 October 2001. This subdivision was for the creation of seventeen (17) lots on approximately forty (40) percent of the original lot size. This subdivision approval expired and was re-submitted and approved on 10 May 2006 and expired on 10 May 2009, however the Design Guidelines for the seventeen (17) lot subdivision are still in place.



Furthermore, since this time, a Scheme Amendment to TPS No. 1 has been gazetted to allow multiple dwellings at this site where previously multiple dwellings were not permitted. Due to changing times and the requirement by *Directions 2031* for the City to provide an additional 5,000 dwellings by 2031, it is considered preferable, that a higher density development be developed at this site, rather than a development with seventeen (17) green title lots. In addition to this, the Council initiated Scheme Amendment No. 32 which, amongst other clauses, proposes a new clause that requires applicants/owners to develop a set of Design Guidelines for developments on lots over 3,000 square metres, consistent with the draft TPS No. 2. Given the 'Old Bottleyard' site at No. 75 Palmerston Street, is 3,999 square metres in size, any development of this lot will require the Council to adopt Design Guidelines for the development, prior to the submission of a planning or subdivision application.

Given the current Guidelines no longer align with the Council's vision for housing diversity and the proposed scheme amendment for applicants of large lots to develop Design Guidelines, the current policy is no longer desirable or required.

**Appendix No. 9 – Walters Brook Design Guidelines for Lots 229-232 Pakenham Street, Mount Lawley**

The proposed subdivision created 9 vacant lots and 1 lot on the corner of Pakenham Street and Joel Terrace, where the existing dwelling is located. All lots of these lots, except No. 2 (Lot 3) Bream Cover have been developed, however a valid Planning Approval and Building Licence exists for the site.

These Design Guidelines are generally reflective of the Residential Design Codes (R Codes) and the City's Policy No. 3.2.1 relating to Residential Design Elements, with the exception of one clause that states that the size of the outdoor living area is to be a minimum of 20 square metres, even though the minimum for an R20 zoned lot is 30 square metres in the R Codes. Such a variation would require the approval of the WAPC, given this is not something that can be varied under Part 5 of the R Codes.

Clause 4 of the policy relates to Colours and Materials. These requirements are divided into three categories; general, roof and accents. The content provided under these headings are vague, subject and are 'encouraging' requirements, which cannot really be enforced. The other requirements relating to setbacks, privacy, car parking, fencing and retaining walls and building height are all covered in either the Residential Design Elements Policy or the R Codes.

In light of the fact that the subdivision is built out and that the existing Design Guidelines contain clauses that are unable to be applied, the City's Officers propose that this policy be rescinded.

**Appendix No. 13 – Design Guidelines for No. 57 (Lots 178, 179 and 416) Monmouth Street, Mount Lawley**

Like the Walters Brook Design Guidelines, these Design Guidelines are generally reflective of the R Codes and the Residential Design Elements Policy. Clause i)h) relating to Roof Form suggests that the roof form be of a typical pitched format in keeping with the neighbouring dwellings. At the time these Design Guidelines were adopted, the City did not have any policy that controls the design of roof forms. However, the Residential Design Elements Policy that was first adopted by the Council at its Ordinary Meeting held on 18 May 2007 included a provision relating to roof forms for all residential development and that the roof form is required to be consistent with other roof forms in the immediate area. In light of this, the Residential Design Elements Policy would now cover this clause listed in these Design Guidelines. All other clauses relating to built form, design features and building envelope are generally consistent with the requirements listed in the Residential Design Codes and the R Codes.

In light of the above, it is considered that Appendix No. 13 – Design Guidelines for No. 57 (Lots 178, 179 and 416) Monmouth Street, Mount Lawley, are no longer required.

**Appendix No. 14 – Design Guidelines for No. 95 (Lot 75 and Part Lot 76) Chelmsford Road, Mount Lawley**

The content of the guidelines are generally reflective of the Town Planning Scheme, the Residential Design Codes and the City's Policy relating to Residential Design Elements. The table below illustrates the design requirements listed in the policy and the Officer's comments to these requirements.

5) i) Site Planning

Clause	Policy Requirement	Comments
a) Land Use	The subject lots are to be used for residential purposes only.	The City generally only supported residential land uses on a residential zone, especially on local access roads where no other commercial uses are presented. However, notwithstanding this, the land use requirements are subject to the zone table in the City's Town Planning Scheme.
b) Density	Refer to the provisions of the Town Planning Scheme.	As the clause suggests, the density requirements are indicated on the Scheme Maps of the Town Planning Scheme No. 1.
c) Site Coverage	Refer to the provisions of the Town Planning Scheme.	Site coverage relates to the maximum amount of building area that can be occupied on the lot. This is covered under the open space requirements of the R Codes.
d) Access for Vehicles	Motor vehicle access is to be from Jack Marks Lane.	It is a standard requirements in the City's Residential Design Elements Policy that vehicular access be from a right of way or secondary street where one exists.
e) Car Parking	Provision for 2 on site car bays.  A minimum of 6 metres is required for vehicle manoeuvring.	This is a standard requirement of the R Codes.  This is listed under Australian Standard 2980.1.
f) Setbacks	This clause provides various requirements for front, side and rear setbacks.	Whilst it is acknowledged that front setbacks can be varied in a local planning policy, side and rear setbacks cannot without the approval of the WAPC. The policy illustrates a front setback requirement of 6 metres, however the City's Residential Design Elements Policy requires the average of five properties either side of the development, as the front setback and the upper floor is to be two metres behind the ground floor main building line. This is more desirable than a 6 metre minimum for all floors.
g) Orientation	Encouragement of building design to utilise the north/south orientation, facilitating winter sun penetration.	This is briefly discussed in the R Codes and the Residential Design Elements Policy, however this clause only encourages orientation of buildings and is not a specific requirement. Furthermore, the review of the City's Sustainable Design Policy will also ensure adherence to sustainable design principles for all development in the City.
h) Height	Maximum height of two storeys plus a loft.	This is the same requirement as stated in the City's Residential Design Elements Policy.

Clause	Policy Requirement	Comments
g) Roof Form	Roof forms will be typical pitched format in keeping with the neighbouring dwellings.	This is the same requirement as stated in the City's Residential Design Elements Policy.
j) Party Walls	Each dwelling is to have its own independent walls and that party walls are not permitted.	The lots have been subdivided as green title lots, therefore party walls cannot be proposed.

5) ii) Building Envelope

Clause	Policy Requirement	Comments
a) Streetscape	The use of verandahs, window projections and colours and materials is strongly encouraged to create greater visual interest.	The requirements listed under this heading are all encouraging requirements and are difficult to enforce and requirements relating to streetscape character are discussed in the City's Residential Design Element's Policy.
b) Open Space	Refer to the provisions of the Town Planning Scheme.	This is covered under the open space requirements of the R Codes.
c) Outdoor Living Area	Refer to the provisions of the Town Planning Scheme.	This is covered under the outdoor living area requirements of the R Codes.

5) iii) Details

Clause	Policy Requirement	Comments
a) Overlooking	Refer to the provisions of the R Codes.	This is covered under the privacy requirements of the R Codes.
b) Fencing/Walls	Refer to the provisions of the Residential Design Elements Policy.	This is covered under the fencing requirements of the City's Residential Design Elements Policy.

The City's Officers are of the view that not only are these Design Guidelines outdated and are inconsistent with some of the requirements of the more recently adopted Residential Design Elements Policy, some of the requirements are non compliant with the R Codes and would require WAPC approval for these to be varied in a Local Planning Policy. In light of this, it is considered that these Design Guidelines should be rescinded to remove the inconsistencies with the R Codes and the City's Policy No. 3.2.1 relating to Residential Design Elements.

**CONSULTATION/ADVERTISING:**

<b>Required by legislation:</b>	Yes	<b>Required by City of Vincent Policy:</b>	Yes
<b>Consultation Type:</b>	<ul style="list-style-type: none"> <li>Advertisement in the Guardian Newspaper;</li> <li>City of Vincent website;</li> <li>Letters to affected landowners, WAPC, State and Local Government Agencies and Precinct Groups; and</li> <li>Notice at the City of Vincent Administration Centre and Library.</li> </ul>		
<b>Comment Period:</b>	4 weeks		

After the expiry of the period for submissions, the City's Officers will review all the submissions received and report back to Council with a determination to proceed or not to proceed with the amendments/rescission.

**LEGAL/POLICY:**

- *Planning and Development Act 2005;*
- *City of Vincent Town Planning Scheme No. 1* and associated Policies; and
- *Residential Design Codes of Western Australia.*

**RISK MANAGEMENT IMPLICATIONS:**

**Medium:** Some of the development requirements and content listed in existing Appendix Nos. 7, 9, 13 and 14 conflict with other City of Vincent Policies and the current aims and objectives of *Directions 2031* and the City's Draft Local Planning Strategy. Furthermore, as stated above, there are several residential development requirements listed in these Appendices that cannot be varied in a Local Planning Policy, without the approval of WAPC. This inconsistency is a risk to the City and Council when assessing and determining applications for Planning Approval.

**STRATEGIC IMPLICATIONS:**

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

*Natural and Built Environment*

1.1 *Improve and Maintain the Environment and Infrastructure.*

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

**SUSTAINABILITY IMPLICATIONS:**

This report related to the proposed amendment and rescission of existing policies does not have any sustainability implications.

**FINANCIAL/BUDGET IMPLICATIONS:**

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

'Town Planning Scheme Amendment and Policies'

Budget Amount: \$80,000  
Spent to Date: \$ 2,302  
Balance: \$77,698

The expenditure associated with the subject Planning and Building Policy Amendment is within the balance of the budgeted item.

**COMMENTS & CONCLUSION:**

**Amendment No. 105 to Planning and Building Policy Manual**

As stated in the details section of the report, these four Design Guidelines contain requirements that are outdated or cannot be applied as they propose variations to the R Codes, which cannot be listed in a local planning policy without the approval of the WAPC. Given these discrepancies, it is recommended that the Council initiate the rescission of Appendix Nos. 7, 9, 13 and 14 and that this be advertised for four weeks, in accordance with clause 47 of the City of Vincent Town Planning Scheme No. 1.

### Appendices Review

Amendment No. 93 to Planning and Building Policy Manual, proposed the rescission of Appendix Nos. 1, 2, 4, 5 and 10. This was initiated by the Council at its Ordinary Meeting held on 24 April 2012 and the final rescission was adopted by the Council at its Ordinary Meeting held on 10 July 2012.

Amendment No. 97 to Planning and Building Policy Manual proposed the amendment of Appendix No. 6, 15 and Policy No. 3.1.13 and the rescission of Appendix No. 21. The City's Officers also proposed the initiation of a Heritage Area for Lacey Street and hence Appendix No. 17 was also proposed to be amended. This was initiated by the Council at its Ordinary Meeting held on 12 June 2012 and the final amendment/rescission (excluding Appendix No. 17) was adopted by the Council at its Ordinary Meeting held on 28 July 2012. The Council deferred the adoption the introduction of a Heritage Area for Lacey Street as well as the amendment to Appendix No. 17 at its Ordinary Meeting held on 9 October 2012 and as a result, has been reported back to the subject Ordinary Meeting of Council.

The following table outlines the current status and future actions of the Appendices.

Appendix	Review Outcomes	Future Actions
Appendix No. 1 – Precinct Area Maps	Rescinded on 10 July 2012.	NA
Appendix No. 2 – Mount Hawthorn Village Renovation and Design Guidelines	Rescinded on 10 July 2012.	NA
<b>Appendix No. 3 – Design Guidelines for Richmond on the Park</b>	<b>The Guidelines contain some development requirements relating to interaction with the parkland that can be incorporated into the RDE's.</b>	<b>Rescind Guidelines with the adoption of the amended RDE's.</b>
Appendix No. 4 – The Village North Perth (Lots 43-45 Kadina Street) Residential Site Design Guidelines	Rescinded on 10 July 2012.	NA
Appendix No. 5 – The Village North Perth (Lots 901-910 Kadina Street) Residential Site Design Guidelines	Rescinded on 10 July 2012.	NA
Appendix No. 6 – Brookman and Moir Street Design Guidelines	Review complete and Amended on 28 August 2012.	Review in August 2015.
<b>Appendix No. 7 – Design Guidelines for the 'Old Bottleyard'</b>	<b>Proposed Amendment No. 105 to Planning and Building Policy Manual.</b>	<b>Await outcome of subject Amendment No. 105.</b>
<b>Appendix No. 8 – Highgate Design Guidelines</b>	<b>There are many development requirements that differ from the R Codes and the RDE's.</b>	<b>The City's Officers have completed a further review of these guidelines and will write to the WAPC to ask whether these Design Guidelines can be rescinded as the development of design guidelines resulted from a condition of subdivision approval.</b>
<b>Appendix No. 9 – Walters Brook Design Guidelines for Lots 229-232 Pakenham Street, Mount Lawley</b>	<b>Proposed Amendment No. 105 to Planning and Building Policy Manual.</b>	<b>Await outcome of subject Amendment No. 105.</b>
Appendix No. 10 – Glossary of Terminology	Rescinded on 10 July 2012.	NA

Appendix	Review Outcomes	Future Actions
Appendix No. 11 – Non-Conforming Use Register	Refer to Amendment No. 86 and 102 to Planning and Building Policy Manual.	On-going review.
Appendix No. 12 – Design Guidelines for Elven on the Park	The Guidelines contain some development requirements relating to interaction with the parkland that can be incorporated into the RDE's.	Rescind Guidelines with the adoption of the amended RDE's.
Appendix No. 13 – Design Guidelines for No. 57 (Lots 178, 179 and 416) Monmouth Street, Mount Lawley	Proposed Amendment No. 105 to Planning and Building Policy Manual.	Await outcome of subject Amendment No. 105.
Appendix No. 14 – Design Guidelines for No. 95 (Lot 75 and part lot 76) Chelmsford Road, Mount Lawley	Proposed Amendment No. 105 to Planning and Building Policy Manual	Await outcome of subject Amendment No. 105.
Appendix No. 15 – Design Guidelines for Nos. 128, 128A, 130 and 130A Joel Terrace, Mount Lawley	Review complete and Amended on 28 August 2012.	Review in August 2015.
Appendix No. 16 – Design Guidelines for the Half Street Block bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Streets and Pental Lane, Perth	This policy was developed in order to allow greater height and density in this area.	Rescind Guidelines with the gazettal of TPS No. 2 given that these densities and heights will be consistent with these Design Guidelines.
Appendix No. 17 – Design Guidelines for Lacey Street	Proposed Amendment No. 97 to Planning and Building Policy Manual.	Await outcome of subject Amendment No. 105.
Appendix No. 18 – Design Guidelines for William Street, between Bulwer and Newcastle Streets, Perth	This policy was developed in order to allow greater height and density in this area.	Rescind Guidelines with the gazettal of TPS No. 2 given that these densities and heights will be consistent with these Design Guidelines.
Appendix No. 19 – Leederville Masterplan Built Form Guidelines	Pending the development of the Structure Plan.	Pending the development of the Structure Plan.
Appendix No. 20 – Refunding and Waiving of Planning and Building Fees	The City's Officers are exploring the idea of introducing an additional sub-heading in the Planning and Building Policy Manual called 'Planning Administration Policies'.	Further review required.
Appendix No. 21 – New Northbridge Design Guidelines	Rescinded on 28 August 2012.	NA

**9.2.2 Consideration of Submissions relating to the Possible Installation of an obstruction Bollards in the Right of Way Bounded by Albert, Olive, View and Woodville Streets, North Perth**

<b>Ward:</b>	Both	<b>Date:</b>	12 October 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0400
<b>Attachments:</b>	<a href="#">001</a> – Plan No. 2976-CP-01		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **CONSIDERS** the eight (8) submissions received concerning the survey for the possible installation of an obstruction in the Right of Way (ROW) bounded by Albert, Olive, View and Woodville Streets, North Perth, as shown on Plan No. 2976-CP-01; and
2. **NOTES** that the installation of an obstruction in the ROW cannot proceed, as objections have been received from those land owners who have a legal right of access over the ROW.

---

**COUNCIL DECISION ITEM 9.2.2**

**Moved Cr Wilcox, Seconded Cr Pintabona**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

(Cr Harley was an apology for the Meeting.)

---

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council on the outcome of community consultation undertaken regarding the proposal to install an obstruction into the Right of Way Bounded by Albert, Olive, View and Woodville Streets, North Perth.

**BACKGROUND:**

The City recently received a request to install a bollard in a portion of the above Right of Way (ROW) to restrict through traffic as shown on the attached Plan No. 2976-CP-01. The request apparently was as a result of a proposed development fronting Albert Street, with vehicle access onto the Northern most ROW. There are two ROWS that comprise access as shown Plan 2976-CP-01 (coloured Tan and Green), therefore all owners who have legal access onto both of these ROW's are required to be consulted and all must consent to any installation of any obstruction.

The Council has a Policy No. 2.2.8 on ROW obstructions and consultation was undertaken in accordance with the policy.

**DETAILS:**

**Community Consultation:**

On 19 September 2012, twenty six (26) letters were distributed to all owners/residents abutting the ROW.

At the close of consultation on 9 October 2012, eight (8) responses were received with five (5) against the proposal and only three (3) in favour of the proposal.

Comments were received from Nos. 18 and 20 View Street (two received from No. 20 as different organisations operate from this building), Nos. 5, 13 and 15 Woodville Street and Nos. 41 and 45 Angove Street.

Related Comments *Against* the Proposal:

- 3 x against of the proposal with no further comment;
- I am against the proposal as it will limit rear access to my property, and that of my neighbour, to a single lane way, rather than two (it will block off the North-South lane way), will make it more difficult to manoeuvre my vehicle (a large ute) around the back of the property, and will increase the thoroughfare along the one remaining lane way (East-West running) which runs right beside my living and dining rooms; and
- I am against proposal for bollards in ROW bounded by Albert, Olive, View and Woodville Streets, North Perth. My reasons are:
  1. ROW should not be closed because of emergency access for fire or ambulance to the adjoining properties;
  2. All properties have front entrance away from ROW; and
  3. There have not been any problems to date with noise issues or traffic problems in the ROW.

Related Comments *In Favour* of the Proposal:

- 2 x in favour of the proposal with no further comment.
- We support this action to optimise safety.

**Discussion:**

In accordance with Policy No 2.2.8, clause 4.7, the Council is required to duly consider all submissions/objections and, unless there are extenuating circumstances, the obstruction cannot proceed without the agreement of all adjacent property owners with an implied or expressed right of access through the Laneway/Rights of Way.

In this case there are five (5) objections to the proposed obstructions received and therefore as it is considered that there are no extenuating, it is considered that the obstruction cannot legally proceed.

One of the respondents who did NOT support the installation of the bollard in the proposed location would have been in agreement if the bollard was placed at the top of the ROW, behind 15 Woodville Street.

However this option cannot be considered as an alternative as it would result in legal access to rear parking being lost to both 13 and 15 Woodville Street. These lots do not have access rights through the ROW leg to the south, and are wholly dependent on access from Woodville Street, adjacent to 15 Woodville Street.

**CONSULTATION/ADVERTISING:**

All owners/residents who abut the ROW's will be advised of the Council decision.



**LEGAL/POLICY:**

**Local Government Act 1995**

The procedure regarding an application to obstruct a Laneway/Rights of Way for the purpose of prohibiting vehicular traffic (outlined in the policy) is undertaken in accordance with Section 3.50 of the Local Government Act (LGA) 1995, and Section 3.1 of the LGA where *“the general function of a local Government is to provide for the good government of persons in its district”*.

**Transfer of Land Act 1893**

S167A of the Transfer of Land Act 1893 specifies that all persons who have legal right of access over a Right of Way must be in agreement for an obstruction to be installed.

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

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

*“Natural and Built Environment*

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

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

**SUSTAINABILITY IMPLICATIONS:**

Not Applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

No Applicable.

**COMMENTS:**

Policy No 2.2.8, outlines a procedure for the obstruction of a ROW for the purpose of prohibiting vehicular traffic.

The Policy indicates that the Council is required to duly consider all submissions/objections and, unless there are extenuating circumstances, the obstruction will not proceed without the agreement of all adjacent property owners with an implied or expressed right of access through the Rights of Ways.

In this case, as there are five (5) objections to the proposed obstructions, the proposal cannot legally proceed.

Approval of the Officer Recommendation is requested.

**9.2.3 Proposed Western Power Transformer Installation – Glendower Street, Perth – Further Report**

<b>Ward:</b>	South	<b>Date:</b>	16 October 2012
<b>Precinct:</b>	Hyde Park (12)	<b>File Ref:</b>	RES0042, TES0552 & TES0218
<b>Attachments:</b>	<a href="#">001</a> - Location of Proposed Transformer		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	C Wilson, Manager Asset & Design Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council APPROVES Western Power’s revised proposal to locate a ground mounted transformer in the road reserve of Throssell Street, instead of Glendower Street location, adjacent to Hyde Park, as shown on the attached diagrams (appendix 9.2.3) and subject to Western Power;

1. Removing the existing pole mounted transformer and strainer post from within Hyde Park;
2. Ensuring that appropriate vegetation is planted around the unit for screening purposes in liaison with the City’s Parks Services;
3. Paying all costs associated with the installation including any service relocations; and
4. Notifying adjoining residents of the proposed works.

**COUNCIL DECISION ITEM 9.2.3**

**Moved Cr Wilcox, Seconded Cr Pintabona**

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

**(Cr Harley was an apology for the Meeting.)**

**PURPOSE OF REPORT:**

The purpose of this report is to seek the Council’s approval for a variation to Western Power previous approval (Ordinary Meeting of 28 August 2012) to locate a ground mounted transformer within the Glendower Street road reserve, adjacent to Hyde Park.

**BACKGROUND:**

In June 2012, the City received a letter from Western Power requesting the Council’s approval to install a ground mounted transformer unit within the Glendower Street road reserve (verge) adjacent Hyde Park, approximately 25m east of Throssell Street.

There is an existing pole mounted transformer and strainer post within Hyde Park as shown in the attached photographs. In addition to supplying the surrounding properties the transformer is a point of connection for the Hyde Park bore pump.

Western Power consider the installation of a new, and bigger capacity, transformer essential to ensure the reliability of the power supply in the area bounded by Glendower, Palmerston Randell and Fitzgerald Streets. Further, Western Power advised that as there is little spare capacity in the existing system and that the new transformer would facilitate future developments within the immediate vicinity.

At its Ordinary Meeting of 28 August 2012 approved the installation subject to a number of conditions one of which was that:

4. *Notifying adjoining residents of the proposed works*

Western Powers project manager subsequently canvassed the adjoining residents in the immediate vicinity in both Throssell and Glendower Streets to advise them of the works and to seek comments.

A resident of Glendower Street duly voiced concerns about the health implications (electromagnetic radiation) of transformer opposite their home, given that they were already battling a serious health issues, and could not be reassured that it would not further exacerbate their condition, and requested that the transformer be located elsewhere.

As a result Western Power is seeking Council approval to locate the transformer in Throssell Street as shown on the attached plan.

**DETAILS:**

Western Power's infrastructure in the aforementioned area is both old and nearing full capacity. Western Power were seeking to address the issue by installing a new 500KVA ground mounted transformer in the road reserve (verge) of Glendower Street, Perth adjacent Hyde Park.

The location of the unit is dependent upon existing electrical infrastructure, and it is essentially a junction point for a combination high and lower voltage systems. If the proposed transformer unit were moved to another, more remote, location it would require significantly more work and therefore greater disruption to the local community.

Further, Western Power has suggested that they would install a new pole mounted transformer, albeit not in the park, in preference to finding a new location.

Western Power is looking to have the unit installed before the summer months, which is traditionally the peak load period, to ensure that the immediate area is less likely to experience 'brown outs' or diminished supply for extended periods.

The unit will be the standard 'green box' measuring 1800mm long x 1850mm wide x 1200mm high.

Western Power had proposed to install the transformer in Glendower Street but as result of a residents concern is now seeking to install it Throssell Street approximately 25m from the original location.

Western Power's Project Manager advised the City of the following:

*As a part of the conditions from the original Council approval, I have notified the residents adjacent to the approved site, near the corner of Throssell and Glendower Streets. The resident from xxx Glendower St, (who has cancer) is not at all happy with the proposed location of the ground mounted TX. Therefore, I have proposed a slight variation to your approved location.*

*I have personally spoken to the customers directly across the road from this new location and they are all satisfied with that location, including the lady from xxx Glendower Street.*

*As time is of the essence I would appreciate it if you could put this proposal forward and give due consideration to the slight variation of the existing approval at your earliest convenience.*

Whilst many consider transformers unsightly they are essential infrastructure to meet the increasing level of service expectations of the community. In this instance the positives will be the removal of the existing pole mounted transformer and strainer post from within the park. Further, if/or when the power is undergrounded in the immediate the transformer is already in place resulting in less disruption to the immediate residents and park users.

#### **Screening**

Western Power has given and undertaking to arrange screening planting to the City's requirements on the understanding that the unit will be accessible from the road frontage.

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

Western Power will be responsible for liaising with the residents and property owners in Glendower and Throssell Street in line of sight of the installation.

Western Power will be advised of the Council decision.

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

Not applicable.

#### **STRATEGIC IMPLICATIONS:**

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

##### *"Natural and Built Environment*

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

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

#### **SUSTAINABILITY IMPLICATIONS**

The method of power generation aside the proposed installation will ensure a continuity of power supply in the immediate area thereby improving the amenity of the local community.

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

There will be no financial implications for the City as the proposal will be fully funded by Western Power.

#### **COMMENTS:**

Whilst the City would prefer that transformers are not located in public spaces it is extremely difficult to 'retrofit' them within established areas. Generally the only opportunity to setback or 'hide' a transformer is when a proposed development that is reliant upon the power supply upgrade can be requested to cede a portion of land for the transformer site.

However in this instance the proposed installation is not linked to a specific development but rather an area wide supply enhancement and therefore it is considered that the proposal to locate the transformer in Glendower Street should be supported. It will provide surety of power supply in the immediate area with provision for increased demand in the future.

In light of a resident's objections Western Power are seeking the Council's approval to now locate the transformer in the Throssell Street approximately 25m from the original location in Glendower Street. Western Power has advised that the residents in Throssell Street had no objections to the transformer being located opposite their property.

**9.3.1 Investment Report as at 30 September 2012**

<b>Ward:</b>	Both	<b>Date:</b>	12 October 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0033
<b>Attachments:</b>	<a href="#">001</a> – Investment Report		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	B C Tan, Manager Financial Services; N Makwana, Accounting Officer		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

That the Council **NOTES** the Investment Report for the month ended 30 September 2012 as detailed in Appendix 9.3.1.

**COUNCIL DECISION ITEM 9.3.1**

**Moved Cr Wilcox, Seconded Cr Pintabona**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

**(Cr Harley was an apology for the Meeting.)**

**PURPOSE OF REPORT:**

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

**BACKGROUND:**

Interest from investments is a significant source of funds for the City, where surplus funds are deposited in 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 30 September 2012 were \$28,511,000 compared with \$30,511,000 at 31 August 2012. At 30 September 2011, \$22,011,000 was invested.

Investment comparison table:

	<b>2011-2012</b>	<b>2012-2013</b>
July	\$13,511,000	\$18,211,000
August	\$24,011,000	\$30,511,000
September	\$22,011,000	\$28,511,000

Total accrued interest earned on Investments as at 30 September 2012:

	<b>Annual Budget</b>	<b>Budget Year to Date</b>	<b>Actual Year to Date</b>	<b>%</b>
Municipal	\$584,000	\$125,000	\$123,159	21.09
Reserve	\$535,000	\$120,000	\$193,670	36.20

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

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

**RISK MANAGEMENT IMPLICATIONS:**

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

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

**COMMENT:**

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

The funds invested have reduced from previous period due to payments to creditors.

The report comprises of:

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

**9.3.2 Authorisation of Expenditure for the Period 1 – 30 September 2012**

<b>Ward:</b>	Both	<b>Date:</b>	12 October 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0032
<b>Attachments:</b>	<a href="#">001</a> – Creditors Report		
<b>Tabled Items:</b>	-		
<b>Reporting Officers:</b>	O Wojcik, Accounts Payable Officer; B Tan, Manager Financial Services		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

That the Council CONFIRMS the;

1. Schedule of Accounts for the period 1 September – 30 September 2012 and the list of payments;
2. Direct lodgement of payroll payments to the personal bank account of employees;
3. Direct lodgement of PAYG taxes to the Australian Taxation Office;
4. Direct lodgement of Child Support to the Australian Taxation Office;
5. Direct lodgement of creditors payments to the individual bank accounts of creditors; and
6. Direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;

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

**COUNCIL DECISION ITEM 9.3.2**

**Moved Cr Wilcox, Seconded Cr Pintabona**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

(Cr Harley was an apology for the Meeting.)

**DECLARATION OF INTEREST**

Members/Officers	Voucher	Extent of Interest
Nil.		

**PURPOSE OF REPORT:**

To present to the Council the expenditure and list of accounts approved by the Chief Executive Officer under Delegated Authority for the period 1 September – 30 September 2012.

**BACKGROUND:**

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

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

**DETAILS:**

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

<b>FUND</b>	<b>CHEQUE NUMBERS/ PAY PERIOD</b>	<b>AMOUNT</b>
<b>Municipal Account</b>		
Automatic Cheques	072799 - 072928	\$253,296.71
Transfer of Creditors by EFT Batch	1438 - 1440, 1442 - 1447	\$3,983,557.77
Transfer of PAYG Tax by EFT	September 2012	\$265,686.75
Transfer of GST by EFT	September 2012	
Transfer of Child Support by EFT	September 2012	\$731.45
Transfer of Superannuation by EFT:		
• City of Perth	September 2012	\$29,597.91
• Local Government	September 2012	\$100,229.94
<b>Total</b>		<b>\$4,633,100.53</b>
<b>Bank Charges &amp; Other Direct Debits</b>		
Bank Charges – CBA		\$34,198.12
Lease Fees		\$10,285.28
Corporate MasterCards		\$7,792.81
Loan Repayment		\$136,137.89
Rejection fees		\$40.00
<b>Total Bank Charges &amp; Other Direct Debits</b>		<b>\$188,454.10</b>
<b>Less GST effect on Advance Account</b>		<b>0.00</b>
<b>Total Payments</b>		<b>\$4,821,554.63</b>

**LEGAL POLICY:**

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



**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2011-2016:

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

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

**SUSTAINABILITY IMPLICATIONS:**

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

**ADVERTISING/CONSULTATION:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

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

**COMMENT:**

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

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

### 9.3.3 Financial Statements as at 30 September 2012

<b>Ward:</b>	Both	<b>Date:</b>	12 October 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0026
<b>Attachments:</b>	<a href="#">001</a> – Financial Reports		
<b>Tabled Items:</b>	<a href="#">002</a> – Significant Accounting Policies		
<b>Reporting Officers:</b>	B C Tan, Manager Financial Services; N Makwana, Accounting Officer		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

#### OFFICER RECOMMENDATION:

That the Council **RECEIVES** the **Financial Statements** for the month ended **30 September 2012** as shown in **Appendix 9.3.3**.

#### COUNCIL DECISION ITEM 9.3.3

Moved Cr Wilcox, Seconded Cr Pintabona

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

**(Cr Harley was an apology for the Meeting.)**

#### PURPOSE OF REPORT:

The purpose of this report is to present the Financial Statements for the period ended 30 September 2012.

#### BACKGROUND:

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

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

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

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

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

**DETAILS:**

The following documents represent the Statement of Financial Activity for the period ending 30 September 2012:

Note	Description	Page
1.	Summary of Income and Expenditure by Service Areas	1-25
2.	Statement of Financial Activity by Programme Report	26
3.	Statement of Financial Activity by Nature or Type Report	27
4.	Statement of Financial Position	28
5.	Statement of Changes in Equity	29
6.	Capital Works Schedule	30-36
7.	Restricted Cash Reserves	37
8.	Sundry Debtors Report	38
9.	Rate Debtors Report	39
10.	Beatty Park Leisure Centre Report – Financial Position	40
11.	Major Variance Report	41-47
12.	Monthly Financial Positions Graph	48-50

**1. SIGNIFICANT ACCOUNTING POLICIES AND NOTES**

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

Comments on the financial performance are set out below:

**2. As per Appendix 9.3.3.**

**3. Statement of Financial Activity by Programme Report**

**Operating Revenue excluding Rates**

YTD Actual	\$4,751,785
YTD Revised Budget	\$5,139,694
YTD Variance	\$387,909
Full Year Budget	\$20,198,425

**Summary Comments:**

The total operating revenue is currently 92% of the year to date Budget estimate.

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

General Purpose Funding – 6% under budget;  
 Governance – 40% under budget;  
 Law, Order, Public Safety – 14% under budget;  
 Health – 12% under budget;  
 Education and Welfare – 27% over budget;  
 Community Amenities – 37% over budget;  
 Recreation and Culture – 13% under budget;  
 Transport – 15% under budget;  
 Economic Services – 48% under budget;  
 Other Property and Services – 47% over budget; and  
 General Administration (Allocated) – 109% over budget.

**Operating Expenditure**

YTD Actual	\$10,207,488
YTD Revised Budget	\$11,157,395
YTD Variance	(\$949,907)
Full Year Budget	\$45,143,870

**Summary Comments:**

The total operating expenditure is currently 91% of the year to date Budget estimate

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

General Purpose Funding – 13% under budget;  
 Governance – 8% under budget;  
 Law Order and Public Safety – 7% under budget;  
 Health – 19% under budget;  
 Education and Welfare – 16% under budget;  
 Community Amenities – 15% under budget;  
 Recreation and Culture – 10% under budget;  
 Economic Services – 13% under budget;  
 Other Property & Services – 41% over budget; and  
 General Administration (Allocated) –105% under budget.

**Net Operating and Capital Excluding Rates**

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

YTD Actual	\$5,639,601
YTD Revised Budget	\$9,815,792
Variance	(\$4,176,191)
Full Year Budget	\$26,434,292

Summary Comments:

The current favourable variance is due to timing of expenditure on capital expenditure.

**4. Statement of Financial Activity by Nature and Type Report**

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

**5. Statement of Financial Position and  
6. Statement of Changes in Equity**

The statement shows the current assets of \$43,051,222 and non-current assets of \$195,335,581 for total assets of \$238,386,804.

The current liabilities amount to \$13,926,838 and non-current liabilities of \$19,356,716 for the total liabilities of \$33,283,554.

The net asset of the City or Equity is \$205,103,250.

**7. Net Current Funding Position**

	<b>30 September 2012 YTD Actual \$</b>
<b>Current Assets</b>	
Cash Unrestricted	11,682,616
Cash Restricted	16,079,261
Receivables – Rates and Waste	9,617,506
Receivables – Others	3,493,444
Inventories	179,755
	<b>41,052,583</b>
<b>Less: Current Liabilities</b>	
Trade and Other Payables	(7,440,333)
Provisions	(2,447,904)
	<b>(9,888,237)</b>
<b>Less: Restricted Cash Reserves</b>	(16,079,261)
<b>Net Current Funding Position</b>	<b>(15,085,085)</b>

## 8. Capital Expenditure Summary

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

	Budget	Year to date Revised Budget	Actual to Date	%
Furniture & Equipment	\$310,640	\$55,500	\$13,815	25%
Plant & Equipment	\$1,757,000	\$154,000	(\$17,284)	-11%
Land & Building	\$11,289,000	\$6,332,000	\$2,835,272	45%
Infrastructure	\$13,916,365	\$2,877,320	\$604,306	21%
<b>Total</b>	<b>\$27,273,005</b>	<b>\$9,418,820</b>	<b>\$3,436,108</b>	<b>36%</b>

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

Note: Detailed analyses are included on page 30 – 36 of Appendix 9.3.3.

## 9. Restricted Cash Reserves

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

The balance as at 30 September 2012 is \$16m. The balance as at 30 September 2011 was \$9.3m. The increase is due to \$8.06m loan received from WA Treasury for Beatty Park Redevelopment and \$5m received from State Government of WA for a new lease agreement for the nib Stadium for 25 years with further 25 years option.

## 10. Sundry Debtors

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Sundry Debtors of \$709,451 is outstanding at the end of September 2012.

Out of the total debt, \$305,459 (43.1%) relates to debts outstanding for over 60 days, which is related to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangement for more than one year.

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

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

## 11. Rate Debtors

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

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

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

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

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

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

Rates outstanding as at 30 September 2012 including deferred rates was \$9,239,156 which represents 37.64% of the outstanding collectable income compared to 37.30% at the same time last year.

## 12. Beatty Park Leisure Centre – Financial Position Report

As at 30 September 2012 the operating deficit for the Centre was \$398,420 in comparison to the year to date budgeted deficit of \$564,701.

The cash position showed a current cash deficit of \$355,154 in comparison year to date budget estimate of a cash deficit of \$520,767. The cash position is calculated by adding back depreciation to the operating position.

It should be noted that the Cafe and Retail shop have not opened yet but partial services are offered through reception area. Outdoor pool is closed for redevelopment and Indoor pool has re opened on the 23<sup>rd</sup> July, 2012.

## 13. Major Variance Report

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

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

### CONSULTATION/ADVERTISING:

Not applicable.

### LEGAL/POLICY:

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

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

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2011-2016:

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

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

**SUSTAINABILITY IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable.

**COMMENT:**

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



**9.3.4 Annual Plan – Capital Works Programme 2012/2013 – Progress Report No.1 as at 30 September 2012**

<b>Ward:</b>	Both	<b>Date:</b>	12 October 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0025
<b>Attachments:</b>	<a href="#">001</a> – Annual Capital Works Schedule 1 <sup>st</sup> Quarter		
<b>Reporting Officers:</b>	M Rootsey, Director Corporate Services; R Boardman, Director Community Services; R Lotznicker, Director Technical Services; and C Eldridge, Director Planning Services		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **RECEIVES** Progress Report No. 1 for the period 1 July to 30 September 2012 for the Capital Works Programme 2012/2013, as detailed in Appendix 9.3.4.

**COUNCIL DECISION ITEM 9.3.4**

**Moved Cr Wilcox, Seconded Cr Pintabona**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

(Cr Harley was an apology for the Meeting.)

**PURPOSE OF REPORT:**

The purpose of this report is to provide a quarterly progress report on the Council's Capital Works Programme 2012/2013 for the period 1 July 2012 to 30 September 2012.

**BACKGROUND:**

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

**DETAILS:**

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

The programme takes into consideration the following factors:

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

**CONSULTATION/ADVERTISING:**

Not applicable

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

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

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

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

**SUSTAINABILITY IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

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

**COMMENTS:**

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

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

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

**9.5.7 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	12 October 2012
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a> – Information Bulletin		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J Highfield, Executive Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **RECEIVES** the Information Bulletin dated 23 October 2012, as distributed with the Agenda.

**COUNCIL DECISION ITEM 9.5.7**

**Moved Cr Wilcox, Seconded Cr Pintabona**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (8-0)**

**(Cr Harley was an apology for the Meeting.)**

**DETAILS:**

The items included in the Information Bulletin dated 23 October 2012 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>	<b>PAGE</b>
IB01	Letter from Department of Sport and Recreation regarding the New Perth Stadium – Stakeholder Consultation	
IB02	Letter from Director General Disability Services Commission in regards to the receipt of the City’s Disability Access and Inclusion Plan (DAIP)	
IB03	Letter from The Hon Warren Snowdon MP regarding the Anzac Day Commemorations, 25 April 2015-Gallipoli Peninsula, Turkey	
IB04	Car Parking Strategy Implementation Plan – Progress Report 1	
IB05	Unconfirmed Minutes of the Sustainability Advisory Group Meeting held on 17 September 2012	
IB06	Unconfirmed Minutes of the Design Advisory Group Meeting held on 3 October 2012	
IB07	Minutes of the Mindarie Regional Council Special Meeting held on 20 September 2012	
IB08	Ranger Services Statistics for July, August and September 2012	
IB09	Letter from Government of Western Australia Department of Finance regarding the Underground Power Program – Round Five Localised Enhancement Projects	
IB10	Letter from Government of Western Australia Department of Finance regarding the Underground Power Program – Round Five Localised Enhancement Projects – Reserve List	
IB11	Letter from the Department of Local Government concerning a Capability Measurement Survey – (relating to Strategic Community Plan)	

### 9.4.1 St Patrick's Day Parade 2013

<b>Ward:</b>	South	<b>Date:</b>	12 October 2012
<b>Precinct:</b>	Oxford Centre 4	<b>File Ref:</b>	CMS0057
<b>Attachments:</b>	<a href="#">001</a> – Proposal for St Patricks Day Event from Irish Families Australia. <a href="#">002</a> – Suggested Parade Route.		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	Y Coyne, Coordinator Arts and Creativity; and J Anthony, Manager Community Development		
<b>Responsible Officer:</b>	R Boardman, Director Community Services		

#### OFFICER RECOMMENDATION:

That the Council **APPROVES**;

1. The application by the Irish Families in Perth to hold the St Patrick's Day Parade in Leederville on a route shown in Appendix 9.4.1B and the Family Fun Day at Leederville Oval on Sunday, 17 March 2013, subject to;
  - 1.1 Event application fees for the event at Leederville Oval being waived;
  - 1.2 A bond of \$2,000 being lodged by the applicant as security for any damage to or clean-up of the Reserve;
  - 1.3 Full compliance with conditions of use being imposed, including Environmental Health and other conditions;
  - 1.4 Acknowledgement of the City of Vincent as a major sponsor of the events on all publications and advertising materials, subject to the conditions listed in the report and as stipulated in the City's Donations, Sponsorship and Waiving of Fees and Charges; and
  - 1.5 Further conditions relating to safety and risk management in reference to the event as stipulated in the City's Concerts and Events Policy; to the satisfaction of the Chief Executive Officer; and
2. The City's sponsorship contribution of \$10,000 funding to assist with the costs of the event as listed in the 2012/2013 Budget.

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#### **COUNCIL DECISION ITEM 9.4.1**

**Moved Cr Carey, Seconded Cr Maier**

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harley was an apology for the Meeting.)

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

The purpose of the report is to consider a request from the Irish Families in Perth for funding to host a St Patrick's Day Parade, through Oxford Street, ending at Leederville Oval for a Family Fun Day event.

**BACKGROUND:**

Members of the organisation, Irish Families in Perth, met with the City's Officers in September to propose a St Patrick's Day event in the City of Vincent. After several meetings, a written proposal was submitted for the City's consideration and Council approval.

St Patrick's Day Parades were held in Fremantle every year until 2008, which has left Irish families with a void of fun family activities on the day.

**DETAILS:**

The St Patrick's Day Parade will be a family focused event, and is proposed to run from 10am to 5pm. The event organisers wish to promote this as a smoke and alcohol free family event.

The event proposes a main stage in the Oval that will feature several bands, musicians and Irish dancers. There will be a large children's area with a number of activities, fun races, tug of war and Gaelic Games that will provide entertainment for the young audience. The Oval will also feature market and food stalls, an Australian Citizenship Ceremony and various Irish Groups that will create a family friendly atmosphere.

The proposal indicates a route of the Parade as shown in Appendix 9.4.1A which would essentially see Irish floats and a parade through Oxford Street, ending at Leederville Oval for a day of live music, games, food and market stalls.

A revised proposal with a more concise parade route has been suggested by the City's Officers and as shown in Appendix 9.4.1B.

The City has requested a booking for Leederville Oval on Sunday 17 March 2013 from 10am to 6pm. The response from Subiaco Football Club and East Perth Football Club is that it is likely the WAFL premiership season will start that weekend and the Oval may be used on the Saturday 16 March 2012. This booking cannot be confirmed by the clubs until December, so a change of venue may need to be considered. The City has written to the clubs advising that a booking is required for the proposed St. Patricks Day Festival.

If approved by the Council, prior to the 2013 parade, an internal Working Group will be established to determine a management plan to coordinate the Parade from the City's perspective with the following representatives:

- Manager Community Development (Chairperson);
- Coordinator Arts & Creativity;
- Manager Parks and Property Services;
- Manager Ranger and Community Safety Services;
- Manager Health Services;
- WA Police Service; and
- Representatives from the organising committee.

The Working Group will meet regularly to discuss any issues and to coordinate a management plan for the smooth running of the Parade and post parade event. The Group will also meet after the event to debrief, evaluate and record any issues that need to be addressed if the group wish to host the parade in future years.

**CONSULTATION/ADVERTISING:**

A letter box drop will be undertaken for the streets adjoining Oxford Street and around the oval notifying residents and business. Visual Message Boards days leading up to the event on the affected streets will be suggested to the organisers.

**LEGAL/POLICY:**

- Policy No. 1.1.5 – Donations, Sponsorship and Waiving of Fees and Charges; and
- Policy No. 3.8.3 – Concerts and Events.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** With a solid Traffic Management Plan in place, cooperation between the City and the event organisers and being a alcohol free, family event will keep risk implications low.

**STRATEGIC IMPLICATIONS:**

The City of Vincent's 'Plan for the Future'; *Strategic Plan 2011 – 2016*, Objective 3 states:

*"Community Development and Wellbeing*

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

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."*

**SUSTAINABILITY IMPLICATIONS:**

The event will be an excellent opportunity to promote environmental/sustainability initiatives provided by the City.

The City will work with the event organisers to ensure our message of sustainability is promoted at the event together with recycle sulo bins.

**FINANCIAL/BUDGET IMPLICATIONS:**

Irish Families in Perth is requesting \$40,000 to hold this event.

As the parade is not a festival and the hours are less, it is considered that a grant of \$10,000 is considered appropriate.

The allocation of funding for Festivals listed in the 2012/2013 Annual Budget is as follows:

<b>Festival</b>	<b>Allocated Funding</b>	<b>Date of Festival</b>
Angove Street Festival	\$40,000	7 April 2013
Beaufort Street Festival	\$40,000	17 November 2012
WA Youth Jazz Orchestra	\$60,000	25 November 2012
Light Up Leederville Festival	\$50,000	8 December 2012
Hyde Park Rotary Fair	\$25,000	2-3 March 2013
Perth International Jazz Festival	\$10,000	24-26 May 2013
Festivals	Unallocated amount \$80,000	

**COMMENTS:**

According to the 2011 Census Data on Cultural and Linguistic Diversity in WA for the City of Vincent, 2.5% of the City's population was born in Ireland. There has not been, to date, a parade of any kind through the City of Vincent nor a family fun day for St Patrick's Day.

It is recommended that the City support the event as it is culturally and socially significant for communities of Irish descent as well as the broader community, where everyone enjoys being Irish on this one day of the calendar year.

**9.4.4 Woodville Reserve Master Plan – Progress Report No. 3**

<b>Ward:</b>	North	<b>Date:</b>	16 October 2012
<b>Precinct:</b>	North Perth	<b>File Ref:</b>	CMS0123
<b>Attachments:</b>	<a href="#">001</a> – Indicative Master Plan <a href="#">002</a> – Revised Draft Master Appendix 9.4.4B		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J Anthony, A/Director Community Services		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** Progress Report No. 3 on the progress of the Woodville Reserve Master Plan;
2. **APPROVES** the commissioning of a site survey of the area as marked on the indicative plan at Appendix 9.4.4B\*; and
3. **REQUESTS** that consultation be conducted with representatives of the following stakeholders and a further Progress Report be submitted to the Council at its Ordinary Meeting to be held on 20 November 2012;
  - 3.1 **Men’s Shed;**
  - 3.2 **Community Garden;**
  - 3.3 **Dog owners;**
  - 3.4 **Multicultural Services Centre of Western Australia;**
  - 3.5 **Residents living around the Reserve; and**
  - 3.6 **Current lessees at the Reserve.**

\*Corrected at the meeting

**COUNCIL DECISION ITEM 9.4.4**

**Moved Cr Wilcox, Seconded Cr Topelberg**

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harley was an apology for the Meeting.)

**ADDITIONAL INFORMATION:**

The indicative plan shown in Appendix 9.4.4 has been revised to provide for optimal relocation of built structures and spaces, allowing for an increased provision of public open space (POS).

The POS will be further increased through the demolition of the current Multicultural Day Centre facility, which will be defunct once the new facility is built with improved access and services.

Given the work by the Men’s Shed committee in developing the project, engaging in community consultation and gaining Lotterywest funding, which needs to be expended by June 2013, it is recommended that the project be given approval to proceed so as not to lose momentum and membership support.

**PURPOSE OF REPORT:**

To provide a progress report to the Council on the changes in the Woodville Reserve Master Plan, and the preliminary feedback from the primary stakeholder groups.

**BACKGROUND:**

The Men’s Shed Proposal was approved in principle by Council at its Ordinary Meeting held on 12 July 2011.

At the Ordinary Meeting of Council held on 24 April 2012, the Council approved the implementation plan for the establishment of a Community Garden and the advertisement of the Woodville Reserve Master Plan.

The results of the Community Consultation were provided in the second Progress Report to Council at its Ordinary Meeting held on 24 July 2012. At this meeting, the Council also approved the implementation plan for the establishment of a Community Garden and recorded no support to using part of the Reserve as a car park.

At this meeting, a separate item was presented and approved for the Men's Shed building to be constructed at the facility, allowing workshop machinery to operate between the hours of 9:00am and 5:00pm.

The item relating to the proposed alterations and additions for the Wellness Centre was deferred to the Ordinary Meeting of Council held on 25 September 2012. At this latter meeting, the Council approved a Proposed Alternative Recommendation which would result in a better outcome for the use of Woodville Reserve as follows;

*"That the Council;*

1. *APPROVES IN PRINCIPAL the proposal submitted by Glory Construction on behalf of the owner, the City of Vincent, for Proposed Alterations and Additions (Wellness Centre) to Existing Recreational Facilities (Community Services Building – Multicultural Services Centre of Western Australia Inc.) at No. 10 (Lot 2545; D/P: 143599) Farmer Street, North Perth;*
2. *REQUESTS the Chief Executive Officer to enter into urgent negotiations with the Multicultural Services Centre of Western Australia Inc. and investigate a purpose built facility for Home and Community Care (HACC) and support services for the elderly and those with a disability. The investigation should include, but not be limited to, accommodating the following uses on Woodville Reserve as shown in the indicative plan at Appendix 9.1.2E;*
  - 2.1 *Men's Shed;*
  - 2.2 *Community Garden;*
  - 2.3 *Designated Dog Exercise Area;*
  - 2.4 *Sports Training on Woodville Reserve; and*
  - 2.5 *Alternative mechanisms for providing parking; and*
3. *REQUESTS that a report be submitted to the Council no later than 23 October 2012."*

**DETAILS:**

The City's Officers met with the representatives from the Multicultural Services Centre of WA (MSCWA), Vincent Men's Shed Inc. Steering Committee, and Community Gardens Steering Committee on Thursday 11 October 2012.

The representatives were briefed on the request to review the Woodville Reserve Master Plan with a view to accommodate the Men's Shed, Community Garden, alternative Dog Exercise area in order to accommodate sports training at the Reserve and additional parking.

The City's Officers indicated that the decision was based on achieving the best utilisation of the space given the increased importance of public open space (POS) within the City.

The representatives from the Men's Shed and Community Gardens committees provided an update on the current progress on their respective projects and expressed concern that further changes with result in delays and their losing momentum on the work already achieved.

Concerns were raised about the proximity of the Men's Shed to residents in the new proposed site and the orientation of the shed, noise etc, as well as about funding issues if the project was delayed given the Lotterywest grant needs to be expended by 30 June 2012.



The Community Gardens representatives stated that a site survey is essential to identify services and other features. Health and Safety concerns were raised about having a dog walking park so close to the Community Garden. The City's Officers noted that if the area became a dog area, it would be fenced.

The idea of a dog walking area raised concerns about whether the area would be used by the dog walkers and why a new area was needed given they currently utilise the playing fields.

The MSCWA discussed the possibility of a standalone building instead of an extension which needs to be decided, and raised concerns about parking and access for buses (with regard to appropriate turning circles). They are generally happy to have a standalone building.

The City's Officers advised that whilst the Council is not keen to give up public open space for parking however it was acknowledged that some vehicular access and parking was required on the site.

The extensive work that has been undertaken to date regarding the Men's Shed, Community garden, needs to be pulled together and developed into a master plan to better utilise the space. This could be undertaken in-house by Technical Services and Planning Services with Community Development undertaking the consultation or an external consultant could be engaged.

As part of the development of a Master Plan, consultation with all stakeholders (dog walkers, bowling club, tennis club, residents and sporting clubs) is to be undertaken. A realistic timeframe of six (6) weeks has been given to complete this task.

Once a Master Plan has been developed and approved in principle by the Council, a public meeting is to be convened to discuss the proposed changes with the community and stakeholders.

The general consensus of the group was that it was acknowledged that a new plan that maximises the use and value of the park while addressing the needs of the stakeholders is to be developed. The new Plan must be functional, have support from all stakeholders and have adequate access and parking.

**CONSULTATION/ADVERTISING:**

A Community Consultation strategy to engage the various user groups and stakeholders in a planned approach will be prepared by the City's Officers to progress the project.

**LEGAL/POLICY:**

City of Vincent Town Planning Scheme No. 1 and associated Policies.

**RISK MANAGEMENT IMPLICATIONS:**

**LOW/MEDIUM:** Failure to properly consult on the Master Plan may results in an outcome that does not meet the needs of all stakeholders.

**STRATEGIC IMPLICATIONS:**

In keeping with the City's *Strategic Plan 2011-2016*, Objective 3 states:

*"Community Development and Wellbeing*

- 3.1.5 *Promote and provide a range of community events to bring people together and to foster a community way of life.*
- 3.1.6 *Build capacity within the community for individuals and groups to meet their needs and the needs of the broader community.*
  - (a) *Build the capacity of individuals and groups within the community to initiate and manage programs and activities that benefit the broader community, such as the establishment of "men's sheds", community gardens, toy libraries and the like."*

**SUSTAINABILITY IMPLICATIONS:**

The Men's Shed has been designed with the intention of being sustainable by "*meeting the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity*".

The Steering Committee recognises the importance of reducing their impact on the environment and will give consideration to this in the design of the Shed. The Shed will create social benefits by providing a communal space for local men, thereby increasing belonging and a sense of community. The Shed will provide economic sustainability by supporting local businesses.

The approval of the Community Garden Implementation Plan will assist the project in advancing to the planting stage. As outlined in the Plan, the collaboration with TAFE is a financially sustainable collaboration as much of the costs would be at TAFE's expense. This would leave money remaining in the Community Garden budget for resources, supplies, landscaping and advertising.

**FINANCIAL/BUDGET IMPLICATIONS:**

Expenditure for the Community Gardens will be incurred under the following budgeted item:

Budget Amount:	\$10,000
Spent to Date:	<u>\$ 860</u>
Balance:	\$ 9,140

Expenditure for the Men's Shed will be incurred under the following budgeted item:

Budget Amount:	\$50,000
Spent to Date:	<u>\$ 240</u>
Balance:	\$39,760

A Grant from Lotterywest for \$85,000 for capital works was awarded on 4 July 2012.

**COMMENTS:**

The Woodville Reserve Master Plan aims to create a space that fosters grassroots community projects in a strategically planned and shared reserve facility. Preparing a comprehensive plan to coordinate the current and future uses for the various stakeholder and community users is essential to ensure the valuable public open space is maximised and coordinated to achieve the most effective use of space.

**9.1.2 No. 59 (Lot 23; D/P 527) Glendower Street, Dual Frontage to Primrose Street, Perth – Ancillary Accommodation to Existing Single House (Retrospective Application)**

<b>Ward:</b>	South	<b>Date:</b>	12 October 2012
<b>Precinct:</b>	Hyde Park, P12	<b>File Ref:</b>	PRO5427; 5.2011.468.2
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans <a href="#">002</a> – Archive Plans		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Dyson, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	C Eldridge, Director Planning Services		

**CORRECTED OFFICER RECOMMENDATION:**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES BY ABSOLUTE MAJORITY** the application submitted by Mr S Voros for Ancillary Accommodation to Existing Single House (Retrospective Application) at No. 59 (Lot 23; D/P: 527) Glendower Street, dual frontage to Primrose Street, Perth, and as shown on plans date stamped 11 September 2011 and amended plans date stamped 26 September 2012, subject to the following conditions:

1. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Glendower and Primrose Street(s);
2. Any new street/front wall, fence and gate within the Glendower and Primrose Street(s) setback area, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences;
3. No street verge tree shall be removed. All street verge trees are to be retained and protected from any damage including unauthorized pruning;
4. The two (2) tandem car parking bays to the rear of the property shall be available to the existing dwelling and Ancillary Accommodation structure on site and shall have an approved constructed driveway to Primrose Street and access to road at all times;
5. The Ancillary Accommodation structure is not to be occupied by more than two (2) occupiers;
6. ~~The Ancillary Accommodation to be occupied by a family member of the single dwelling on site;~~

6. **Section 70a Notification**

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

- 6.1 The City of Vincent will not issue a residential car parking permit to any owner or occupier of the residential unit/dwelling. This is because at the time the planning application for the development was submitted to the City, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.

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

7. **Building Approval Certificate**

Within Twenty-Eight days (28) days of the issue date of the approval, a Building Approval Certificate Application along with structural details certified by a Practising Structural Engineer, including plans and specifications of the subject unauthorised modifications (Ancillary Accommodation Structure), shall be submitted to and approved by the City of Vincent Building Services as required under Sections 51, 52 & 54 of the Building Act 2011, and Regulation 4 of the Building Regulations 2012;

8. **PRIOR TO THE ISSUE OF A BUILDING APPROVAL CERTIFICATE**, the following shall be undertaken:

8.1 Removal of street number to Primrose Street for the Ancillary Accommodation; and

8.2 Provision of two (2) car parking bays to the rear of the property in compliance with AS2890.1 *Off Street Car Parking*; and

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

**Advice Note:**

1. The Ancillary Accommodation address is 59 Glendower Street and to be used as the legal address.

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

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**COUNCIL DECISION ITEM 9.1.2**

**Moved** Cr Topelberg, **Seconded** Cr McGrath

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY**  
**BY AN ABSOLUTE MAJORITY (8-0)**

(Cr Harley was an apology for the Meeting.)

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<b>Landowner:</b>	Mr S Voros
<b>Applicant:</b>	Mr S Voros
<b>Zoning:</b>	Metropolitan Region Scheme (MRS): Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	407 Square metres
<b>Right of Way:</b>	Southern Side, 10 metres, Sealed, Public – Dedicated Road

**PURPOSE OF REPORT:**

The application is referred to a meeting of Council as the applicant is proposing an Ancillary Accommodation structure in which variations to the Residential Design Codes are proposed. Council can approve Ancillary Accommodation with variations utilising Clause 40 of the Town Planning Scheme.

**BACKGROUND:**

The conversion of the structure from a Studio/Storeroom occurred over a thirty year period and did not come to the City's attention as a compliance issue until a parking issue was raised, specifically with regard to street parking by an adjoining landowner. The City's Officer's subsequently inspected the property and specifically noted the Ancillary Accommodation structure at the rear of the property. The Ancillary Accommodation was found to be utilised independently from the main dwelling.

**History:**

- 12 July 1945 Garage approved by City of Perth in location of present Ancillary Accommodation Structure.
- 14 February 1979 Alterations and Additions approved to Existing Garage and Conversion into Writing Studio/Storeroom Structure. One of the conditions of approval included the requirement that the Writing Studio not be used for habitation.

**Previous Reports to Council:**

Nil.

**DETAILS:**

The application involves unauthorised alterations and additions and a change of use of the existing approved rear studio/storeroom structure for Ancillary Accommodation. The structure is currently being used for habitable purposes with a laundry and kitchen making it entirely self contained. From a site inspection of the property, alterations noted internally from the originally approved plans included the conversion of the approved storeroom area into a laundry and kitchen area and relocation of the storeroom to the rear of the building. The remainder of the structure is utilised as an open plan living/bedroom area. The building is enclosed by a verandah on both the western elevation and northern elevations. Two (2) car bays are available to both the existing single house and the ancillary accommodation in the rear south western corner.

**ASSESSMENT:**

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

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

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

Issue/Design Element:	Building Setbacks
Requirement:	<b>Residential Design Codes Clause 6.3.1 A1</b> Rear Ancillary Accommodation Structure Eastern – 1.5 metres
Applicants Proposal:	Retrospective Wall – 7.65 metres previously approved on the Eastern Boundary. Extension of Wall 1.55 metres and Verandah 2.71 metres (Total 11.91 metres) – Setback - Nil
Performance Criteria:	<b>Residential Design Codes Clause 6.3.1 P1</b> Buildings setback from boundaries other than street boundaries so as to: <ul style="list-style-type: none"> <li>• provide adequate direct sun and ventilation to the building;</li> <li>• ensure adequate direct sun and ventilation being available to adjoining properties;</li> <li>• provide adequate direct sun to the building and appurtenant open spaces;</li> <li>• assist with protection of access to direct sun for adjoining properties;</li> <li>• assist in ameliorating the impacts of building bulk on adjoining properties; and</li> <li>• assist in protecting privacy between adjoining properties.</li> </ul>
Applicant's Justification Summary:	<i>No specific justification provided by applicant.</i>

<b>Issue/Design Element:</b>	<b>Building Setbacks</b>
Officer technical comment:	<p>The proposed setbacks are considered to comply with the performance criteria in this example as:</p> <ul style="list-style-type: none"> <li>• Despite the provision of a nil boundary parapet wall along the eastern boundary, the provision of significant window openings along the northern and western sides of the structure enable significant direct sun and ventilation to the building.</li> <li>• The extension to the previously approved boundary parapet wall is minor at 1.55 metres in length; it is considered that the provision of sunlight and ventilation to the adjoining dwelling will not be unduly impacted by the wall. The presence of an open yard area to the immediate north of the structure enables sufficient light and ventilation to be accommodated to the adjoining property and habitable rooms along its western façade.</li> <li>• The extension to the structure is located to the south of the block and abutting the right of way to the rear of the property. It is therefore considered with the north south orientation of the block, and in coordination with the Solar Access provisions of the Residential Design Codes, that the wall will not impact the provision of direct sun to the structure or available open spaces.</li> <li>• The extension of wall abuts an open area and side of dwelling area of the adjoining property. It is considered that due to the orientation of lots that consistent sun light will be provided to the adjoining property throughout the year.</li> <li>• The proposed extension is of a length of 1.55 metres and when added to the existing approved wall at 7.65 metres is consistent with the characteristics of a Residential R80 coded property given the minimal site areas and the small nature of the dwellings in this precinct. On this basis it is considered the bulk of the structure is not unduly detrimental to the adjoining property than what would be permitted on a block of this size in any contemporary development.</li> <li>• The boundary parapet wall is of a single storey construction and therefore no privacy issues will result.</li> </ul>

<b>Issue/Design Element:</b>	<b>Access and Parking</b>
Requirement:	<p><b>Residential Design Codes Clause 6.5.1 A1</b> Where Ancillary Accommodation is provided – three spaces, two of which may be in tandem.</p>
Applicants Proposal:	Two (2) Car Parking Bays on site for dwelling and ancillary accommodation.
Performance Criteria:	<p><b>Residential Design Codes Clause 6.5.1 P1</b> P1 Adequate car parking provided on-site in accordance with projected need related to:</p> <ul style="list-style-type: none"> <li>• The type, number and size of dwellings;</li> <li>• The availability of on-street and other off-street parking;</li> <li>• The location of the proposed development to public transport and other facilities.</li> </ul>
Applicant's Justification Summary:	<i>No specific justification provided by applicant.</i>

Issue/Design Element:	Access and Parking
Officer technical comment:	<p>The proposed parking is considered to comply with the performance criteria in this example as:</p> <ul style="list-style-type: none"> <li>• Whilst there are only two (2) car parking bays on site, the presence of street parking in the vicinity, the location of the dwelling in an inner city location and close to major transport nodes is significant justification for the property to permit a reduction in the number of car bays required on site.</li> </ul>

Issue/Design Element:	Ancillary Accommodation
Requirement:	<p><b>Residential Design Codes Clause 6.11.1 A1</b> An additional dwelling or independent accommodation associated with a single house and on the same lot where:</p> <ol style="list-style-type: none"> <li>i) The sole occupant or occupants are members of the family of the occupiers of the main dwelling.</li> <li>ii) The lot is not less than 450 square metres in area;</li> <li>iii) The open space requirements of Table 1 are met;</li> <li>iv) There is a maximum floor area of 60 square metres; and</li> <li>v) One additional car space is provided.</li> </ol>
Applicants Proposal:	<ol style="list-style-type: none"> <li>i) The ancillary accommodation is currently occupied by an occupant not related to the occupant of the single house;</li> <li>ii) The lot has an area of 407 square metres;</li> <li>iii) The open space requirements are met;</li> <li>iv) The maximum floor area is 36.064 square metres; and</li> <li>v) No additional car parking space is provided.</li> </ol>
Performance Criteria:	<p><b>Residential Design Codes Clause P1</b> Ancillary Dwellings that accommodate the needs of large or extended families without compromising the amenity of adjoining properties.</p>
Applicant's Justification Summary:	<p><i>No specific justification provided by the applicant.</i></p>
Officer technical comment:	<p>It is considered the proposal is compliant with the performance criteria of the Residential Design Codes as:</p> <ul style="list-style-type: none"> <li>• Whilst the lot is less than 450 square metres, the structure has existed in this area for at least the last 30 years as an approved Writing Studio.</li> <li>• The Ancillary Accommodation structure is less than the maximum 60m<sup>2</sup> area requirement and given the existing lot area is less than the required lot area for Ancillary Accommodation, it is considered on balance, an appropriate size for the lot.</li> <li>• To ensure compliance with the performance criteria of the Residential Design Codes, the Ancillary Accommodation is to be occupied by a family member of the occupiers of the existing dwelling.</li> <li>• Whilst there are only two (2) car parking bays on site, the location of the dwelling in an inner city location and close to major transport nodes is significant justification for the property to permit a reduction in the number of car bays required on site.</li> </ul>



<b>Issue/Design Element:</b>	<b>Ancillary Accommodation</b>
Requirement:	<p><b>Ancillary Accommodation Policy 3.4.1</b></p> <p>Proposals for Ancillary Accommodation are to be of a type compatible with the aims of the City of Vincent for the area and should be in compliance with the following provisions:</p> <ul style="list-style-type: none"> <li>i) The total area of the Ancillary Accommodation is not to exceed 70 square metres.</li> <li>ii) Where the Ancillary Accommodation structure is proposed to be built above a garage, carport and/or the like structures: <ul style="list-style-type: none"> <li>a) The total area of the Ancillary Accommodation is not to exceed 35 square metres; and</li> <li>b) There is not to be any form of access between the garage, carport and/or the like structures, and the Ancillary Accommodation structure.</li> </ul> </li> <li>iii) The external walls of the Ancillary Accommodation structure, including the external walls of the garage, carport and/or the like structure that it is proposed to be built above, is to be a maximum total height of five (5) metres;</li> <li>iv) The roof area of the Ancillary Accommodation structure is not to be used for habitable purposes; and</li> <li>v) Appropriate design features is to be incorporated into the ancillary accommodation structure, including varying setbacks, roof pitches/form and finishes, and appropriate screening to ensure that the amenity of the area and adjacent neighbour's privacy are not unduly affected.</li> </ul> <p>3) An Ancillary Accommodation structure is not to be occupied by any more than two (2) occupiers.</p> <p>4) Where approval has been granted by the City of Vincent for Ancillary Accommodation and its structure, a minimum of one car parking space in addition to the spaces required for the main dwelling is to be provided; or a Section 70a Transfer of Land Act 1893 Notification shall be registered against the Certificate of Title for the land advising the proprietors or prospective proprietors that the City of Vincent will not issue a residential car parking permit to any owner or occupier of the residential unit/single house and/or ancillary accommodation at the cost of the applicant/owner.</p>
Applicants Proposal:	<ul style="list-style-type: none"> <li>i) The maximum floor area is 36.064 square metres;</li> <li>ii) The structure is existing and a ground floor structure;</li> <li>iii) The structure has a maximum wall height of 2.9 metres.</li> <li>iv) The roof area is not utilised for habitable purposes;</li> <li>v) The structure incorporates a mixture of building forms including brick render, face brick, timber and zinculume roof.</li> </ul> <p>3) The structure is currently utilised by one (1) person and in the event of an approval a condition is recommended ensuring that a maximum of two (2) occupiers are permitted.</p> <p>4) Given that the site has two (2) car parking bays to the rear of the site, a condition for a Section 70a Transfer of Land Act Notification would be required.</p>

<b>Issue/Design Element:</b>	<b>Ancillary Accommodation</b>
Performance Criteria:	Not Applicable
Applicant's Justification Summary:	<i>No specific justification provided by the applicant.</i>
Officer technical comment:	A condition noting the Section 70a Notification on the title has been included to advise the applicant that a residential parking permit will not be issued, given the presence of two (2) car parking bays on site. This does not however preclude a visitor parking permit being applied for. Overall the support of Ancillary Accommodation links into the City's Affordable Housing Strategy whereby the presence of additional living accommodation for additional family members, provides opportunities for reduction of housing stock needed in an inner city locality and lessening the burden on services.

**CONSULTATION/ADVERTISING:**

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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<b>Comments Period:</b>	5 October 2011 – 19 October 2011
<b>Comments Received:</b>	Neighbour consultation was undertaken in relation to the proposed variation relating to on-site parking. Three (3) comments were received, objecting to the development.

<b>Summary of Comments Received:</b>	<b>Officers Technical Comment:</b>
<p>Issue: Car Parking</p> <ul style="list-style-type: none"> <li>Concern the layout of parking for the ancillary accommodation has created a situation where the front dwelling (Glendower Street) effectively has no car parking.</li> <li>Concern regarding parking given the high demand for street parking and parking restrictions along Glendower Street and Primrose Lane.</li> <li>Concern the impact along Primrose Lane from lack of on- site car parking.</li> </ul>	<p>Noted and Dismiss. The plans denote the location of two (2) car bays to be provided on site and in the event of an approval the applicant would be required to ensure access to the parking bays are available to both the dwelling and ancillary accommodation.</p> <p>Noted and Dismiss. The provision of at least two (2) car parking bays on site will alleviate significant concerns being experienced on site by the adjoining owners and any overflow parking may still be accommodated by street parking in the vicinity. Two (2) visitor's car parking permits would be permitted as per the City's Policy but no residential permits would be permitted. Overall it is considered that in a primarily inner city location with good access to high frequency public transport nodes the provision of two (2) car parking bays are adequate to service the occupiers of the dwelling and ancillary accommodation.</p> <p>Noted. See Above.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Operation of Ancillary Accommodation</p> <ul style="list-style-type: none"> <li>Concern that the ancillary accommodation operates independently of the main dwelling and in essence is a dwelling itself, referred to as 8 Primrose Lane.</li> </ul>	<p>Noted and Conditioned. In the event the structure is approved, a condition would be included requiring the use of the Ancillary Accommodation to have a maximum of two occupiers, which must be linked to the main dwelling and not function independently or have a separate street address.</p>
<p>Issue: Unauthorised Renovations</p> <ul style="list-style-type: none"> <li>Concern that any renovation that has been carried out has increased the boundary wall length and thus creating a variation to the acceptable development criteria of the Residential Design Codes.</li> <li>Object to any renovations that have been carried out to the structure over the previous ten (10) years.</li> </ul>	<p>Noted and Dismiss. The structure, despite the clear extension to the building from the earlier approved plans (1979) to the existing configuration of the building is compliant with Clause 6.3.2 A2 <i>Buildings on the Boundary</i> of the Residential Design Codes.</p> <p>Noted and Dismiss. It is considered the increase in length and area of the Ancillary Accommodation that has been noted between the current plans and the last approval for the site is supportable and given the proposed eastern boundary wall of the structure is technically compliant when assessed against Clause 6.3.2 A2 of the Residential Design Codes <i>Buildings on the Boundary</i>, with a length of less than 2/3 eastern boundary and a height of less than 3.5 metres and 3.0 metre average.</p>
<p>Issue: Structural Integrity of Building</p> <ul style="list-style-type: none"> <li>Concern that the existing structure is not structurally sound and not built completely within the subject property's lot.</li> </ul>	<p>Noted and Support. In the event the structure is approved, the applicant, within 28 days of approval, would be required to submit a Building Approval Certificate for the structure by a licensed Building Certifier.</p>

**Design Advisory Committee:**

Referred to Design Advisory Committee: No

**LEGAL/POLICY:**

City of Vincent Town Planning Scheme No. 1, Residential Design Codes and associated Policies.

**Ancillary Accommodation**

The Council at its Ordinary Meeting held on 11 October 2011 considered the draft amended Policy No. 3.4.1 relating to Ancillary Accommodation and resolved to forward this to the WAPC for their approval as there were several proposed variations to the R Codes. The proposed variations to the R Codes are as follows:

- Allowance for non-family members to occupy and reside at the Ancillary Accommodation;
- Decrease the minimum lot size from 450 square metres to 400 square metres;
- Increase the maximum floor size from 60 square metres to 70 square metres; and
- Allowance for a section 70A notification to be applied in lieu of providing an additional car bay.

Several other requirements were also included in this draft policy that does not require the approval of the WAPC.

In a letter dated 10 April 2012, the WAPC advised the following:

*"...the Western Australian Planning Commission has refused to grant approval to the City's Planning and Building Policy No. 3.4.1 – Ancillary Accommodation as the Commission considers that proposed variations to the Residential Design Codes (R Codes) requirements for ancillary accommodation should:*

- (i) await the outcome of the review of the R Codes; and*
- (ii) if the City chooses to pursue any proposed variations to the R Codes provisions for ancillary accommodation, these variations should be implemented by an amendment to the local planning scheme rather than a local planning policy."*

In light of the fact that the WAPC has not supported the City's draft amended policy and that Clause 5.2 of the R Codes states that *"If a properly adopted local planning policy which came into effect prior to the gazettal of the codes is inconsistent with the codes, the codes prevail over the policy to the extent of the inconsistency"*, the City's Officers have adopted an interim practice to apply to Ancillary Accommodation applications until such time the 2012 R Codes are gazetted and the policy has been amended. This practice involves all applications for Ancillary Accommodation structures being assessed in accordance with the R Codes, rather than the policy, where there is an inconsistency with the policy.

Further to this, the City under Clause 40 of the Town Planning Scheme No. 1 can approve variations to non complying standards in both the Town Planning Scheme and R Codes on a case by case basis. This is dependant on whether the Council is satisfied that the development, if approval was granted, that the development would have regard to orderly and proper planning, no adverse impact to the adjoining landowners and not impact to the future development of the locality.

#### **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*.

#### **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 conversion of the structure for habitable purposes will ensure the reuse of existing buildings and provide for adaptive living.	

SOCIAL	
Issue	Comment
The conversion of the structure for habitable purposes will ensure additional accommodation opportunities for familial persons to be co located on site and greater housing choice.	

ECONOMIC	
Issue	Comment
The conversion of the structure for habitation could allow for the provision of additional living space for an extended family, limiting possible economic hardship that may have occurred.	

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS & CONCLUSION:**

Based on the above it is considered that if the applicant ensures access to two (2) car parking bays to both the main dwelling and ancillary accommodation, it is considered that the site's location in an inner city area and linked closely to the major transport nodes in close proximity, that the conversion of the building into an approved Ancillary Accommodation would not be of a significant impact. Furthermore, if the structure is only occupied by a maximum of two (2) persons, the parking provided would be sufficient. In respect to the unauthorised additions to the structure which have taken place outside the existing approvals for the property, it is considered that these are of a minimal nature and still afford the adjoining property significant amenity. In addition, to ensure that works which have taken place outside the existing approvals for the site are compliant with the Building Code of Australia, the City requires a Building Approval Certificate to be applied for and certified, to ensure its structural integrity and fit for habitation.

In addition, as noted above, all ancillary accommodation applications are currently considered on a case by case basis and those which do not comply with the R Code provisions will be considered as non complying applications and reported to Council for determination in accordance with Clause 40 of the City of Vincent Town Planning Scheme No. 1. Given that the applicant is seeking a variation to the requirements of the Ancillary Accommodation provisions of the Residential Design Codes, an Absolute Majority decision is required from Council.

In light of the above, it is recommended that the retrospective application be approved subject to the conditions listed above.

**9.1.8 No. 110 (Lot 31; D/P 18903) Broome Street, Highgate – Proposed Construction of Three (3) Storey Building Comprising Eight (8) Multiple Dwellings, One (1) Single Bedroom Dwelling and Associated Car Parking**

<b>Ward:</b>	South	<b>Date:</b>	16 October 2012
<b>Precinct:</b>	Forrest; P14	<b>File Ref:</b>	PRO4049; 5.2012.304.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans <a href="#">002</a> – Applicants Justification <a href="#">003</a> – Applicant Response to Community Consultation		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	S Radosevich, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	C Eldridge, Director Planning Services		

**CORRECTED OFFICER RECOMMENDATION:**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Carrisa Pty Ltd on behalf of the owners, Baker Investments Pty Ltd, for Proposed Construction of Three (3) Storey Building Comprising Eight (8) Multiple Dwellings, One (1) Single Bedroom Dwelling and Associated Car Parking at No. 110 (Lot 31; D/P: 18903) Broome Street, Highgate, and as shown on plans stamp-dated 4 July 2012 and amended plans stamp-dated 16 October 2012, subject to the following conditions:

1. all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Broome Street;
2. any new street/front wall, fence and gate within the Broome 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;
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;
4. the owners shall make application to obtain the consent of the owners of No. 112 Broome Street for entry onto their land; the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 112 Broome Street in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork;
5. ~~the owner(s), or the applicant on behalf of the owner(s), shall comply with the City of Vincent Percent for Public Art Policy No. 3.5.13 and the Percent for Public Art Guidelines for Developers, including:~~
  - 5.1 ~~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 \$10,800 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$1,080,000); and~~

~~5.2 — in conjunction with the above chosen option;~~

~~5.2.1 — 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~~

~~5.2.2 — Option 2—~~

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

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

5.1 Amended Plans

The electric swing gate is to be setback a minimum of 6 metres from the front boundary to ensure vehicles waiting for the gate to open do not obstruct the footpath or road;

5.2 Construction Management Plan

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

5.3 Landscape and Reticulation Plan

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

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

5.3.1 provision of increased soft landscaping of ten (10) percent of the total site common areas with a view to significantly reduce areas of hardstand and paving;

5.3.2 the visitors parking and driveway that are not covered by the building above shall be landscaped and shall comprise of grass-crete or concrete rings placed cylindrically with grass-seed grown within or an equivalent alternative treatment to the satisfaction of the City's Manager Parks and Property Services, whilst providing sufficient pedestrian access along the driveway;

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

5.3.4 all vegetation including lawns;

5.3.5 areas to be irrigated or reticulated;

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

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

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

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

**5.4 Single Bedroom Dwellings Section 70 A Notification under the Transfer of Land Act**

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

~~5.4.1 a maximum of one (1) bedroom and two (2) occupants are permitted in the single bedroom dwelling at any one time;~~

~~5.4.2 the floor plan layout of the single bedroom dwelling shall be maintained in accordance with the Planning Approval plans; and~~

~~5.4.3~~ The City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the City, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.

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

**5.5 Schedule of External Finishes**

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

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

**6.1 Car Parking**

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

**6.2 Vehicular Entry Gates**

Any proposed vehicular entry gates shall be a minimum 50 per cent visually permeable, and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors at all times. Details of the management measures shall be submitted;

**6.3 Clothes Dryer**

Each multiple dwelling shall be provided with a screened outdoor area for clothes drying;



**6.4 Residential Car Bays**

A minimum of seven (7) and two (2) car bays shall be provided for the residents and visitors respectively. The nine (9) car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development;

**6.5 Visitor Bays**

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

**6.6 Bicycle Parking**

Three (3) and one (1) bicycle bays for the residents and visitors of the development shall be provided; 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 NOTE**

**1. Crossover**

**An application for a crossover is to be submitted to, and approved by, the City's Technical Services.**

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

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**COUNCIL DECISION ITEM 9.1.8**

**Moved Cr Buckels, Seconded Cr McGrath**

**That the recommendation be adopted.**

**Debate ensued.**

**MOTION PUT AND CARRIED (6-2)**

**For:** Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr Pintabona, Cr Topelberg, Cr Wilcox

**Against:** Cr Maier, Cr McGrath

**(Cr Harley was an apology for the Meeting.)**

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**ADDITIONAL INFORMATION:**

The City's Policy No. 3.4.7 relating to Single Bedroom Dwellings requires a Section 70A notification on the Title; however since the introduction of Part 7 to the R-Codes in November 2010 this requirement has become redundant. This is due to the changes to the multiple dwelling requirements no longer requiring a minimum site area, with plot ratio and height being the determining factors of assessment. As there is no minimum site area requirement for multiple dwellings, there is no longer the potential for a density bonus for single bedroom multiple dwellings. Therefore the density bonus can only be applied to grouped dwellings comprising single bedroom dwellings.

It is also noted in this instance that the single bedroom dwelling does not have the potential for an additional bedroom to be achieved.

Accordingly, the City's Strategic Planning Services are currently reviewing the City's Residential Design Elements Policy No. 3.2.1, with the Single Bedroom Dwellings Policy being reviewed in conjunction with this policy.

**PURPOSE OF REPORT:**

This proposal requires referral to the Council for determination given that the development comprises four (4) or more dwellings and it is a three (3) storey development.

**BACKGROUND:**

**History:**

Date	Comment
11 March 2008	The Council at its Ordinary meeting approved a development application for the demolition of an existing single house and construction of two (2), two-storey single houses.
15 April 2010	The City approved a development application for the construction of a single house under delegated authority.

**Previous Reports to Council:**

Nil.

**DETAILS:**

The application proposes the construction of a three storey building comprising eight multiple dwellings, one single bedroom dwelling and associated car parking.

<b>Landowner:</b>	Baker Investments Pty Ltd
<b>Applicant:</b>	Carrisa Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS): Residential R80
<b>Existing Land Use:</b>	Vacant Site
<b>Use Class:</b>	Multiple Dwellings
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	630 square metres
<b>Right of Way:</b>	Not Applicable

**ASSESSMENT:**

**Town Planning Scheme/R Codes/Residential Design Elements Initial Assessment**

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

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

<b>Issue/Design Element:</b>	<b>Streetscape</b>
Requirement:	<b>Residential Design Elements BDADC 3</b> Roof pitches between 30 degrees and 45 degrees (inclusive).
Applicants Proposal:	Flat roof, 3 degree, 5 degree and 10 degree roof pitches.
Performance Criteria:	<b>Residential Design Elements BDPC 3</b> The roof of a building is to be designed so that: <ul style="list-style-type: none"> <li>• It does not unduly increase the bulk of the building;</li> <li>• In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and</li> <li>• It does not cause undue overshadowing of adjacent properties and open space.</li> </ul>
Applicant justification summary:	The roof design has been chosen to minimise the perceived bulk of the development from the street and adjoining properties, as well as reducing the extent of the shadow cast. The low 30 degree pitch significantly reduces the overall height of the development. There is no strong theme in the established streetscape, and in particular a pitch roof form does not represent a unifying design element. As a result the roof form emphasises the design of the development and contributes to the street façade. Further, in providing a raked roof form, it creates the opportunity to provide highlight windows that allow northern light into the upper level units without compromising the privacy of the adjoining properties.
Officer technical comment:	The proposed roof pitch complies with the Performance Criteria as it considered that it does not unduly increase the bulk of the building, with the roof pitch being in keeping with the contemporary design of the proposal.  It is also noted that the overshadowing complies with the Performance Criteria of Clause 7.4.2 "Solar Access for Adjoining Sites" of the R-Codes, as the proposed overshadowing is clear of the adjoining properties outdoor living areas, major openings to habitable rooms, solar collectors and balconies or verandahs; therefore not resulting in any undue overshadowing of adjacent properties.

<b>Issue/Design Element:</b>	<b>Front Setback</b>
Requirement:	<b>Residential Design Elements SADC 5</b> <u>Upper Floors</u> A minimum of 2 metres behind each portion of the ground floor setback.
Applicants Proposal:	<u>First and Second Floors</u> Stairs are in-line with the ground floor Apartments 2 and 6 are 3 metres behind the ground floor.

Issue/Design Element:	Front Setback
Performance Criteria:	<p><b>Residential Design Elements SPC 5</b> Development is to be appropriately located on site to:</p> <ul style="list-style-type: none"> <li>• Maintain streetscape character;</li> <li>• Ensure the amenity of neighbouring properties is maintained;</li> <li>• Allow for the provision of landscaping and space for additional tree plantings to grow to maturity;</li> <li>• Facilitate solar access for the development site and adjoining properties;</li> <li>• Protect significant vegetation; and</li> <li>• Facilitate efficient use of the site.</li> </ul> <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>The plans have been updated to improve the presentation of the building to the street and the manner in which it presents to the public realm. It also endeavours to engage with the street and assist in activation of the ground floor plane. The following key improvements have been made:</p> <ul style="list-style-type: none"> <li>• <i>Introduction of a ground floor unit.</i> This will provide a visual presence and sense of activity at ground level. The unit will provide continuity along the street and interaction between building and pedestrians moving along the street. The front courtyard will be dedicated for exclusive use to this apartment to promote high levels of use, and consequently, high levels of natural surveillance of the street.</li> <li>• <i>Visual Interest on Corner.</i> The design of the façade has been amended to provide an improved presentation to the street. The proposal has introduced squares of glass to the stairway that creates a pattern and an identifiable character for the building. Clear glazing is proposed to enable direct views from the stairway to the street, and facilitates the perception of movement from within the dwelling. The stairwell is integrated into the building design as a feature while providing security through the surveillance it creates.</li> <li>• <i>Use of Materials and Palette</i> As part of amending the design to incorporate a ground floor unit, there has been a revision to the treatment to the ground floor. The ground level is a narrow profile face brick laid using stack bond. The upper levels are rendered and painted, with the upper levels projecting out over the ground level to introduce depth to the façade. This creates a strong base supporting the upper levels. The material palette has been chosen based on local elements that are used widely in the street.</li> </ul>

Issue/Design Element:	Front Setback
Officer technical comment:	<p>The proposed ground floor setback complies with the Acceptable Development provisions, with the average being 3.51 metres and the proposal being setback 3.9 metres from Broome Street, therefore maintaining the existing street setback to Broome Street.</p> <p>The setbacks of the upper floors comply with the Performance Criteria. Although the stairs to the first and second floors are flush with the ground floor setback, they are not considered to have an undue impact on the streetscape. The balconies facing Broome Street are setback 1 metre behind the ground floor setback, with the apartments being 3 metres behind the ground floor setback; which assists in reducing the building bulk on Broome Street and is in keeping with the evolving streetscape. It is also noted that there is no car parking located within the street setback area, therefore maintaining the traditional streetscape.</p> <p>It is also noted that the stairs have been designed as a feature of the development, with the glass Tetris pattern being used to make the stairway a feature and providing interest to Broome Street.</p> <p>The proposed landscaping space within the front setback area is typical of a residential development, with there being sufficient space provided for vegetation to grow.</p> <p>The proposed overshadowing complies with the Performance Criteria of Clause 7.4.2 “Solar Access for Adjoining Sites” of the R-Codes, as the proposed overshadowing is clear of the adjoining properties outdoor living areas, major openings to habitable rooms, solar collectors and balconies or verandahs; therefore not resulting in any undue overshadowing of adjacent properties.</p>

Issue/Design Element:	Building Setbacks
Requirement:	<p><b>Residential Design Codes Clause 7.1.4 A4.2</b></p> <p><u>Ground Floor</u> North-western boundary: 3.5 metres North-eastern boundary: 3.5 metres South-eastern boundary: 3.5 metres</p> <p><u>First and Second Floors</u> North-western boundary: 3.5 metres North-eastern boundary: 3.5 metres South-eastern boundary: 3.5 metres</p>
Applicants Proposal:	<p><u>Ground Floor</u> North-western boundary: 2.4 metres North-eastern boundary: 2.09 metres – 3.65 metres South-eastern boundary: 1.2 metres – 6.4 metres</p> <p><u>First and Second Floors</u> North-western boundary: 1.45 metres – 2.1 metres North-eastern boundary: 2.1 metres South-eastern boundary: 1.2 metres – 3.95 metres</p>

Issue/Design Element:	Building Setbacks
Performance Criteria:	<p><b>Residential Design Codes Clause 7.1.4 P4.1</b> Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> <li>• ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them;</li> <li>• moderate the visual impact of building bulk on a neighbouring property;</li> <li>• ensure access to daylight and direct sun for adjoining properties; and</li> <li>• assist with the protection of privacy between adjoining properties.</li> </ul>
Applicant justification summary:	<p>The side boundary setback to the north-western boundary has been designed with reference to the overshadowing impacts on the site. The development has been designed to be positioned closer to the north-western boundary than the south-eastern boundary.</p> <p>The perception of building bulk has been controlled through the variation in the side boundary setback through the use of recesses and projections. The north-west elevation is highly varied and provides significant articulation, to break down the overall perception of building bulk and scale.</p> <p>There are no direct views from the north-west façade into the adjoining property. All openings to the side boundary are screened or above 1.6 metres in height. Therefore there will be no privacy impacts or overlooking from the development.</p>
Officer technical comment:	<p>The proposed development complies with the Performance Criteria as the proposed setbacks do not result in any undue impact on the adjoining properties in terms of sunlight and ventilation.</p> <p>Screening has been provided along all façades, therefore complying with the Acceptable Development provisions of Clause 7.4.1 “Visual Privacy” of the R-Codes; therefore protecting privacy between the subject site and the adjoining properties.</p> <p>The proposed overshadowing complies with the Performance Criteria of Clause 7.4.2 “Solar Access for Adjoining Sites” of the R-Codes, as the proposed overshadowing is clear of the adjoining properties outdoor living areas, major openings to habitable rooms, solar collectors and balconies or verandahs; therefore not resulting in any undue overshadowing of adjacent properties.</p> <p>The proposed design features incorporated into the development provide articulation, which aids in minimising the impact of the bulk of the building on both the adjoining properties and Broome Street.</p>

<b>Issue/Design Element:</b>	<b>Building Height/Building Storeys</b>
Requirement:	<p><b>Residential Design Elements BDADC 5</b> Top of external wall (roof above): 6 metres Top of pitched roof: 9 metres</p> <p><b>Multiple Dwellings in Residential Zones Policy No. 3.8.4</b> 2 storey's (including loft)</p>
Applicants Proposal:	<p>Top of external wall (roof above): 10.7 metres Top of pitched roof: 11 metres</p> <p>3 storey's</p>
Performance Criteria:	<p><b>Residential Design Elements BDPC 5</b> Building height is to be considered to:</p> <ul style="list-style-type: none"> <li>• Limit the height of dwellings so that no individual dwelling dominates the streetscape;</li> <li>• Limit the extent of overshadowing and visual intrusion on the private space of neighbouring properties; and</li> <li>• Maintain the character and integrity of the existing streetscape.</li> </ul>
Applicant justification summary:	<p>The proposal has been designed to be sensitive to the context of the locality, responding to the rhythm of the streetscape and limiting the extent of overshadowing on the adjoining lots.</p> <p>In order to reduce the perception of height, the building has been designed with a raked roof at a low 30 degree pitch. The street facing balconies of the front units are covered by a parapet roof, so the raked roof behind is not visible. This configuration significantly reduces the perceived height of the dwelling.</p>
Officer technical comment:	<p>The proposed development complies with the Performance Criteria in this instance as the proposed building is in keeping with the type of development consistent with a Residential R80 density coding.</p> <p>It is also noted that the subject site is approximately 75 metres from Beaufort Street; therefore the scale of the development is also in keeping with the style of development expected in this type of location.</p> <p>The proposal does not dominate the streetscape as the ground floor setback and the setback of the balconies comply with the Acceptable Development provisions of the Clause SADC 5 "Street Setbacks" of the City's Residential Design Elements Policy No. 3.2.1. Although the stairway is flush with the ground floor setback it complies with the Performance Criteria provisions of Clause SPC 5 "Street Setbacks" of the City's Residential Design Elements Policy No. 3.2.1, with the setbacks being in keeping with the existing and evolving streetscape of Broome Street.</p> <p>Screening has been provided along all façades, therefore complying with the Acceptable Development provisions of Clause 7.4.1 "Visual Privacy" of the R-Codes; therefore protecting privacy between the subject site and the adjoining properties.</p> <p>The proposed overshadowing complies with the Performance Criteria of Clause 7.4.2 "Solar Access for Adjoining Sites" of the R-Codes, as the proposed</p>

<b>Issue/Design Element:</b>	<b>Building Height/Building Storeys</b>
	overshadowing is clear of the adjoining properties outdoor living areas, major openings to habitable rooms, solar collectors and balconies or verandahs; therefore not resulting in any undue overshadowing of adjacent properties.

<b>Issue/Design Element:</b>	<b>Access and Parking</b>
Requirement:	<b>Residential Design Codes Clause 7.3.4 A 4.2</b> Visitors' spaces, including bicycle spaces, must be: <ul style="list-style-type: none"> <li>clearly marked;</li> <li>located close to and clearly signposted from the point of entry to the development and outside any security barrier; and</li> <li>providing a barrier-free path of travel for people with disabilities.</li> </ul>
Applicants Proposal:	Visitor spaces are located behind the security gate.
Performance Criteria:	<b>Residential Design Codes Clause P4.1 and 4.2</b> Car parking facilities designed and located to be convenient, secure and consistent with streetscape objectives.  The setting of vehicle accommodation does not detract from the streetscape or appearance of the development.
Applicant justification summary:	The development has been effectively designed in an undercroft configuration to screen all car parking bays from public view. The visitor car parking is located within the development, behind the security gate. Two car parking bays will be allocated visitors and an intercom system will enable visitors to call the unit with the security gate able to be opened from within the unit. The locality has pressure on street car parking due to the high level of attractors along Beaufort Street, and there is risk of visitor bays being used by people who are not bona fide visitors of the development. Therefore, the solution put forward by this proposal results in a situation that creates a superior outcome from a streetscape point of view as well as ensuring the car parking bays are available for visitors.
Officer technical comment:	The proposed car parking configuration provides for the spaces to be conveniently located and secure, with the proposal having no parking bays located within the street setback area, therefore maintaining the existing streetscape.  It is also noted that the location of the visitor bays does not detract from the streetscape or appearance of the development.

<b>Issue/Design Element:</b>	<b>Outdoor Living Areas</b>
Requirement:	<b>Residential Design Codes Clause 7.3.1 A1</b> Each unit is to be provided with at least one balcony or equivalent, accessed directly from a habitable room with a minimum area of 10 square metres and a minimum dimension of 2.4 metres.
Applicants Proposal:	Apartments 2 and 6: Balconies with a minimum dimension of 2 metres.



<b>Issue/Design Element:</b>	<b>Outdoor Living Areas</b>
Performance Criteria:	<b>Residential Design Codes Clause 7.3.1 P1</b> 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.
Applicant justification summary:	All of the units are provided with generous balconies with highly usable proportions. All of the balconies comply with the 'Acceptable Development' provisions of the R-Codes with the exception of the upper two balconies of the street facing units (apartments 2 & 6). These balconies are 14 m <sup>2</sup> however and have a minimum dimension of 2.0 metres – slightly less than the 2.4 metres Acceptable Development Provision.  The street facing balconies have been designed to promote high levels of use. They have a solid wall to the north-western boundary to protect the balcony from the hot western sun, which enables use across the day and throughout the year. The balconies are directly accessible from both the living area and the kitchen, with sliding doors which effectively increase the depth of the balconies by blending the indoor and outdoor areas.
Officer technical comment:	The proposed balconies to apartments 2 and 6 are capable of use in conjunction with the living of each dwelling, with them also being open to winter sun.  It is also noted that the proposed balconies to both apartments 2 and 6 are provided with a greater area, therefore increasing their usability.

<b>Issue/Design Element:</b>	<b>Solar Access</b>
Requirement:	<b>Residential Design Codes Clause 7.4.2 A2</b> Not Applicable
Applicants Proposal:	Not Applicable
Performance Criteria:	<b>Residential Design Codes Clause 7.4.2 P2</b> Development designed with regard for solar access for neighbouring properties taking account the potential to overshadow: <ul style="list-style-type: none"> <li>• outdoor living areas;</li> <li>• major openings to habitable rooms;</li> <li>• solar collectors; or</li> <li>• balconies or verandahs.</li> </ul>
Applicant justification summary:	The overshadowing of the development is minimal due to the combination of the roof design and side boundary setbacks. The R-Codes do not control overshadowing for sites with an R-80 coding, however, using the R60 provisions the site is allowed to overshadow up to 50 % of adjoining site. The proposal results in a shadow of less than 1 % of the adjoining site, measured at midday on 21 June in accordance with the provisions of the R-Codes. It is noted that the modelling undertaken has identified that the shadowing from the proposed development will only slightly exceed the shadow created from the side boundary fencing.

Issue/Design Element:	Solar Access
Officer technical comment:	The proposed overshadowing complies with the Performance Criteria of Clause 7.4.2 "Solar Access for Adjoining Sites" of the R-Codes, as the proposed overshadowing is clear of the adjoining properties outdoor living areas, major openings to habitable rooms, solar collectors and balconies or verandahs. The proposed overshadowing falls predominantly within the subject site over the driveway; therefore not resulting in any undue overshadowing of adjacent properties.

Issue/Design Element:	Site Works
Requirement:	<b>Residential Design Elements BDADC 7</b> Excavation or filling proposed between the building line and street boundary, does not exceed 500 millimetres, except where strictly necessary to provide access for pedestrians or vehicles, or natural light for a dwelling.
Applicants Proposal:	North-western boundary: Excavating up to 0.7 metres.
Performance Criteria:	<b>Residential Design Elements BDPC 7</b> Minimise changes to natural ground level of the development lot.
Applicant justification summary:	The extent of cut proposed does comply with the 'Acceptable Development' provision requirements of the R-Codes within the front setback. However, there is significant benefit gained by lowering the ground level of the site to reduce potential impacts of the development when viewed from the street as well as on the adjoining lots. Further, the slightly lowered ground level of the courtyard will create a sense of privacy to the street that will encourage higher levels of use. The retaining walls have been seamlessly integrated into the design, so as to retain the visual impression of the natural level of the site.
Officer technical comment:	The proposed development complies with the Performance Criteria as the development retains the visual impression of the natural level of the site, as seen from both Broome Street and the adjoining properties. It is due to the sloping nature of the site to the rear north-western corner, that the excavation of the site exceeds 500 millimetres.

**CONSULTATION/ADVERTISING:**

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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<b>Comments Period:</b>	10 August 2012 to 31 August 2012
<b>Comments Received:</b>	Ten (10) objections.

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Privacy</p> <ul style="list-style-type: none"> <li>Windows to the staircase in the foyers should be screened.</li> <li>There are a number of windows that appear semi-opaque/openable and with direct views into the adjoining properties.</li> </ul>	<p>Supported and Addressed. Amended plans have been received confirming that all major openings to the first and second floors on the side and rear elevations have been screened up to 1.6 metres above the finished floor level, in accordance with the Acceptable Development provisions of Clause 7.4.1 "Visual Privacy" of the R-Codes.</p>

Summary of Comments Received:	Officers Technical Comment:
<ul style="list-style-type: none"> <li>Balconies directly overlook neighbouring properties and do not comply with the requirements of the R-Codes.</li> </ul>	<p>It is also noted that the centre and rear stairwells are proposed to be glazed with obscure glass to control any potential overlooking.</p>
<p>Issue: Overshadowing</p> <ul style="list-style-type: none"> <li>Overshadowing does not demonstrate the impact on adjoining strata lots.</li> <li>The courtyard areas of the adjoining strata lots will be overshadowed and exceed the standards prescribed in the R-Codes.</li> </ul>	<p>Dismiss. The proposed overshadowing complies with the Performance Criteria of Clause 7.4.2 "Solar Access for Adjoining Sites" of the R-Codes, as the proposed overshadowing is clear of the adjoining properties outdoor living areas, major openings to habitable rooms, solar collectors and balconies or verandahs. The proposed overshadowing falls predominantly within the subject site over the driveway; therefore not resulting in any undue overshadowing of adjacent properties.</p>
<p>Issue: Building Height / Number of Storeys</p> <ul style="list-style-type: none"> <li>The three storey development is inconsistent with the existing Broome Street character.</li> <li>Wall height exceeds maximum building heights.</li> <li>The building height will dominate views from adjoining properties.</li> </ul>	<p>Dismiss. The proposed development is in keeping with the type of development expected on a lot with a Residential R80 density coding. It is also noted that the subject site is approximately 75 metres from Beaufort Street; therefore the scale of the development is also in keeping with the style of development expected in this type of location.</p> <p>The proposal does not dominate the streetscape as the ground floor setback and the setback of the balconies comply with the Acceptable Development provisions of the Clause SADC 5 "Street Setbacks" of the City's Residential Design Elements Policy No. 3.2.1. Although the stairway is flush with the ground floor setback it complies with the Performance Criteria provisions of Clause SPC 5 "Street Setbacks" of the City's Residential Design Elements Policy No. 3.2.1, with the setbacks being in keeping with the existing and evolving streetscape of Broome Street.</p> <p>The proposal complies with the Performance Criteria of Clause 7.1.4 "Side and Rear Boundary Setback" of the R-Codes as the proposed setbacks do not result in any undue impact on the adjoining properties in terms of privacy, sunlight and ventilation.</p> <p>The proposed design features incorporated into the development provide articulation, which aids in minimising the impact of the bulk of the building on both the adjoining properties and Broome Street.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Dividing Fences</p> <ul style="list-style-type: none"> <li>• Impacts visual amenity.</li> <li>• No neighbouring houses have fencing exceeding 1.8 metres.</li> </ul>	<p>Supported and Addressed. Amended plans have been received demonstrating that the boundary fencing does not exceed 1.8 metres in height.</p>
<p>Issue: Building Size</p> <ul style="list-style-type: none"> <li>• Eight units on a small block – This is not a reasonable scale.</li> </ul>	<p>Supported and Addressed. Amended plans have been received demonstrating that the proposal complies with the Acceptable Development provisions of Clause 7.1.1 “Building Size” of the R-Codes.</p> <p>The proposed development is in keeping with the type of development expected on a lot within a Residential R80 density coding. It is also noted that the subject site is approximately 75 metres from Beaufort Street; therefore the scale of the development is also in keeping with the style of development expected in this type of location.</p>
<p>Issue: Street Setbacks</p> <ul style="list-style-type: none"> <li>• The street setback is inconsistent with the existing Broome Street character.</li> <li>• The proposed setback adversely affects the amenity of adjoining properties.</li> <li>• The street setback does not allow for adequate landscaping.</li> </ul>	<p>Dismiss. The proposed ground floor setback complies with the Acceptable Development provisions, with the average being 3.51 metres and the proposal being setback 3.9 metres from Broome Street, therefore maintaining the existing street setback to Broome Street.</p> <p>Amended plans have been received demonstrating that the balconies facing Broome Street are setback 1 metre behind the ground floor setback, with the apartments being 3 metres behind the ground floor setback.</p> <p>The stairs to the first and second floors are flush with the ground floor setback; however they comply with the Performance Criteria of Clause SADC 5 “Street Setbacks” of the City’s Residential Design Elements Policy No. 3.2.1. As the balconies on the adjoining property are flush with the ground floor it is considered that the stairs do not have an undue impact on the streetscape as it is in keeping with the evolving streetscape.</p> <p>It is also noted that the stairs have been designed as a feature of the development, with the glass Tetris pattern being used to make the stairway a feature and providing interest to Broome Street.</p> <p>The proposed landscaping space is typical of a residential development, with there being sufficient space provided for vegetation to grow.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Size of Stores</p> <ul style="list-style-type: none"> <li>Should keep to guidelines as they exist for a reason.</li> </ul>	<p>Supported and Addressed. Amended plans have been received demonstrating that the stores comply with the Acceptable Development provisions of Clause 7.4.7 "Essential Facilities" of the R-Codes.</p>
<p>Issue: Cut and Fill</p> <ul style="list-style-type: none"> <li>The proposed development is to be constructed in part with nil setbacks along the common boundary. The excavations shall be up to 1.2 metres below the ground level of the adjoining properties. The work will require the modification to the existing retaining wall and fence. This may result in loss of security and privacy. The work needs to be managed with proper consultation, temporary fencing, prompt construction of the new retaining wall/fence and making good to adjoining properties paving/gardens</li> <li>The works need to be undertaken to ensure that the compaction and stability of the foundations and the services adjacent to the boundary are maintained. This would require an independent inspection.</li> </ul>	<p>Dismiss. These concerns will be assessed and addressed as part of the Building Permit process.</p>
<p>Issue: Driveway Width</p> <ul style="list-style-type: none"> <li>Blatant disregard to recommendation.</li> </ul>	<p>Supported and Addressed. Amended plans have been received demonstrating that the driveway complies with the Acceptable Development provisions of Clause SADC 15 "Driveways and Crossovers" of the City's Residential Design Elements Policy.</p>
<p>Issue: Roof Form</p> <ul style="list-style-type: none"> <li>The roof form at the front of the building is skillion but then there is a silhouetted outline of a massive pitched roof toward the rear of the structure that is obviously oversized which makes it confronting, imposing and will degrade the character of the street.</li> </ul>	<p>Dismiss. The proposal comprises a flat roof, and 5 degree and 10 degree roof pitches.</p> <p>The proposed roof pitch is in keeping with the contemporary design of the proposal and does not result in an undue impact on the streetscape.</p>
<p>Issue: Car Parking</p> <ul style="list-style-type: none"> <li>Are visitors expected to fight for street parking which is already chaotic at the best of times.</li> <li>There are eleven off street parking bays on plan but what happens if each dwelling is occupied by 2 people and each have a car?</li> </ul>	<p>Dismiss. There are currently eleven (11) car parking spaces provided on-site, which exceeds the Acceptable Development provisions of Clause 7.3.3 "On-Site Parking Provision" of the R-Codes. It is a condition of approval that a minimum of seven (7) resident's bays and two (2) visitor bays are provided for the development in accordance with Clause 7.3.3 of the R-Codes.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Social Issues</p> <ul style="list-style-type: none"> <li>• This has the potential to attract social problems, increase in traffic congestion and parking difficulties and adds to the irreversible destruction of an old-time feel area.</li> <li>• They are obviously going to be cheaply built and the residents will be overcrowded. This needs some thought for the future – this is a slum in the making.</li> </ul>	<p>Dismiss. The proposed development is in keeping with the type of development expected on a lot with a Residential R80 density coding. It is also noted that the subject site is approximately 75 metres from Beaufort Street; therefore the scale of the development is also in keeping with the style of development expected in this type of location.</p>
<p>Issue: Property Values</p> <ul style="list-style-type: none"> <li>• The proposal will could result in property values decreasing.</li> </ul>	<p>Dismiss. This is not a valid planning objection.</p>

Note: Submissions are considered and assessed by issue rather than by individual submitter for clarity.

**Design Advisory Committee:**

Referred to Design Advisory Committee: Yes

Summary of Design Advisory Committee Comments:

1. *The proposed approach to elevating all accommodation with no apartment or tenancy connection to the ground level street frontage is not supported by the Design Advisory Committee. The Design Advisory Committee does not recommend this approach be approved as it does not contribute to the activation of the street and should not be encouraged with future developments;*
2. *The ground level is to be activated with either an apartment, townhouse or commercial/ office or retail tenancy;*
3. *Articulate the West elevation to reduce bulk and impact, improve access to direct north sun penetration, provide low-level outlook from bedrooms and conform with R-Code setback requirements;*
4. *Revise the bulk and massing on the east elevation to reduce impact to the adjacent single storey residence;*
5. *Provide additional windows to the north facing apartments for direct solar access;*
6. *Provide more design consideration to the front courtyard (see also notes 1 and 2);*
7. *Improve the Foyer 1 stairwell street connection with additional fenestration; explore the role of this as the 'feature' entry. Do not extend the main roof over the stair;*
8. *Provide openable openings to the kitchen for cross ventilation to the main living areas. Awning windows will maintain the required privacy;*
9. *Review materials selection based on creating a positive connection with the remaining older houses;*
10. *Provide separate / clearly defined access for pedestrians to the foyers;*

11. *Review safety, access and egress from stairs; and*
12. *Air conditioning units shall be placed at ground level and screened from public view.*

Applicant's Response to Design Advisory Committee Comments:

1. *Lack of Apartments on the Ground Floor*  
This has been addressed by introducing the new ground floor apartment and is discussed in the Section A "Street Setback" above.
2. *Street Activation*  
As above.
3. *Articulate the West Elevation to Reduce Bulk*  
Addressed in Section G "Side Setback and Rear Boundary Setback" above.
4. *Revise the Bulk and Massing to the East Elevation*  
This is addressed in the Section C "Roof Forms" above.
5. *Provide additional windows to the north facing apartments for direct solar access*  
The north-western elevation has been provided with windows that will allow solar access as well as cross ventilation, without compromising the privacy of the adjoining property. Skylights to the raked ceilings of the upper level units provide significant natural light and solar access to the living areas of these units.
6. *Provide More Design Consideration to the Front Courtyard*  
This is covered in Section A "Street Setback" above. The introduction of the ground floor apartment and the courtyard in the front setback promoting high levels of use and consequently high levels of natural surveillance.
7. *Improve the Foyer 1 Stairwell Street Connection with Additional Fenestration*  
This is discussed in the Section A "Street Setback" above.
8. *Provide Openable Openings to the Kitchen for Cross Ventilation to Main Living Areas*  
This is addressed in Section J "Visual Privacy" with all windows now being operable.
9. *Review Materials Selection Based on Creating a Connection With Older Houses*  
This is covered in Section A "Street Setback" (Use of Materials and Palette) above.
10. *Provide Separate Defined Access for Pedestrians to the Foyers*  
The paving material and texture is altered along the driveway to clearly delineate a clear path and direct pedestrians to the foyers.
11. *Review Safety, Access and Egress from Stairs*  
As above.
12. *Air Conditioning Units Shall be Placed at Ground Level and Screened from Public View*  
All air conditioning units will be screened from view. This may be conditioned accordingly.

The Design Advisory Committee has reviewed the amended plans and notes the following:

*The revised design is a good improvement and meets most of the Design Advisory Committee recommendations.*

There are a few minor issues worth addressing as follows:

1. Introduce additional north facing windows for the living rooms to Apartment 5 and 9; and
2. Apartment 1 – ground level apartment – Swap the location of the bedroom with the bathroom, the bathroom can then have a generous window looking in to the private courtyard and the bedroom addresses the street and large front courtyard.

The amended plans address the abovementioned Design Advisory Committee comments and demonstrate that the bedroom and bathroom to Apartment 1 have been flipped, with a bedroom addressing Broome Street and the front courtyard.

**LEGAL/POLICY:**

- City of Vincent Town Planning Scheme No. 1;
- Forrest Precinct Policy No. 3.1.14;
- Residential Design Elements Policy No. 3.2.1;
- Multiple Dwellings in Residential Zones Policy No. 3.4.8; and
- Residential Design Codes of Western Australia.

**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*.

**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:

<b>ENVIRONMENTAL</b>	
<b>Issue</b>	<b>Comment</b>
	The design of the dwellings allow for adequate light and ventilation. The dwellings all have eastern light to their living areas and all have cross ventilation given their design. 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.

<b>SOCIAL</b>	
<b>Issue</b>	<b>Comment</b>
	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.



<b>ECONOMIC</b>	
<b>Issue</b>	<b>Comment</b>
The construction of the building will provide short term employment opportunities.	

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil

**COMMENTS & CONCLUSION:**

Plot ratio and building height contribute to the bulk and scale of a development; however in this instance, the subject proposal is not considered to have an undue impact on the amenity of the locality as it is within the plot ratio and in a precinct of larger buildings.

The subject site is located approximately 75 metres from Beaufort Street, with a Residential R80 density coding. The proposal is considered to be in keeping with the style and size of developments expected in this locality.

The design of building, with regards to street setback, side and rear building setbacks and roof forms will not have an undue impact on the surrounding properties in terms of bulk and the City's Design Advisory Committee have provided their support in respect of the design, sitting and context of the proposal on Broome Street.

In the context of surrounding development close to and along Beaufort Street and Harold Street, which abuts the rear of the subject site, the proposed three-storey development on the subject site and the proposed plot ratio is considered to be supportable and is therefore recommended for approval. The proposed development will significantly contribute to a change in the area and will contribute to the diversity in housing types that is a long-term strategic goal for the City of Vincent.

In view of the above, the application is supportable as it is considered that the proposal complies with the Performance Criteria of the Residential Design Codes and the City's Residential Design Elements Policy No. 3.2.1. Accordingly, it is recommended the application be approved subject to standard and appropriate conditions.

**9.1.1 No. 86 (Lot 10 ; D/P 167) Hobart Street, corner of Shakespeare Street, Mount Hawthorn - Proposed Demolition of Existing Building and Construction of Two Storey Buildings Comprising Eleven (11) Two Bedroom Multiple Dwellings, Two (2) Single Bedroom Multiple Dwellings and Associated Car Parking**

<b>Ward:</b>	North	<b>Date:</b>	12 October 2012
<b>Precinct:</b>	Mount Hawthorn; P1	<b>File Ref:</b>	PRO5437; 5.2012.361.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report, Development Application Plans and Heritage Assessment		
<b>Tabled Items</b>	Applicant's Submission		
<b>Reporting Officer:</b>	Remajee Narroo, Senior Planning Officer (Statutory) H Au, Heritage Officer		
<b>Responsible Officer:</b>	C Eldridge, Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Doepel Marsh Architects and Planners, on behalf of the owner, The Grand Lodge of Western Australia of Antient Free and Accepted Masons Incorporated for Proposed Demolition of Existing Building and Construction of Two Storey Buildings Comprising Eleven (11) Two Bedroom Multiple Dwellings, Two (2) Single Bedroom Multiple Dwellings and Associated Car Parking at No. 86 (Lot 10 ; D/P 167) Hobart Street, corner of Shakespeare Street, Mount Hawthorn, and as shown on amended plans stamp-dated 9 October 2012, subject to the following conditions:

1. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Hobart and Shakespeare Streets;
2. Any new street/front wall, fence and gate within the Shakespeare and Hobart 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;
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;
4. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site;
5. A photographic record of the former Masonic Hall at No. 86 Hobart Street, Mount Hawthorn, including internal features and external elevations, shall be submitted to and approved by the City prior to the issue of a Demolition Permit, for the City's Historical Archive Collection;
6. An interpretative plaque or another appropriate form of interpretation, which incorporates the reuse of iconic existing fabric like the mould blocks/Freemasonry emblem/Masonic Hall carving, that recognises the aesthetic, historic and social value significance of the former Masonic Hall at No. 86 Hobart Street, Mount Hawthorn, shall be submitted to and approved by the City prior to the issue of a Demolition Permit and/or Building Permit, in accordance with the City's Heritage Management Policy No. 3.6.4 relating to Interpretive Signage. The form of interpretation shall be installed prior to the first occupation of the approved dwellings on site, at the owner(s)/occupier(s) expense and thereafter maintained by the owner(s)/occupier(s). The interpretative plaque may be funded by the City's Heritage Plaques Program;

7. The car park shall be used only by residents, tenants and visitors directly associated with the development;
8. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION**, the following shall be submitted to and approved by the City:

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

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

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

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

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

8.2 **Construction Management Plan**

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

8.3 **Schedule of External Finishes**

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

8.4 **Landscape and Reticulation Plan**

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

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

8.4.1 Provision of increased soft landscaping of ten (10) percent of the total site common areas with a view to significantly reduce areas of hardstand and paving;

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

8.4.3 all vegetation including lawns;

8.4.4 areas to be irrigated or reticulated;

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

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

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

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

**8.5 Design Features**

Two design features or articulation shall be provided to the first floor wall of Units 12 and 13 facing Shakespeare Street to the satisfaction of the City's Planning Services;

**8.6 Privacy**

All the first floor windows of the bedrooms facing the adjoining northern and eastern properties shall be fixed and obscured as per the requirements of the R-Codes;

**8.7 Acoustic Report**

An Acoustic Report shall be prepared and submitted to the City for approval. 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. As a guide, the applicant is required to refer to the City's Policy No. 3.5.21 relating to Sound Attenuation;

**8.8 Refuse and Recycling Management Plan**

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

**8.9 Crossover**

An application for a crossover is to be submitted to, and approved by the City's Technical Services;

**8.10 Footpath Bond**

In keeping with the City's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to *in situ concrete* to the City's specification. A refundable footpath upgrade bond of \$5000 shall be lodged prior to the issue of a building permit and will be held until all works have been completed and/or any damage to the existing facilities including verge trees have been re-instated to the satisfaction of the City's Technical Services Directorate. An application to the City for the refund of the upgrade bond must be made in writing;

**8.11 Footpath/Road Levels**

All pedestrian access and vehicle driveway/crossover levels shall match into exiting verge, footpath and road levels to the satisfaction of the City's Technical Services Directorate;

**8.12 Stormwater**

All storm water produced on the subject land shall be retained on site, by suitable means to the satisfaction of the City's Technical Services Directorate. Drainage plans and associated calculations for the proposed storm water disposal shall be lodged together with the building permit application working drawings;

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

**9.1 Car Parking**

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

**9.2 Clothes Drying**

Each multiple dwelling shall be provided with a screened outdoor area for clothes drying;

**9.3 Residential Car Bays**

A minimum of thirteen (13) and three (3) car bays shall be provided for the residents and visitors respectively. The sixteen (16) car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors of the development;

**9.4 Visitor Bays**

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

**9.5 Bicycle Parking**

Four (4) and one (1) bicycle bays for the residents and visitors respectively, of the development shall be provided; and

10. 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.

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**COUNCIL DECISION ITEM 9.1.1**

**Moved Cr Maier, Seconded Cr Pintabona**

That the recommendation be adopted.

Debate ensued.

Cr Carey departed the Chamber at 7.45pm.

Debate ensued.

Cr Carey returned to the Chamber at 7.47pm.

Debate ensued.

**MOTION PUT AND CARRIED (6-2)**

**For:** Mayor Hon. MacTiernan, Cr Buckels, Cr Maier, Cr Pintabona, Cr Topelberg, Cr Wilcox

**Against:** Cr Carey, Cr McGrath

(Cr Harley was an apology for the Meeting.)

Debate ensued.

**SUBSEQUENT MOTION:**

**Moved Cr Maier, Seconded Cr Buckels**

That the Council REQUESTS the Director Planning Services to report to the December Forum on issues related to the multi-residential code and the apparent bias against vertical unit design in favour of horizontal design.

Debate ensued.

Cr Carey departed the Chamber at 8.05pm.

Debate ensued.

Cr Carey returned to the Chamber at 8.07pm.

Debate ensued.

**SUBSEQUENT MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harley was an apology for the Meeting.)

<b>Landowner:</b>	The Grand Lodge of W.A of Antient Free and Accepted Masons Incorporated
<b>Applicant:</b>	Doepel Marsh Architects and Planners
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Masonic Hall
<b>Use Class:</b>	Multiple Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	2030 m2
<b>Right of Way:</b>	Not Applicable.

**PURPOSE OF REPORT:**

Development Applications for four (4) or more dwellings are required to be considered by the Council.

**BACKGROUND:**

Nil.

**DETAILS:**

The proposal involves the proposed demolition of the existing Masonic Hall and construction of two storey buildings comprising eleven (11) two bedroom multiple dwellings, two (2) single bedroom multiple dwellings and associated car parking.

**ASSESSMENT:**

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

Design Element	Complies 'Acceptable Development'	OR	'Performance Criteria'
Plot Ratio	✓		
Front Setback			✓
Building Setbacks			✓
Boundary Wall	N/A		
Building Height	✓		
Building Storeys	✓		
Open Space	✓		
Bicycles	✓		
Access & Parking	✓		
Privacy	✓		
Solar Access	✓		
Site Works	N/A		
Essential Facilities	✓		
Front fence			✓
Dwelling Size			✓

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

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

Issue/Design Element:	Street Setback (Front) – Shakespeare Street
Requirement:	Residential Design Elements SADC 5  Ground Floor  6.7 metres  First Floor  Building = 8.7 metres
Applicants Proposal:	Ground Floor  4.927 metres to 8.213 metres  Store= 3.9 metres to 4.8 metres  First Floor  4.358 metres to 8.214 metres
Performance Criteria:	Residential Design Elements SPC 5  Development is to be appropriately located on site to: <ul style="list-style-type: none"> <li>• Maintain streetscape character;</li> <li>• Ensure the amenity of neighbouring properties is maintained;</li> <li>• Allow for the provision of landscaping and space for additional tree plantings to grow to maturity;</li> <li>• Facilitate solar access for the development site and adjoining properties;</li> <li>• Protect significant vegetation; and</li> <li>• Facilitate efficient use of the site.</li> </ul> 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.
Applicant's Justification Summary:	<p><i>"The design articulates the composition of the residential dwellings with varying setbacks, is of a contemporary character, reinforces and enlivens the streetscape. The proposal replaces a large car park and old hall, which has been an incompatible use in the heart of a residential area for many years, attracting constant complaint to Council."</i></p>
Officer technical comment:	<ul style="list-style-type: none"> <li>• The northern adjacent building has a "nil" street setback and therefore the proposed setback is appropriate to its location, respecting the adjoining development and existing streetscape.</li> <li>• It is noted the street setback for the ground and first floor varies from 4.358 metres to 8.214 metres which will not have an undue impact on the existing open streetscape along Shakespeare Street.</li> </ul>

Issue/Design Element:	Street Setback (Front) – Shakespeare Street
	<ul style="list-style-type: none"> <li>• The first and second floors are located directly above the ground floor however the presence of staggering walls on the first floor of Units 1 and 2 minimises the bulk to the street. With regard to Units 12 and 13, if this application is supported it is recommended that the first floor should incorporate two design features or articulation to minimise the impact on the streetscape. The openings and articulation to the first floors of units 1 and 2, and the proposed design features to units 12 and 13 will be consistent with maintaining an open streetscape.</li> <li>• The building design incorporates significant landscaping reflecting a residential character.</li> <li>• It is also considered that given there will be no car parking within the street setback area, the streetscape will maintain a traditional residential appearance.</li> </ul>

Issue/Design Element:	Secondary Street Setback – Hobart Street
Requirement:	Residential Design Elements SADC10  First Floor  Building= 2 metres
Applicants Proposal:	Building= 1.5 metres to 2.1 metres
Performance Criteria:	Residential Design Elements SPC10 Dwellings on dual street frontages or corner lots are to present an attractive and interactive elevation to each street frontage. This may be achieved by utilising the following design elements: <ul style="list-style-type: none"> <li>• Wrap around design (design that interacts with all street frontages);</li> <li>• Landscaping</li> <li>• Feature windows;</li> <li>• Staggering of height and setbacks;</li> <li>• External wall surface treatments and finishes; and</li> </ul> Building articulation.
Applicant's Justification Summary:	<i>"The design articulates the composition of the residential dwellings with varying setbacks, is of a contemporary character, reinforces and enlivens the streetscape. The proposal replaces a large car park and old hall, which has been incompatible use in the heart of a residential area for many years, attracting constant complaint to Council."</i>
Officer technical comment:	<ul style="list-style-type: none"> <li>• The first floors incorporate staggering walls and openings which minimise the bulk on the streetscape.</li> <li>• The building design incorporates significant landscaping reflecting a residential character.</li> </ul>



<b>Issue/Design Element:</b>	<b>Secondary Street Setback – Hobart Street</b>
	<ul style="list-style-type: none"> <li>• It is considered that given there will be no car parking within the street setback area, the streetscape will maintain a traditional residential appearance.</li> <li>• The external treatments of the walls with different materials is considered to reduce the appearance of bulk to the street.</li> </ul>

<b>Issue/Design Element:</b>	<b>Minor Incursions into Street Setback Area</b>
Requirement:	Residential Design Elements SADC6  Verandah may project not more than one (1) metre into the street setback area.
Applicants Proposal:	Covered verandah projects more than 1 metre into the street setback area.
Performance Criteria:	Residential Design Elements SPC6  Minor incursions and projections may be permitted where it will not detract from the character of the streetscape or dominate the appearance of the existing dwelling.
Applicant's Justification Summary:	<i>"The design articulates the composition of the residential dwellings with varying setbacks, is of a contemporary character, reinforces and enlivens the streetscape. The proposal replaces a large car park and old hall, which has been incompatible use in the heart of a residential area for many years, attracting constant complaint to Council."</i>
Officer technical comment:	<ul style="list-style-type: none"> <li>• Given the verandah is open, it is considered there will be no impact on the streetscape but rather is representative of similar housing forms in the area.</li> </ul>

<b>Issue/Design Element:</b>	<b>Building Setbacks</b>
Requirement:	Clause 7.1.4 of the R-Codes  Northern boundary  Store= 1 metre
Applicants Proposal:	Store= 0.9 metre
Performance Criteria:	Residential Design Codes Clause 7.1.4 P4.1  Buildings setback from boundaries or adjacent buildings so as to: <ul style="list-style-type: none"> <li>• ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them;</li> <li>• moderate the visual impact of building bulk on a neighbouring property;</li> <li>• ensure access to daylight and direct sun for adjoining properties; and</li> <li>• assist with protection of privacy between adjoining properties.</li> </ul>
Applicant's Justification Summary:	No specific justification provided by the applicant.
Officer technical comment:	The proposed development is considered to comply with the performance criteria in this instance for the following reasons:

<b>Issue/Design Element:</b>	<b>Building Setbacks</b>
	<ul style="list-style-type: none"> <li>• The proposed setback does not vary significantly from the required setback and it is considered there will be no undue impact on the adjoining properties in terms of sunlight and ventilation.</li> <li>• Only the store does not comply with the required setback whereas the building complies with the required setback.</li> </ul>

<b>Issue/Design Element:</b>	<b>Front Fence</b>
Requirement:	Residential Design Elements SADC 13  Maximum height of 1.8 metres above adjacent footpath level.  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.
Applicants Proposal:	Front fence= 2 metres Solid fence
Performance Criteria:	Residential Design Elements SPC 13  Street walls and fences are to be designed so that: <ul style="list-style-type: none"> <li>• Buildings, especially their entrances, are clearly visible from the primary street;</li> <li>• A clear line of demarcation is provided between the street and development;</li> <li>• They are in keeping with the desired streetscape; and</li> <li>• Provide adequate sightlines at vehicle access points.</li> </ul>
Applicant's Justification Summary:	No specific justification provided by the applicant.
Officer Technical Comment	The variation is not supported as the fence will impact on the streetscape. If this application is supported, the applicant will be required to comply with the City's Front Fences and Walls Policy.

<b>Issue/Design Element:</b>	<b>Dwelling Size</b>
Requirement:	Residential Design Codes 7.4.3 A3.1  Minimum 20 per cent 1 bedroom dwellings, up to a maximum of 50 per cent of development.
Applicants Proposal:	15 per cent single bedroom multiple dwellings
Performance Criteria:	Residential Design Codes 7.4.3P3  Each dwelling within the development is of a sufficient size to cater for the needs of the residents. The development must provide diversity in dwellings to ensure that a range of types and sizes is provided.
Applicant's Justification Summary:	No specific justification provided by the applicant.
Officer technical comment:	It is considered that the proposed development provides a diversity of dwellings as compared to the existing single houses and grouped dwellings in the locality.

**Car Parking**

The car parking required for the proposed multiple dwellings is calculated as per the R-Codes 2010.

<b>Car Parking</b>	
<p>Small Multiple Dwelling based on size (&lt;75 square metres or 1 bedroom) – 0.75 bay per dwelling (2 multiple dwellings) = 1.5 car bays = 2 car bays</p> <p>Medium Multiple Dwelling based on size (75-110 square meters) – 1 bay per dwelling ( 11 multiple dwellings) = 11 bays</p> <p>Visitors = 0.25 per dwelling (13 multiple dwellings proposed) = 3.25 car bays = 3 car bays</p> <p>Total car bays required = 16 car bays</p>	<p>16 car bays</p>
<p>Total car bays provided</p>	<p>21 car bays</p> <p>(Overall 22 car bays for residents and 3 car bays for visitors. Out of the 22 car bays for the residents, 4 car bays are in tandem, therefore in total, 21 bays are provided for the residents and visitors).</p>
<b>Surplus</b>	<b>5 car bays</b>

<b>Bicycle Parking</b>		
<b>Bicycle Parking</b>	<ul style="list-style-type: none"> <li>1 bicycle space to each 3 dwellings for residents and 1 bicycle space to each 10 dwellings for visitors (total 13 dwellings proposed): 4 bicycle bays for the residents and 1 bicycle bay for visitors</li> </ul>	<p>Bike racks shown on the plan for 6 bicycles.</p>

**CONSULTATION/ADVERTISING:**

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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<b>Comments Period:</b>	18 September 2012 to 9 October 2012.
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<b>Comments Received:</b>	12 objections and one support were received.
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<b>Summary of Comments Received:</b>	<b>Officers Technical Comment:</b>
<p>Issue: Heritage</p> <p><i>“City of Vincent has made a statement of misrepresentation for the planning proposal in regards to the grading category of the relevant address in question (86 Hobart Street, Mount Hawthorn). In the letter dated 17 September 2012, the property in question is deemed to be considered on the City’s Municipal Heritage Inventory as being Management Category B – Conservation Recommended (moderate significance according to your policy number 3.6.2). But in complete contrast, the Heritage Council of WA (higher level of standing) has the grading category deemed as High Level of Protection on the Town Planning Scheme. Thus I find the letter sent out for the consultation period to be completely misleading and therefore deeming it null and void!”</i></p> <p><i>“Engagement of One Engineering Company</i></p>	<p>Dismiss. No. 86 Hobart Street is listed on the City’s Municipal Heritage Inventory (MHI) as Management Category B – Conservation Recommended and is not listed on the Heritage Council’s State Register of Heritage Places. The places listed on the State Register are managed by the Heritage Council under its own management category system, whilst the places on a MHI (Heritage List) are administered by the local governments under their management category systems. As such, the comparison of these two systems is not relevant in this situation.</p> <p>Noted. As per the current Policy No. 3.6.5</p>

Summary of Comments Received:	Officers Technical Comment:
<p><i>to undertake a Structural report of the property is completely not acceptable. Considering it is a place of Heritage significance, an Engineering company with experience in Heritage properties should be undertaken with at least three independent structural reports that are prepared to show validity and integrity of any works that may need to be undertaken. It's fair to say this should be considered so there are no mutual benefits being undertaken for any parties involved."</i></p>	<p>relating to Heritage Management – Amendments to the Municipal Heritage Inventory (MHI), only one Structural Condition Report is required to support the request for deletion of a place from the MHI. The comment is acknowledged and will be reviewed by Heritage Services accordingly. Heritage Services are reviewing the comment and considering to provide a framework for the applicant to prepare a project brief for any Structural Condition Reports submitted in the future, to ensure the validity and legitimacy of the report.</p>
<p><i>"According to the City of Vincent's Council Meeting on 25<sup>th</sup> October 2011, page 63 it states that there was a nomination made in the local newspaper regarding any heritage public comments to be made from September 6, 2011 to October 4, 2011. Not everybody reads their local newspaper regularly. Why were nearby residents affected by the situation not informed directly by mail so any comments or opinions could be put forward at the time?"</i></p>	<p>Noted. As per the current Policy No. 3.6.5 relating to Heritage Management – Amendments to the Municipal Heritage Inventory (MHI), the City will consider the nominations to amend the MHI and advertise the proposed amendments for public comment in local newspaper, and seek comment from various stakeholders. The Heritage Services are reviewing the comment and considering to advertise the proposed amendments to the nearby neighbours.</p>
<p><i>"Heritage Officer's recommendation is to support demolition based on <u>one</u> Engineer report (showing no monetary value as to what the repairs may be) and its own inspection that it wasn't salvageable. But there was a media article in the "Perth Voice" I believe late last year that made reference to Masonic Hall and its heritage status as well as to what the repairs may be to repair it (\$1.3million – which seems be excessive). This building has very significant value to the area, including cultural, physical, historical and social significance, which should not be taken lightly and be preserved for generations. If this property is graded at a "High Level of Protection", then instead of destroying this Heritage Building (Mount Hawthorn Masonic Hall) why not take the opportunity (and financing) to conserve and revitalize this heritage property – making it into a functional work and leisure environment. A number of thorough independent reports should be undertaken with a true reflection of the costs involved to determine the viability of salvaging this building."</i></p>	<p>Noted. As per the current Policy No. 3.6.5 relating to Heritage Management – Amendments to the Municipal Heritage Inventory (MHI), the costs involved in any proposed structural remediation works are not required in the Structural Condition Report. It is noted that Structural Condition Reports do not provide budget estimates in general. The remediation works recommended by the Structural Engineers have to be estimated by Quantity Building Surveyors. The Heritage Services are reviewing the comment and considering to provide a framework for the applicant to prepare a project brief for any Structural Condition Reports submitted in the future, to ensure the options and costs of remediation works have been addressed in the report.</p>
<p><i>"The hall on the site is heritage listed and should be repaired rather than demolished. The hall is one of original buildings in the area and its demolition would negatively impact the character of the suburb. Halls such as these provide places for community groups to come together and meet and so the</i></p>	<p>Dismiss. Refer to "Comments Section". As per the Structural Engineer's Report, it is considered that the structural integrity of the place has failed to the point where it cannot be rectified without the removal of significant fabric of the existing Masonic Hall. Conditions have been included to ensure that a form of</p>

Summary of Comments Received:	Officers Technical Comment:
<p><i>loss of this hall would also negatively affect the community. I believe that there should be a further independent evaluation of the damage to the building and the costs of repair."</i></p>	<p>interpretation will be installed at the subject place to recognise the heritage value of the place and historic records will be placed in the City's Historical Archive Collection.</p>
<p><i>"The Heritage Council has made no assessment of the significance of the place. Therefore, it is unable to provide comment. The City may wish to contact a heritage consultant for assistance."</i></p> <p><i>"I do not object to demolition due to poor structural integrity and adaptations over time; however, I consider effort should be made to save and reuse some of the iconic concrete mould blocks representative of Austerity style, say in fencing, and the Freemasonry emblem/Masonic Hall carving that represented its significant historical contribution to community life in the 1930's."</i></p>	<p>Noted. The City's Heritage Services have taken into consideration the State Heritage Office's comment; however, given that the current Policy No. 3.6.5 relating to Heritage Management – Amendments to the Municipal Heritage Inventory (MHI) only requires an independent Structural Condition Report to support the request for deletion of a place from the MHI without engaging an heritage consultant, and that a Heritage Assessment has been undertaken by the City's internal Heritage Officers, it is considered that the commission of an external heritage consultant is not required in this instance. In view of the above, it is noted that this would also result in an unnecessary financial burden being placed on the City in this instance.</p> <p>Noted. Refer to clause 6 of the Officer Recommendation.</p>
<p>Issue: Design</p> <p>The proposed development will have a visual impact on the adjoining properties in terms of blocking views and the first floors will be overlooking the backyards of the adjoining properties.</p>	<p>Dismiss. Views are not a planning consideration. With regard to privacy, all the windows of the first floors facing the adjoining northern and eastern properties will be fixed and obscured to 1.6 metres above the finished floor level to comply with the privacy requirements of the R-Codes.</p>
<p>Issue: Building Height</p> <p><i>"The existing design does not appear to take into account the topography of the land and the surrounding properties. It has a roof height of about 7.5 metres at the eastern boundary. However the ground level on the adjoining property is about 1.5 metres lower than the ground level at the base of the building, which makes the top of the roof over 9 metres above the backyard and rear living area of the adjoining property. This is too high given the proposed building is only 4 metres from the boundary. I am also concerned that the proposed boundary fence between the properties will be significantly higher than the existing fence."</i></p>	<p>Dismiss. The building height is measured from the existing natural ground level on the subject site and does not take into consideration the topography of the adjoining site. A site visit has confirmed that the existing natural ground level on the adjoining eastern property is lower than the subject site.</p> <p>Any fence above the natural ground level or retaining wall shall have a maximum height of 1.8 metres. As shown on the plans, a colourbond fence to a height of 1.8 metres is being proposed along the side boundaries.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Solar Access</p> <p>The proposed development will cause overshadowing of the adjoining properties.</p>	<p>Dismiss. As per the R-Codes, overshadowing is assessed from North to South and in this instance the proposal complies with the requirement.</p>
<p>Issue: Bulk</p> <p><i>“The proposed buildings would be ugly, they lack architectural merits, they would be too bulky, they would be too high, there are too many of them proposed for the block, they would be crammed together, they would look cheap and they would negatively affect the amenity of the surrounding properties and the suburb.”</i></p> <p>The number of units should be reduced.</p>	<p>Dismiss. The proposal complies with the required plot ratio, open space and height. The City’s Design Advisory Committee considered the proposal to have architectural merit.</p>
<p>Issue: Value of properties.</p> <p>The proposed development would reduce the value of the adjoining properties.</p>	<p>Dismiss. The financial value of properties is not a planning matter.</p>
<p>Issue: Layout</p> <p><i>‘The units near the shared boundaries should be single storey. The car parking should be moved to the shared boundaries to increase the distance between the fences and the new houses.’</i></p>	<p>Dismiss. The proposed units comply with the required side/rear setbacks and height.</p>
<p>Issue: Demolition</p> <p>The demolition of the fences will result in no privacy to the adjoining neighbours.</p>	<p>Noted. Dividing fences are a civil matter between adjoining properties.</p>
<p>Issue: Driveway</p> <p>The driveway entrance should have on Hobart Street instead of Shakespeare Street so as to minimise any traffic impact.</p>	<p>Dismiss. The City’s Technical Services support the driveway being located along Shakespeare Street. Moreover, the City’s Design Advisory Committee recommended that the driveway should be from Shakespeare Street to achieve a better site layout.</p>
<p>Issue: Landscaping</p> <p>The planting of trees along the boundaries will result in foliage falling from the trees into adjoining backyards and also damaging brick wall fence and its foundations.</p>	<p>Noted. This is a civil matter between adjoining properties.</p>
<p>Issue: Repair and Vandalism</p> <p>The building has been subject to vandalism and used as a dumping ground for construction debris. The building has been in poor repair for some time.</p>	<p>Noted. Any complaints to the City are dealt accordingly.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Density</p> <p><i>"The proposal is medium density. Hobart and Shakespeare are low density and the development has the potential to later the character of the area".</i></p>	<p>Dismiss. The development is in accordance with the sites zoning and allowable plot ratio. It is not considered that the proposal will alter the character of the area as the scale of development is more akin to grouped dwellings rather than multiple dwellings which is considered to be consistent with the scale and character of the area.</p>
<p>Issue: Parking</p> <p>The proposal has insufficient parking for residents and visitors.</p>	<p>Dismiss. The proposal complies with the car parking requirements as per the car parking assessment table and provides additional bays to requirements.</p>
<p>Issue: Asbestos</p> <p>The building is old, contains asbestos which will be a public health risk when demolition is undertaken.</p>	<p>Noted. Any asbestos related issues will be addressed as part of the Demolition Permit application by the City Health Services.</p>
<p>Issue: Street Setback</p> <p>The street setback should conform with the requirements of the City.</p>	<p>Dismiss. Refer to Assessment Table. It is considered the variation complies with the Performance Criteria.</p>
<p>Issue: Building Setback</p> <p>The store is to comply with the required 1 metre setback.</p>	<p>Dismiss. Refer to Assessment Table. It is considered the variation complies with the Performance Criteria.</p>
<p>Issue: Fence</p> <p>All piers should not be more than 355 mm as per the requirements.</p>	<p>Noted and addressed. The applicant has amended the plans to comply with this requirement.</p>
<p>Issue:</p> <p><i>"Also we currently have a gate from our back garden which the watercorp have access to check the drains, will this still be the case or will this be moved in to the new area?"</i></p>	<p>Noted. This matter will be addressed with the Water Corporation at the Building Permit stage.</p>

The applicant has responded to one of the objectors' submissions as follows:

Submitter: *"The boundary line between our house and the lodge is not always obvious as so much of the hall is on our boundary or close to it. I would like some confirmation of where the final fence will go."*

Applicant response: *"On the boundary as per survey plan"*.

Officer comment: It is recommended that a land surveyor confirms the property boundaries.

Submitter: *"There are large sections of the hall built directly on our southern boundary line. The demolition plans give no details on how these walls will be demolished without access to our property and without damaging our property."*

Applicant response: *"It will be removed from the Lodge side; a cloth barrier will be used to catch any debris."*

Officer comment: The applicant is required to submit an application for a demolition permit to the City for approval prior to demolition. In this instance a demolition management plan will also be required.

Submitter: *"When we purchased the property, I built a screening fence in front of the four windows of the lodge that face directly into our backyard. I'm assuming this will have to be removed, it cost \$3,500 to build, it too is covered in vines and we would prefer it to be refitted once construction is finished"*.

Applicant response: *"This will be done at no cost to you."*

Officer comments: This is a civil matter between the two property owners.

**Design Advisory Committee:**

Referred to Design Advisory Committee: Yes

The application was presented to the Design Advisory Committee on 4 April 2012, which resulted in the following recommendations:

1. *Remove street front carports, relocate the southern crossover and consolidate carparking to the rear of the dwellings. Detail canopy so as to minimize overshadowing of northern courtyards. Move dwellings closer to the road to provide a better streetscape.*
2. *Revise Hobart Street elevations to match the scale and aesthetic of the remainder of the development as this will better suit surrounding context.*
3. *Reduce the number of proposed dwellings to increase external courtyard areas and increase landscape areas. A reduction in two or three dwellings may be appropriate.*
4. *Maintain the single bedroom affordable dwelling.*

The applicant provided the following response:

1. *Remove street front carports, relocate the southern crossover and consolidate carparking to the rear of the dwellings. Detail canopy so as to minimize overshadowing of northern courtyards. Move dwellings closer to the road to provide a better streetscape.*

The DAC made four (4) recommendations, all of which have been incorporated into the amended design, resulting in a proposal with no car parks facing Hobart Street, the deletion of the two crossovers to Hobart Street and the relocation of the dwellings facing Hobart Street being moved forward with a setback of 1.5 metres minimum.

2. *Revise Hobart Street elevations to match the scale and aesthetic of the remainder of the development as this will better suit surrounding context.*

The Hobart Street elevation has been reworked to match the scale and aesthetics of the remainder of the dwellings and the streetscape context.

3. *Reduce the number of proposed dwellings to increase external courtyard areas and increase landscape areas. A reduction in two or three dwellings may be appropriate.*

The external courtyards have been increased in area, with the smallest at 26 square metres. The R-Codes require a minimum of 10 square metres.

4. *Maintain the single bedroom affordable dwelling.*

The proposal contains two, one bedroom dwellings, delivering affordable housing.

Further to the DAC Meeting on 1 February 2012, amended plans were submitted to the DAC for their reconsideration as follows:

*"The new layout addressed the issues raised by the DAC at its meeting on 1 February 2012, except that the site is slightly over-developed along the north-east corner."*

Given the above, it is considered that the plans submitted generally addressed the recommendations of the Design Advisory Committee and given the proposal complies with plot ratio it is considered with allowable development parameters.

**LEGAL/POLICY:**

City of Vincent Town Planning Scheme No. 1 and associated Policies.

Multiple Dwellings in Residential Zones Policy No. 3.4.8.



**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*.

**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
Northern light accessing the outdoor living areas contributing to the development being more sustainable using northern light.	

SOCIAL	
Issue	Comment
The proposal for multiple dwellings will provide the opportunity for greater housing choice within the City.	

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Demolition**

The subject property at No. 86 Hobart Street (cnr Shakespeare Street), Mount Hawthorn, known as the Masonic Hall, is listed on the City of Vincent Municipal Heritage Inventory as Management Category B – Conservation Recommended.

A full Heritage Assessment was undertaken by the City's Heritage Services in May 2011, following the receipt of a Municipal Heritage Inventory Application for Deletion Form, which was accompanied with a Structural Engineering Report, on 18 April 2011 from the Grand Lodge of Western Australia, the current owner of the subject place.

In August 2012, the City received the subject application in relation to the demolition and redevelopment of the subject property. As such, Heritage Services have reviewed and updated the existing Heritage Assessment in accordance with the City's Policy No. 3.6.2 relating to Heritage Management – Assessment and the City's Policy No. 3.6.5 relating to Heritage Management – Amendments to the Municipal Heritage Inventory (MHI), which have recently been amended on 10 July 2012.

The updated Heritage Assessment dated September 2012 indicates that whilst the place has *some aesthetic, historic and social value* as outlined in the statement of significance, it is considered that the structural integrity of the place has failed to the point where it cannot be rectified without the removal of the east wall of Lodge Room, which is a significant element that contributes to the cultural heritage value of the subject place, as detailed in the Structural Engineering Report. It is considered that deletion of the place from the MHI is in accordance with the City's Policy No. 3.6.5 relating to Heritage Management – Amendments to the Municipal Heritage Inventory (MHI) (Amended 10 July 2012).

Furthermore, in accordance with the City's Policy No. 3.6.2 relating to Heritage Management – Assessment (Amended 10 July 2012), the places, which are identified as having *some aesthetic, historic, scientific/research or social value* are considered to be below the threshold for entry onto the MHI. As such, it is considered that the subject place does not meet the threshold for entry on the City's Municipal Heritage Inventory. Notwithstanding the above, a photographic record prior to demolition or redevelopment, and a plaque or an alternative form of interpretation incorporated with the new development at the subject site, is requested.

In light of the above, it is considered that approval should be granted for demolition subject to standard and specific conditions.

### **Planning**

It is considered that the development is consistent with the general intention for the area in terms of bulk and scale as well as height. Furthermore, the inclusion of north facing outdoor living areas and landscaping across the site, not only improves the general amenity of the development and useable in terms of future resident's living environments but also the scale of the development integrates well with the existing streetscape along both Shakespeare and Hobart Streets. Further, the placement of residents car parks behind the building line allows for greater street interaction and passive surveillance from the buildings and an improved residential appearance of the development.

The appearance of the development to the surrounding area is more akin to grouped dwellings rather than multiple dwellings which is consistent with the scale and character of Mount Hawthorn which is predominantly single residential.

In light of the above, the development is considered to be supportable subject to standard and appropriate conditions.

Chief Executive Officer asked the Presiding Member Hon. Alannah MacTiernan if Item 9.1.3 could be recommitted, as it included a proposed amendment.

**9.1.3 Scheme Amendment No. 32 to the City of Vincent Town Planning Scheme No. 1**

<b>Ward:</b>	North	<b>Date:</b>	12 October 2012
<b>Precinct:</b>	COS 16	<b>File Ref:</b>	PLA0239; PLA0224
<b>Attachments:</b>	<a href="#">001</a> – Summary of Submissions <a href="#">002</a> – Map of Submissions		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	O May, Planning Officer (Strategic)		
<b>Responsible Officer:</b>	C Eldridge, Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RESOLVES** pursuant to Town Planning Regulation 17, 18 and 25:
  - 1.1 **To CONSIDER** the 19 submissions shown in Appendix 9.1.3 (001), in relation to Amendment No. 32 to the City of Vincent Town Planning Scheme No. 1;
  - 1.2 **That Amendment No. 32 to the City of Vincent Town Planning Scheme No. 1, BE ADOPTED FOR FINAL APPROVAL** to:
    - 1.2.1 **Include** the area bounded by Scarborough Beach Road, Brady Street, Powis Street and the Mitchell Freeway, ceded from the City of Stirling to the City of Vincent as part of the Local Government boundary changes in July 2007, and to incorporate Metropolitan Region Scheme Amendment 1181/57 into the City’s Town Planning Scheme No. 1, by incorporating the area into Scheme Map 1 – Mount Hawthorn Precinct and Scheme Map 15 - Banks Precinct respectively;
    - 1.2.2 **Amending** clause 8 of the City’s Town Planning Scheme No. 1, by adding clause (g) as follows;
 

“(g) City of Stirling District Planning Scheme No. 2 13 December 1985”;
    - 1.2.3 **Include** provisions relating to Development Contribution for Infrastructure by incorporating an additional Part 7 – Special Control Area, in the City’s Town Planning Scheme No. 1; and
    - 1.2.4 **Include** two additional Schedules to the City’s Town Planning Scheme No. 1 - Schedule 6 relating to the certification of a Structure Plan and Schedule 7 relating to Development (Structure Plan) Areas;
2. **AUTHORISES** the Mayor Hon. Alannah MacTiernan and the Chief Executive Officer to execute and affix the City of Vincent Common Seal to Amendment No. 32 to the City of Vincent Town Planning Scheme No. 1 Amendment documents reflecting the Council’s endorsement of final approval;
3. **FORWARDS** the relevant executed documents to the Western Australian Planning Commission and **REQUESTS** the Honourable Minister for Planning and the Western Australian Planning Commission to adopt for final approval and gazettal, Amendment No. 32, to the City of Vincent Planning Scheme No. 1; and
4. **ADVISES** those who made a submission of the Council decision.

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**PROCEDURAL MOTION**

**Moved** Cr Topelberg, **Seconded** Cr McGrath

That Item 9.1.3 be recommitted, to allow for consideration of a proposed amendment.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harley was an apology for the Meeting.)

**COUNCIL DECISION RECOMMITTED ITEM 9.1.3**

**Moved** Cr Topelberg, **Seconded** Cr Buckels

That the recommendation be adopted.

Debate ensued.

**AMENDMENT**

**Moved** Cr Carey, **Seconded** Cr Pintabona

“That clause 1.2 be amended to read as follows:

1.2 That Amendment No. 32 to the City of Vincent Town Planning Scheme No. 1, **BE ADOPTED FOR FINAL APPROVAL subject to the proposed zoning of Residential R60 be amended to Residential R50 to retain the existing zoning under the City of Stirling District Planning Scheme No. 2.**”

Debate ensued.

**AMENDMENT PUT AND LOST (3-5)**

**For:** Mayor Hon. MacTiernan, Cr Carey, Cr Pintabona

**Against:** Cr Buckels, Cr Maier, Cr McGrath, Cr Topelberg, Cr Wilcox

(Cr Harley was an apology for the Meeting.)

Debate ensued.

**RECOMMITTED MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harley was an apology for the Meeting.)

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**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the outcome of the community consultation relating to Scheme Amendment No. 32 and request the Council to endorse the amendment for final approval.

**BACKGROUND:**

Date	Comment
1 July 2007	The area bounded by Scarborough Beach Road, Brady Street, Powis Street and the Mitchell Freeway was transferred to the City of Vincent from the City of Stirling as part of a local government boundary change.
25 May 2010	Metropolitan Region Scheme Amendment (1181/57) was gazetted for lots along East Parade to be reclassified from 'Primary Regional Road Reserve' to 'Urban'.
24 April 2012	Scheme Amendment No. 32 was initiated and approved advertising for a period of forty-two (42) days, in accordance with regulation 25 of the Town Planning Regulations 1967 and the City's Consultation Policy.
23 May 2012	The City received a letter from the Western Australian Planning Commission, granting consent to advertise Scheme Amendment No. 32.
12 June 2012	The 42 day consultation period commenced.
7 August 2012	The 42 day consultation period closed.
12 September 2012	Public meeting was held relating to Scheme Amendment No. 32. Following this meeting the consultation period was extended.
28 September 2012	The extended consultation period closed.

**DETAILS:**

The purpose of Scheme Amendment No. 32 was to include the area bounded by Scarborough Beach Road, Brady Street, Powis Street and the Mitchell Freeway which was transferred to the City of Vincent in July 2007 from the City of Stirling and incorporate Metropolitan Region Scheme Amendment (1181/57) into the City's Town Planning Scheme No. 1.

In light of this, the City has identified the need to include *Part 7*, to the City's Town Planning Scheme No. 1 to allow for guided strategic development and the potential to implement Development Contribution Controls, Design Guidelines and Structure Plans to the area in close proximity to the Glendalough Train Station and across the City of Vincent area.

The City's Town Planning Scheme No. 1 requires amending in relation to the following areas:

East Parade (Metropolitan Region Scheme Amendment 1181/57)

A Metropolitan Region Scheme amendment (1181/57) has been undertaken by the WAPC, relating to, among other things, transferring portions of various lots abutting the southern side of East Parade and Guilford Road from 'Primary Regional Road Reservation' to 'Urban'.

Under the City's Town Planning Scheme No. 1, the transferred portions of the various lots will reflect the current zoning and will be zoned R20 or R60, depending on the zoning of abutting lots.

Mount Hawthorn (former Glendalough)

An increased zoning of Residential R60 from Residential R50 has been proposed for the greater part of this area, with the following exceptions:

- the Toyota site and what is termed the 'Mixed Residential Cell', under the City of Stirling District Planning Scheme No. 2, which have been proposed to be zoned as R-AC2;
- the majority of the lots abutting the northern side of Gibney Street, which have been proposed to be zoned as R80; and
- those lots flanked by the Mitchell Freeway and Jugan Street (excluding the Toyota site which is zoned R-AC2), which have been proposed to be zoned as R100.

The rationale for these zonings is outlined in the City's Draft Local Planning Strategy and the State Planning Strategy *Directions 2031*, and is a result of best practice planning outcomes identified for the area by the Scarborough Beach Road Activity Corridor Working Group, of which the City officially became part of in February 2009 and the Draft Scarborough Beach Road Activity Corridor Framework to be released shortly by the WAPC for comment. The rationale collated from these sources, which includes the Scarborough Beach Road Urban Design Framework endorsed by Council at its Ordinary Meeting on 27 September 2011, supports the proposed zonings and include:

- to provide the opportunity for an increase in housing choice and population density within walking distance of the Glendalough Train Station, in line with Transit Oriented Development principles, as outlined in the City's Draft Local Planning Strategy;
- according to *Directions 2031*, the region will have a population of at least 2.2 million people by 2031, which represents over half a million new residents to be housed. As such, *Directions 2031* has identified the connected city model as the preferred medium-density future growth scenario, which, among other things, is characterised by '*planning and developing key public transport corridors, urban corridors and transit oriented developments to accommodate increased housing needs...*'; and
- one of the five key themes of *Directions 2031*, relates to Perth being an 'Accessible' City. One of the strategies to achieve this is to '*plan and develop transit oriented developments to accommodate a mixed use and medium-rise high density housing development.*'

Following the completion of Scheme Amendment No. 32, the City's Officers will need to amend Policy No. 3.1.1 relating to the Mount Hawthorn Precinct – Scheme Map 1 to include the area bounded by Scarborough Beach Road, Brady Street, Powis Street and the Mitchell Freeway. This will ensure development provision and Design Guidelines are in place for the Mount Hawthorn (former Glendalough) area.

Development Contributions for Infrastructure

The provisions for development contributions within a local government context are outlined in the State Planning Policy 3.6 relating to *Development Contributions for Infrastructure*. The Policy outlines the principles and considerations that apply to development contributions for the provision of infrastructure in new and established areas, and specifies the Model Scheme Text provisions for development contributions. In addition, it sets out the principles underlying development contributions, and the form, content and process for the preparation of a Development Contribution Plan under a Local Planning Scheme.

Therefore, in order for the City to be able to enforce a Development Contribution Plan on an area, general provisions relating to developer contribution are being proposed in the City's Town Planning Scheme No. 1 as part of this Scheme Amendment No. 32, in accordance with the Draft Model Scheme Text provisions for development contribution plans outlined in Appendix 2 of State Planning Policy 3.6.

Design Guidelines

The City recognises that there are some large sites that can accommodate greater development, and for those sites that are significantly larger, the City believes that these require 'special attention' and therefore sites over 3000m<sup>2</sup> must submit dedicated Design Guidelines.

This provision describes all the information which is required for the submission of Design Guidelines as well as the process for the adoption and implementation of these Guidelines. Council can permit variations to the requirements listed in the Residential Design Codes on the condition that the dedicated Design Guidelines are consistent with Local Planning Strategy and do not adversely impact the amenity to the surrounding area. It is noted that an adopted set of Design Guidelines will override the relevant Precinct Policy and they will expire four years from the date of adoption.

Structure Plans

The City has proposed general provisions relating to Structure Plans to guide its preparation, implementation and adoption process of Structure Plans within the City. The provision of Local Structure Plans will coordinate the provision of planning for infrastructure and facilities and involve those areas generally under 300 hectares. An Activity Centre Structure Plans are to be prepared in line with State Planning Policy 4.2 – Activity Centre for Perth and Peel. This is what is currently being prepared for Leederville Town Centre.

In this regard, the City has proposed Schedule 6 – Certification of Structure Plan, to reflect the Council's and Commission's certification of an adopted Structure Plan. In addition, the City has proposed Schedule 7 – Development (Structure Plan) Areas, to identify the Structure Plans adopted in the City's Town Planning Scheme No. 1.

**CONSULTATION/ADVERTISING:**

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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**Consultation Period**

Scheme Amendment No. 32 was advertised for a period of 42 days in accordance with Regulation 25 of the Town Planning Regulations 1967. Following this period, a community forum was initiated to discuss the purpose and intentions of Scheme Amendment No. 32, providing clarity in the statutory changes associated with the proposed zonings. Given this forum, it was deemed appropriate to further extend the advertising period for a further two weeks and the City commented on all submission made during this time.

**Consultation Type**

Four advertisements in local paper, notice on the City's website, copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre, letters to the affected owner(s) and occupier(s) determined by the City's Officers, Western Australian Planning Commission, and other appropriate government agencies as determined by the City of Vincent.

### Submissions Received During Consultation

A total of 19 submissions were received with the breakdown of submissions as outlined below. When considering the submissions, only one submission per person was tabled, however it is noted that three of the submissions were prepared externally and prepared on behalf of multiple landowners.

#### Community Submissions

Position	Number Received	Percentage
Support	7	46.7%
Object	6	40.0%
Not Stated	2	13.3%
<b>Total</b>	<b>15</b>	<b>100%</b>

#### State Authority Submissions

Position	Number Received	Percentage
Not Stated	4	100%
<b>Total</b>	<b>4</b>	<b>100%</b>

An analysis was conducted on the affected streets to determine whether there was a pattern in the responses received. The table below are based on the community submissions and the affected property address of each submission and tabled separately. A map of the submissions is shown as an Attachment to this report.

Street Name	Support	Object	Not Stated
Anderson Street	1	1	0
Bonnievale Street	0	0	1
Brady Street	1	1	0
Jugan Street	4 <u>2</u>	0	0
Milton Street	1	3	0
Purslowe Street	0	1	0
Scarborough Beach Road	7	0	1
Tasman Street	2	0	0
Not Stated	3	0	0
Not Applicable	0	0	-4
<b>Total</b>	<b>14</b>	<b>6</b>	<b>5 <u>2</u></b>

### Comments Raised During Consultation – Objections

The key issues raised in the consultation, both in the submissions received and the feedback during the community forum are outlined below, followed by an Officer comment. A detailed summary of all submissions received both against and in favour of the Amendment is shown as an attachment to this report.

#### 1. Rezoning from R50 to R60

- *The zoning change from R50 to R60 will result in a development density which is not sustainable given the existing infrastructure and services in the area.*

The City's Officers note that they key concern raised by the 6 objectors is the increase in density from R50 to R60. The City's Officers do not support this concern and propose that the designated area be rezoned to R60, in accordance with the proposed Scheme Map.

In preparing Scheme Amendment No. 32, the City's Officers took into consideration the recommendations of State Planning Strategic documents including *Directions 2031* and the zoning increase being most appropriate where there is good access to public transport facilities and amenities as seen in the subject area.

Notwithstanding the above, it is noted that in terms of single houses and grouped dwellings a zoning of R50 and R60, have very similar requirements with respect to the Residential Design Codes of Western Australia and the associated City of Vincent Local Planning Policies. The table below outlines the key development requirements and the differences between an R50 zone and R60 zone.

<b>Development Requirements</b>	<b>R50 Zone – City of Stirling DPS No. 2</b>	<b>R60 Zone – City of Vincent TPS No. 1</b>
Density – Grouped Dwellings Only	Minimum Site Area = 160 square metres Average Site Area = 180 square metres <i>(As per Residential Design Codes)</i>	Minimum Site Area = 160 square metres Average Site Area = 180 square metres <i>(As per Residential Design Codes)</i>
Land Use	Residential <i>(As per City of Stirling DPS No. 2)</i>	Residential <i>(As per City of Vincent TPS No. 1)</i>
Building Height	2 Storeys <i>(As per City of Stirling Residential Building Height Policy)</i>	2 Storeys plus Loft <i>(As per City of Vincent Residential Design Elements Policy and Multiple Dwellings Policy)</i>
Plot Ratio – Multiple Dwellings Only	0.6 <i>(As per Residential Design Codes)</i>	0.7 <i>(As per Residential Design Codes)</i>
Street Setbacks	4 metres for grouped dwellings 2 metres for multiple dwellings <i>(As per Residential Design Codes)</i>	Average of 5 properties either side of the development for grouped and multiple dwellings. <i>(As per City of Vincent Residential Design Elements Policy)</i>
Car Parking	<i>(As per Residential Design Codes)</i>	<i>No proposed changes (As per Residential Design Codes)</i>
Open Space	<i>(As per Residential Design Codes)</i>	<i>No proposed changes (As per Residential Design Codes)</i>

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

The above table illustrates one proposed change that would occur with rezoning of the land from R50 to R60 and two proposed changes that would occur as of right, when this land is incorporated into the City of Vincent Town Planning Scheme No. 1.

The change of the building height limits, from two storeys to two storeys plus loft is a change from the City of Stirling Residential Building Heights Policy to the City of Vincent Residential Design Elements Policy. It is noted that when this land is incorporated into the City of Vincent Town Planning Scheme, all the Local Planning Policies adopted by the City of Vincent Council would apply. The policy relating to Residential Design Elements applies to all Residential zones within the City of Vincent, regardless of the actual residential coding of the land. Therefore, if the subject land was to be incorporated into the City of Vincent Town Planning Scheme, but remained at the R50 zoning, the policy allowing two storeys and loft would still apply.

Furthermore, this same principle applies to the Street Setbacks. The City of Stirling apply the Residential Design Codes for the street setback requirements for this area, whereas the City of Vincent's Residential Design Elements Policy require the street setback to be calculated based on the average of five properties either side of the development. Like the building heights, this setback requirements are applied to all areas zoned Residential in the City, regardless of the residential coding. Again, if the subject land was to be incorporated into the City of Vincent Town Planning Scheme, but remained at the R50 zoning, the Residential Design Elements would still apply and the development will be required to be setback in accordance with this policy.



The change in plot ratio from 0.6 to 0.7 is the only change that occurs based on the rezoning from R50 to R60 and this is only applied to Multiple Dwelling Developments. For example, on lot with a land area of 1000 square metres, a proposed multiple dwelling development could have an increase from 600 square metres of plot ratio floor area to 700 square metres. Given an average size apartment is approximately 80 square metres, this additional plot ratio has the potential to result in an additional dwelling on the lot, provided that other requirements such as open space are met. Furthermore, the City has stringent guidelines for all new multiple dwelling development, which would also require the development to adhere to the City's Residential Design Element Policy and the City's Multiple Dwelling Policy to ensure any new multiple dwellings are cognisant of the existing streetscape character.

Notwithstanding the above, it is noted that the development requirements listed in the table above are Acceptable Development provisions and any variations to these developments requirements are able to be considered in accordance with the listed Performance Criteria in the Residential Design Codes and the City's Local Planning Policies.

## 2. The land should be rezoned to R30

- *Rezoning the area west of Brady Street to be consistent with the R30 zoning east of Brady Street is more appropriate.*

The area zoned R30 east of Brady Street has always been in the City of Vincent, and prior to this, the City of Perth and under both municipalities being zoned R30. Given this, together with the lot configuration, size and subdivision patterns and resultant original building stock it is considered appropriate that the area east of Brady Street remain at zoned as R30. It is however to be noted that multiple dwellings (apartments) are permitted in both an R30 zoning and an R50 zoning.

The area formally known as "Glendalough Station Precinct" was partly ceded to the City of Vincent in 2007, in which the City of Stirling had zoned the land R50 in its District Planning Scheme No. 2. This area is characterised by larger lots and a predominance of grouped dwelling style development dating from the 1980s, reflective of the R50 zoning. The resultant higher zoning of this former City of Stirling area, together with its close proximity to the Glendalough Train Station, which has been identified as a 'District Centre' under the State's *Direction 2031*, confirms the inappropriateness of lowering the zoning in this area. It is also noted that there are also many other areas of high zoning throughout the municipality that have a R60 zoning or higher and/or are proposed to be higher zoning through TPS No. 2, and therefore it is not considered that this area has been 'singled out' in this regard.

In light of this, the City's Officers do not support a rezoning to from R50 to R30 for this area.

## 3. Parking and Traffic

- *Traffic flow and movement is unsafe given the high number of unregulated on-street parking and 'rat runs' through the area.*
- *Glendalough Station is already at capacity during peak hours.*
- *Allowing a higher density will exacerbate traffic and parking issues.*
- *It cannot be assumed given the close proximity to public transport, that individuals do not own cars. Further to this it can be assumed that each dwelling has at least 2 vehicles and thus 1 parking bay is insufficient.*

The City's Officers note these concerns, however as the population of the City of Vincent and wider Metropolitan area grow, so do issues relating to parking and traffic congesting, which is not unique to this area. Both State and Local Governments are actively investigating and implementing changes to address these issues.

Developments are to comply with the parking requirements set by the Residential Design Codes and City's Parking and Access Policy. Occupiers are made aware of developments with minimal car parks and restrictions are in place to prevent on-street parking for those properties.

The City will investigate and monitor vehicle movement and parking for the area bounded by Scarborough beach Road, Brady Street, Powis Street and the Mitchell Freeway.

#### 4. Character and Amenity

- *Retaining streetscape is critical and with an increasing zoning, the character of the streets and the amenity of the suburb is vulnerable and rapidly decreasing.*
- *There is a loss of greenery and streetscape with multiple dwelling developments.*
- *Liveability issues associated with privacy, noise and health regulations will be worsened as higher zoning encourage anti-social behaviour.*

When this area is transferred, so that the City's Town Planning Scheme No. 1 will apply, the City's Local Planning Policies will also apply to this area. The City's Residential Design Elements Policy and the City's Multiple Dwelling Policy will provide the framework to ensure that new development is cognisant of the existing streetscape. Furthermore, the City's Multiple Dwelling Policy which is currently being amended to ensure that all multiple dwelling development provide soft landscaping areas. The City also has a Design Advisory Committee that assesses all multiple dwelling developments in the City prior to formal lodgement.

The City's Officers do not support the comments raised regarding the correlation between high density and anti-social behaviour. In fact, it is consider that the proposed zonings will result in increased passive surveillance, which can act to decrease anti-social behaviour. The City has various Policies in place that ensure compliance with standard health and noise regulations.

#### 6. Multiple Dwelling Developments

- *Rezoning will further enable unwanted large scale development being built.*

The City has taken into consideration the recommendations of *Directions 2031* and the Draft Sub-Regional Central Strategy which recognises Glendalough Station as an area of 'planned growth' and a District Centre. The proposed zoning allows for this demand to be met and further enables for a diverse range of housing stock to serve a diverse and changing demographic (such as single occupancy dwellings). This demand for development is reiterated in the Scarborough Beach Road Activity Corridor Framework which encourages a more integrated centre offering a range of housing types and a variety of commercial uses for day and evening activity.

Further to the above, it is also noted that multiple dwelling development is already permitted under the current zonings. In light of this, the City's Officers do not support these comments.

#### **Comments Raised During Consultation – Support**

Of the 19 submissions received during the Community Consultation period, 7 submissions were for support of the proposed Scheme Amendment. These comments generally support the increase in the zonings throughout the subject areas as the area is within close proximity to public transport and other amenities and supports the Draft Sub Regional Strategy released by the Western Australian Planning Commission in August 2010.

A detailed outline of these comments is presented in Appendix 9.1.3 (001) of this report.

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

- City of Vincent Town Planning Scheme No. 1 and associated Policies;
- City of Stirling District Planning Scheme No. 2;
- City of Stirling District Planning Scheme Amendment 423 (Schedule 14);
- Planning and Development Act 2005; and
- Town Planning Regulations 1967.

**RISK MANAGEMENT IMPLICATIONS:**

**Medium:** The Amendment requires the City to use its amended ~~its~~ Town Planning Scheme No. 1 to allow for Structure Plans, Design Guidelines and Development Contribution Control. This would allow for Structure Plans be developed for the areas of Claisebrook and Leederville Town Centre, following the community visioning workshop and Leederville and for dedicated Design Guidelines be prepared for sites over 3000 square meters.

The Mount Hawthorn (former Glendalough) area although ceded to the City of Vincent still applies the City of Stirling District Scheme No. 2. This scheme is no longer in effect in the City of Stirling and the City has been using this outdated scheme since 2007. It is time that an up to date Scheme, that can be administered and endorsed by the City for this area, and associated Policy provisions, including Policy No. 3.1.1, relating to the Mount Hawthorn Precinct – Scheme Map 1 and dedicated Design Guidelines for the 'Mixed Residential Cell'.

**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.*

*1.1.1 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.*

*1.1.4 Take action to improve transport and parking in the City and mitigate the effects of traffic.*

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

Leadership, Governance and Management:

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

*4.1.4 Plan effectively for the future.*

*4.1.5 Focus on stakeholder needs, values, engagement and involvement."*

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

**SUSTAINABILITY IMPLICATIONS:**

ENVIRONMENTAL	
Issue	Comment
The amendment will allow for future planning and developing of a Transit Orientated Development. This will accommodate higher density housing development around the Glendalough Train Station and provide the opportunity for an increase in housing choice and population density within walking distance of the train station.	

SOCIAL	
Issue	Comment
The amendment will facilitate the City's intention to accommodate the increased housing needs identified in the State Planning Strategy, <i>Directions 2031</i> .	

ECONOMIC	
Issue	Comment
The amendment will help achieve best practice planning outcomes within all areas of the City of Vincent. Through amending the City's Town Planning Scheme No. 1, the City has highlighted opportunities for economic growth and vibrancy through employment opportunities and mixed use development.	

**FINANCIAL/BUDGET IMPLICATIONS:**

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

'Town Planning Scheme Amendments and Policies'

Budget Amount: \$80,000  
Spent to Date: \$ 2,302  
Balance: \$77,697

**COMMENTS:**

The completion of Scheme Amendment No. 32 is considered to be beneficial to the City as it will allow the City to apply its own Town Planning Scheme No. 1 when considering planning applications, rather than the City of Stirling District Planning Scheme No. 2.

The City's Officers have considered comments and recommendations raised in both the submissions and at the public meeting. However, in light of the support and strategic framework set out by *Directions 2031* and the Scarborough Beach Road Working Group, it is considered unnecessary to amend Scheme Amendment No. 32 and rather more appropriate to pursue the current proposed zonings.

In light of the submissions received during the consultation period and the corresponding comments provided by the City's Officers, it is recommended that the Council adopt the Officer Recommendation to endorse Scheme Amendment No. 32 to be forwarded to the Western Australian Planning Commission for final approval.

**9.1.5 Amendment No. 103 to Planning and Building Policy Manual – Amendment to Policy No. 3.5.3, 3.5.4 and 3.5.22 and Rescission of Policy No. 3.5.9**

<b>Ward:</b>	Both Wards	<b>Date:</b>	12 October 2012
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0249
<b>Attachments:</b>	<a href="#">001</a> – Policy No. 3.5.3 <a href="#">002</a> – Policy No. 3.5.4 <a href="#">003</a> – Policy No. 3.5.22 <a href="#">004</a> – Policy No. 3.5.9		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	D Mrdja, Senior Strategic Planning and Heritage Officer		
<b>Responsible Officer:</b>	C Eldridge, Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council **AUTHORISES** the Chief Executive Officer to advertise the proposed:

1. **AMENDMENT** to the following Planning and Building Policies:
  - 1.1 **Policy No. 3.5.3** relating to Education and Care Services (known currently as Day Nursery/Child Care Centres);
  - 1.2 **Policy No. 3.5.4** relating to Amusement Centres; and
  - 1.3 **Policy No. 3.5.22** relating to Consulting Rooms; and
2. **RESCISSION** of Policy No. 3.5.9 relating to Stormwater Disposal from Premises, as shown in Appendix 9.1.5 for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City's Policy No. 4.1.5 relating to Community Consultation.

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**Moved Cr Buckels, Seconded Cr McGrath**

That the recommendation be adopted.

Debate ensued.

Cr McGrath departed the Chamber at 8.23pm.

Cr Pintabona departed the Chamber at 8.23pm.

Debate ensued.

Cr McGrath returned to the Chamber at 8.26pm.

Debate ensued.

Cr Pintabona returned to the Chamber at 8.27pm.

*The Presiding Member Mayor Hon Alannah MacTiernan ruled that the following amendments would be considered and voted upon individually.*

**AMENDMENT 1**

**Moved Cr Maier, Seconded Cr Buckels**

“That Clause 1.2 be deleted and Clause 2 be amended to read as follows;

**2. RESCISSION of the following Planning and Building Policies:**

**2.1 Policy No. 3.5.9 relating to Stormwater Disposal from Premises; and**

**2.2 Policy No. 3.5.4 relating to Amusement Centres,**

**as shown in Appendix 9.1.5 for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 relating to Community Consultation.”**

Debate ensued.

**AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harley was an apology for the Meeting.)

**AMENDMENT 2**

**Moved Cr Maier, Seconded Cr Buckels**

“That clause 1 be amended to read as follows:

**1.32 Policy No. 3.5.22 relating to Consulting Rooms Centres subject to the following amendments; and**

**1.2.1 Under clause 1 the definition of ‘Consulting Room’ being deleted;”**

Debate ensued.

**AMENDMENT 2 PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harley was an apology for the Meeting.)

**AMENDMENT 3**

**Moved Cr Maier, Seconded Cr Topelberg**

“That clause 1 be amended to read as follows:

**1.2.2 Clause 4 be amended to read as follows:**

**4. HOURS OF OPERATION**

**4.1 The hours of operation of Non-Medical Consulting Rooms are governed by the Retail Trading Hours Act;**

**4.2 The hours of operation of Medical Consulting Rooms and Alternative Medicine Consulting Rooms shall be limited to 8:00am to 6:00pm weekdays and 8:00am to 1:00pm Saturdays.**

**4.3 The City may consider an increase to the hours stated in clause 4.2, provided that the amenity of the surrounding area is not unduly affected”; and”**

Debate ensued.

**AMENDMENT 3 PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harley was an apology for the Meeting.)

The Presiding Member Mayor Hon. Alannah MacTiernan advised that the number of amendments was confusing and several changes required further explanation. She indicated that it may be preferable to defer the item, to allow for further consideration.

**COUNCIL DECISION ITEM 9.1.5**

**PROCEDURAL MOTION**

**Moved Cr Topelberg, Seconded Cr Carey**

That the item be DEFERRED to the Ordinary Meeting of Council on 6 November 2012 for further consideration.

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

**For:** Mayor Hon. MacTiernan, Cr Carey, Cr Pintabona, Cr Topelberg, Cr Wilcox  
**Against:** Cr Buckels, Cr Maier, Cr McGrath

**(Cr Harley was an apology for the Meeting.)**

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**PURPOSE OF REPORT:**

The purpose of the report is to provide the Council with the proposed amendments of Policy Nos. 3.5.3, 3.5.4 and 3.5.22 and the rescission of Policy No. 3.5.9 and for the Council to authorise the Chief Executive Officer (CEO) to advertise amendments and rescission of these policies in accordance with clause 47 of the City's Town Planning Scheme No. 1.

**BACKGROUND:**

The City of Vincent Draft Town Planning Scheme No. 2 (TPS No. 2) and Local Planning Strategy (LPS) were endorsed by the Council at the Ordinary Meeting held on 20 December 2011. These documents, along with the draft Precinct Policies were sent to the Department of Planning on 23 December 2011 in order for them to give the City consent to advertise the TPS No. 2 and LPS. As a part of the scheme review process, the City's Officers are also reviewing the Planning and Building Policy Manual.

Over the past 12 months, the City's Officers have been reviewing the Appendices of the Planning and Building Policy Manual. This process has created three separate amendments which are:

- Amendment No. 93 – Review of Appendix Nos. 1, 2, 4, 5 and 10
- Amendment No. 97 – Review of Appendix Nos. 6, 15, 17 and 21
- Amendment No. 105 – Review of Appendix Nos. 7, 9, 13 and 14.

Amendment No. 93 and 97 are complete and the initiation of Amendment No. 105 is the subject of a separate item for this agenda.

Given the review of the Appendices is almost complete, the City's Officers have begun the review of the Development and Design Policies. The subject Amendment No. 103 reviews the policies relating to Day Nurseries/Child Care Centres, Amusement Centres, Consulting Rooms and Stormwater Disposal from Premises and is the first amendment in the review of these policies. Further information of the review of the other Development and Design Policies are listed in the Comments and Conclusion section of this report.

1.2 **Policy No. 3.5.4 relating to Amusement Centres subject to the following changes; and**

**1.2.1 Under clause 2.2 the reference to 'minimum' is to be replaced with 'maximum'; and**

1.3 **Policy No. 3.5.22 relating to Consulting Rooms; and"**

Debate ensued.

**AMENDMENT 3 PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harley was an apology for the Meeting.)

The Presiding Member Mayor Hon. Alannah MacTiernan advised that the number of amendments was confusing and several changes required further explanation. She indicated that it may be preferable to defer the item, to allow for further consideration.

**COUNCIL DECISION ITEM 9.1.5**

**PROCEDURAL MOTION**

**Moved Cr Topelberg, Seconded Cr Carey**

That the item be DEFERRED to the Ordinary Meeting of Council on 6 November 2012 for further consideration.

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

**For:** Mayor Hon. MacTiernan, Cr Carey, Cr Pintabona, Cr Topelberg, Cr Wilcox  
**Against:** Cr Buckels, Cr Maier, Cr McGrath

(Cr Harley was an apology for the Meeting.)

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**PURPOSE OF REPORT:**

The purpose of the report is to provide the Council with the proposed amendments of Policy Nos. 3.5.3, 3.5.4 and 3.5.22 and the rescission of Policy No. 3.5.9 and for the Council to authorise the Chief Executive Officer (CEO) to advertise amendments and rescission of these policies in accordance with clause 47 of the City's Town Planning Scheme No. 1.

**BACKGROUND:**

The City of Vincent Draft Town Planning Scheme No. 2 (TPS No. 2) and Local Planning Strategy (LPS) were endorsed by the Council at the Ordinary Meeting held on 20 December 2011. These documents, along with the draft Precinct Policies were sent to the Department of Planning on 23 December 2011 in order for them to give the City consent to advertise the TPS No. 2 and LPS. As a part of the scheme review process, the City's Officers are also reviewing the Planning and Building Policy Manual.

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**History:**

Policy No. 3.5.3 – Education and Care Services (Day Nursery/Child Care Centres);

Policy No. 3.5.4 – Amusement Centres; and

Policy No. 3.5.9 – Stormwater Disposal from Premises,

Date	Comment
27 March 2001	The Council at its Ordinary Meeting adopted the Planning and Building Policy Manual, which included the adoption of Policy No. 3.5.3. 3.5.4 and 3.5.9.

Policy No. 3.5.22 – Consulting Rooms

Date	Comment
12 September 2006	The Council at its Ordinary Meeting resolved to amend and advertise the draft Policy No. 3.5.22 relating to Consulting Rooms.
21 November 2006	The Council at its Ordinary Meeting resolved to adopt the Policy No. 3.5.22 relating to Consulting Rooms.

**Previous Reports to Council:**

There have been no previous reports to the Council in relation to the subject amendment of Policy Nos. 3.5.3, 3.5.4 and 3.5.22 and the rescission of Policy No. 3.5.9.

**DETAILS:**

The details below illustrate a summary of the proposed changes made to each policy and why these amendments have been proposed.

**Policy No. 3.5.3 – Education and Care Services (Day Nursery/Child Care Centres)**

Title

The title of the policy has been amended from Day Nursery/Child Care Centres to the Education and Care Services. The National Regulations indentifies that all 'child care' is titled as Education and Care Services.

Introduction

An Introduction has been added to the policy which explains that on 1 January 2012, the National Quality Framework was introduced into the National Legislative Framework and this framework consists of the Education and Care Services National Law and Education and Care Services National Regulations. Prior to 1 January 2012, each State had individual Laws and Regulations relating to Child Care, however these have now been repealed and are controlled nationally. The Education and Care Services Law indentifies two main types of child care services. These are Family Day Care Services and Centre Based Child Care Services.

Objectives

The objectives of the policy have been amended to reflect the wording and names of child care services.

Policy Statement

Given this policy has not been reviewed since it was first adopted in March 2001 and in light of the Education and Care Services National Law/Regulations being passed, significant amendments to this policy have been proposed. For ease of reading, the City's Officers have firstly shown strikethrough for all of the existing policy and after this underlined all the proposed policy. It is noted that there are some 'underlined' requirements that are the same as the ones shown as 'strikethrough'.

1. FAMILY DAY CARE SERVICES

Clause	Comments
1.1 – Definition	This clause illustrates that the definition of a Family Day Care Service has the same meaning as the Education and Care Services National Regulations 2012 and is essentially a service providing education and care of children in a private home. This wording is similar to existing clause 1)i), except that the existing clause refers to the Community Services (Child Care) Regulations 1988.
1.2 – Suitable Types of Dwellings	This clause states that a Family Day Care Service may be permitted from a single house or grouped dwelling, but is not permitted in a multiple dwelling. This clause is similar to existing clause 1)ii). Existing clause 1)iii) which states that only Family Day Care Services is permitted within any one grouped dwelling complex has been deleted.
1.3 – Maximum Number of Children	The existing policy does not provide any requirements for the maximum number of children that can be cared for in a Family Day Care Service premises. A review of several other Western Australian Local Government's Policies relating to the Family Day Cares, illustrate that the maximum number of children (including the carers own children) be seven. Given this facility is located within a domestic home, it is considered reasonable that a restriction of seven children be applied.
1.4 – Internal Playing Space	The Education and Care Services National Regulations 2012 do not specify the minimum internal playing space for a Family Day Care Service premises. Given the existing policy requires a minimum external playing space of 40 square metres, which has been maintained in clause 1.5, it is considered that a minimum of 20 square metres of internal playing space be provided. This applies the same principle for a Centre Based Child Care Facility in that approximately half the playing space is required internal to external under the Regulations.
1.5 – External Playing Space	As stated above this clause requires a minimum of 40 square metres, with a minimum dimension of 6 metres of external playing space. This clause is similar to 1)iv) of the existing policy.
1.6 – Car Parking	This clause states that no additional car bays are required for a proposed Family Day Care Service premises, other than what is required under the R Codes. This is same approach that has been taken by the City of South Perth and the City's Officers agree with this as customers would only drop off and pick up their children rather than use the car bay for long periods of time. Other Local Government's require 1 or 2 additional car bays, however given the existing lack of on site car parking on lots within the City of Vincent, the City's Officers do not want to discourage the possibility of providing a Child Care Service, for the reason of not having an additional 1 or 2 car bays. Furthermore, even if the City did require this and an applicant could provide the additional parking, if seven children are being cared for at the dwelling and all these children are being dropped off and picked up at similar times, there will still be a lack of parking on site.

2. CENTRE BASED CHILD CARE SERVICES

Clause	Comments
2.1 – Definition	This clause illustrates that the definition of a Family Day Care Service has the same meaning as the Education and Care Services National Regulations 2012.
2.2 – Internal Playing Space	This clause illustrates that a Centre based Child Care Service premises is required to have a minimum unencumbered internal playing space of 3.25 square metres per child. The clause then explains what the exclusion areas are of an unencumbered internal playing space. This clause is written in accordance with regulation 116 of the Education and Care Services National Regulations 2012.
2.3 – External Playing Space	<p>Clause 2.3.1 illustrates that a Centre based Child Care Service premises is required to have a minimum unencumbered external playing space of 7 square metres per child. The clause then explains what the exclusion areas are of an unencumbered external playing space. This clause is written in accordance with regulation 117 of the Education and Care Services National Regulations 2012.</p> <p>Clause 2.3.2 requires that the external playing space is required to provide a shaded area that is at least 30 percent of the size of the minimum required external playing space. Regulation 129 of the Education and Care Services National Regulations 2012 requires that a shaded area be provided, however a size has not been stated.</p>
2.4 – Car Parking and Vehicular Access	Clause 2.4.1 and 2.4.2 state that all car parking and vehicular access is to be in accordance with the City's Parking and Access Policy and that a drop off/pick up area be provided. This clause has been added to prompt the reader to refer to the Parking and Access Policy for additional requirements relating to car parking and vehicular access.
2.5 – Landscaping and Open Space	Clauses 2.5.1 and 2.5.2 require that a Centre Based Child Care Service premises is required to have a minimum of 50 percent open space and a minimum of 30 percent of the open space area be provided as soft landscaping. A definition of soft landscaping has been provided for clarification. This definition is based on the draft Policy relating to Multiple Dwellings. It is noted that grass or lawn can be considered as part of the 30 percent of soft landscaping.
2.6 – Administration Space	This clause requires that an administrative space is required at a Centre Based Child Care Service premises. This clause is written in accordance with regulation 125 of the Education and Care Services National Regulations 2012.
2.7 – Nappy Changing Facilities	This clause requires that nappy changing facilities are required at a Centre Based Child Care Service premises. This clause is written in accordance with regulation 126 of the Education and Care Services National Regulations 2012.

3. GENERAL REQUIREMENTS FOR EDUCATION AND CARE SERVICES

Clause	Comments
3.1 – Toilet and Hygiene Facilities	This clause provides the minimum requirements for toilet and hygiene facilities at an Education and Care Service premises. This clause is written in accordance with regulation 119 of the Education and Care Services National Regulations 2012.
3.2 – Laundry and Hygiene Facilities	This clause provides the minimum requirements for laundry and hygiene facilities at an Education and Care Service premises. This clause is written in accordance with regulation 120 of the Education and Care Services National Regulations 2012.
3.3 – Fencing and Security	Clause 3.3.1 requires that any outdoor space at an Education and Care Service premises be enclosed by a fence or barrier that is 1.2 metres in height. This clause is similar to regulation 123(1), however the regulation does not specify a height. Rather it states that the <i>“premises be enclosed by a fence or barrier that is of such a height that children who are preschool age or under cannot go through, over or under it.”</i> The City’s Officers have recommended a height of 1.2 metres as this is the same height of a pool fence in accordance with Australian Standard 1926.1.
3.4 – Swimming Pools	This clause illustrates that a swimming pool or outdoor spa is not permitted on a premises that contains an Education and Care Service. This clause is written in accordance with regulation 124 of the Education and Care Services National Regulations 2012.
3.5 – Signage	This clause states that all signage is to be in accordance with the City’s policy relating to Signs and Advertising. This clause has been added to prompt the reader to refer to the Signs and Advertising Policy for additional requirements relating signage.
3.6 – Hours of Operation	This clause provides a framework for the maximum hours that a Education and Care Service premises can operate. The clause is extended to note that the City may consider an increase to the above hours of operation for, provided that the amenity of the surrounding area is not unduly affected.

4. PLANNING APPROVAL

This clause indicates that when applying for Planning Approval to operate and Education and Care Service premises, a written submission is required to be submitted containing the following information:

- Information on the type of Education and Care Service including what services will be provided;
- The maximum number of children that will be cared for at any one time;
- The age group/range of the children that will be cared for;
- The maximum number of staff/educators/carers that will be working at the premises at any one time;
- The proposed hours and days of operation; and
- Information on the equipment that will be used.

The above information is required to be submitted, along with the plans of the building, to assess some of the development and operating requirements listed in clauses 1, 2 and 3 of the Policy Statement.

## 5. NATIONAL CARE SERVICES LAW AND REGULATIONS

This is a standard clause which is similar to that of clause 3) of the existing policy which states that in addition to the requirements listed in the policy, the applicant is to ensure that the proposed Education and Care Service is in accordance with the National Education and Care Services Regulations 2012.

### **Policy No. 3.5.4 – Amusement Centres**

Proposed clause 1 relates to Definitions, and provides a definition of Amusement Centre, which is as per the definition in the City of Vincent Town Planning Scheme and a definition for Amusement Machines. This definition confirms that Amusement Machines includes table games, such as billiards, pool, soccer, air hockey and the like, pinball games of any type and electronic games of any type, but does not include a gaming machine used for betting and gambling.

Clause 2 related to the location and design requirements for an Amusement Centre. Clause 2.1 states that the location is required to be in accordance with the zone table of the City of Vincent Town Planning Scheme and clauses 2.2 and 2.3 require that the an Amusement Centre have the appearance of a traditional shopfront, with the frontage occupied predominantly by glazing and for Amusement Centres to have self-closing entry/exit doors. This is consistent with existing clauses 2)i) and 3)i).

Clause 3 limits the hours of operation from 9:00am to 10:00pm daily and clause 4 states that Planning Approval is required to install three or more amusement machines into premises that is used for something other than Amusement Centre. This is consistent with existing clause 4) and the City's Minor Nature Development Policy.

### **Policy No. 3.5.9 – Stormwater Disposal from Premises**

This policy was adopted with the original Planning and Building Policy Manual on 27 March 2001. It simply states that all premises are required to be provided with gutters, downpipes and associated drainage for stormwater disposal purposes and the system be designed so that:

- The disposal system will not cause damage, erosion, corrosion or any other defects to the premises or any other property; and
- The water discharge onto the surface if the lot is not permitted to flow to an adjacent private or public property and is to be adequately contained within the lot.

The City's Technical Services Policy No. 2.2.10 relating to Stormwater Drainage Connections was first adopted on 22 September 1997 and was amended on 26 August 2003 and 13 May 2008. This policy also states that stormwater should be retained on site.

Furthermore, the matter of stormwater disposal is adequately addressed in the following legislation:

- Local Government Act 1995 - Schedule 3.1 - Powers Under Notices to Owners or Occupiers of Land, which states:

*"Prevent water from dripping or running from a building on the land onto any other land."*; and

- The City's Health Local Law also states in relation to Part 3 - Housing And General:

*"Maintenance of Guttering and Downpipes and Disposal of Rainwater*

*21. The owner or occupier of a dwelling house shall –*

- (a) maintain all guttering, downpipes and drains on the premises in a good state of repair, clean and free from obstruction; and*
- (b) not permit any rainwater from the premises to discharge onto or over a footpath, street or other property, and ensure stormwater is disposed of directly into an appropriate drain or soak-well or directly onto a paved surface provided the surface has an adequate fall away from any building structure."*

In light of the above, the City's Officers consider that this policy is no longer required.

### **Policy No. 3.5.22 – Consulting Rooms**

#### Introduction

The Introduction of the Policy has been extended to add that the policy provides development controls and objectives to enhance the function and operation of these premises.

#### Objectives

The existing policy has 11 different objectives listed. Due to significant proposed amendments to this policy, the City's Officers propose that objectives 1 through to 7 and objective 9 be deleted. The existing objective 8, 10 and 11 have been maintained and renumbered to 1, 3 and 4 respectively. An additional objective No. 2 has been added relating to the provision of guidance in the exercising of discretion in determining planning applications for consulting rooms.

#### Policy Statement

A thorough review of this policy has resulted in a number of significant proposed amendments. For ease of reading, the City's Officers have firstly shown strikethrough for all of the existing policy and after this underlined all the proposed policy. It is noted that there are some 'underlined' requirements that are the same as the ones shown as 'strikethrough'.

#### 1. DEFINITIONS

The City of Vincent Town Planning Scheme No. 1 provides a definition for Consulting Rooms, however when this Policy was first adopted, the Consulting Rooms land use was made into three separate categories; Medical Consulting Rooms, Alternative Medicine Consulting Rooms and Non-Medical Consulting Rooms. These different categories provided in the existing policy have worked well in the determination of planning applications for Consulting Rooms, so much so that the City's draft Town Planning Scheme No. 2 has proposed that these definitions be included in the Scheme and that these each of these categories be separate land uses.

In terms of this clause, there are no proposed changes to existing clause 1) under the heading Guidelines and Controls.

#### 2. CAR PARKING AND VEHICULAR ACCESS

This clause states that all car parking and vehicular access is to be in accordance with the City's Parking and Access Policy. This clause has been added to prompt the reader to refer to the Parking and Access Policy for additional requirements relating to car parking and vehicular access.

### 3. SIGNAGE

This clause states that all signage is to be in accordance with the City's Signs and Advertising Policy. This clause has been added to prompt the reader to refer to the Signs and Advertising Policy for additional requirements relating to signage.

### 4. HOURS OF OPERATION

Existing clause 2 outlines a list of four conditions that may be applied to applications for consulting rooms. Condition ii) limits the hours of operations from 8:00am to 6:00pm on weekdays and 8:00am to 1:00pm on Saturday. The proposed hours of operation have been amended as follows:

- 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.

These are the hours that are stipulated in the recently amended Retail Trading Hours Act 1987. The City's Officers contacted the Department of Commerce in regards to the trading hours of retail tenancies. The Department of Commerce confirmed that there is no legislation to control the trading hours of 'consulting rooms', therefore these can be controlled by Local Government planning requirements. Notwithstanding this, when the City's Officers explained the three categories of consulting rooms, the Department also confirmed that non-medical consulting rooms only, would be considered under the Retail Trading Hours Act, as along with the selling of a service (e.g. waxing, tanning, massage, nails), they all have an element where some sort of goods are sold.

In light of this, it is recommended that the hours of operation for all consulting rooms be amended to be in line with the Retail Trading Hours Act in order to avoid conflicts with State legislation, which would override any Local Government's Town Planning Scheme and Local Planning Polices.

An additional comment has been added, which states that the hours of operation for an Medical Consulting Room may be increased, as there may be instances where applications for 'after hours' doctor surgeries or the like, will be submitted to the City.

### 5. PLANNING APPLICATION PROCESS

Clause 5 outlines the requirements for Planning Approval, the information that is required to be submitted to the City and any additional restrictions that may be applied to the Planning Approval.

Clause 5.1 confirms that a planning application for a Consulting Room is always required to be submitted to the City prior to the operation of the use. This is because a Consulting Room is never a 'P' use in any zone. This clause is similar to the existing statement made in the Policy under the heading 'Planning Approval'. It also confirms that a planning application will be required to be submitted for the change of use/operation of one Consulting Room to another, where the specific type of Consulting Room is proposed to change.

Clause 5.2 illustrates the information that is required to be submitted with the planning application. This information is required to be submitted in order to assess some of the development requirements listed in the policy and to restrict, via planning conditions, the use and operation of the consulting room business.

Clause 5.3 advises that the City may request the applicant to submit copies of Consultants' certificates from a relevant legitimate and reputable association or organisation prior to the issue of Planning Approval. There may be instances where the applicant cannot provide these qualifications as they have not yet hired any staff. Where this is the case, the City will apply a condition requiring the submission of the certificates prior to the first occupation of the proposed consulting room development.

Clause 5.4 provides information on the additional restrictions/conditions that may be applied to a Planning Approval. Clause 5.4.1 states that an approval for a proposed Consulting Room will be specific to the type of Consulting Room (e.g. an approval for a physiotherapist is described as a Medical Consulting Room – Physiotherapist), clause 5.4.2 states that an Approval for a Non-Medical Consulting Room will be restricted to a period of 12 months only and clause 5.4.3 essentially states that the property not be used for sexual services. These clauses reflect what is stated under existing clause 2 of the policy relating to Standard Conditions of Approval.

**CONSULTATION/ADVERTISING:**

<b>Required by legislation:</b>	Yes	<b>Required by City of Vincent Policy:</b>	Yes
<b>Consultation Type:</b>	<ul style="list-style-type: none"> <li>• Advertisement in the Guardian Newspaper;</li> <li>• City of Vincent website;</li> <li>• Letters to affected landowners, WAPC, State and Local Government Agencies and Precinct Groups; and</li> <li>• Notice at the City of Vincent Administration Centre and Library.</li> </ul>		
<b>Comment Period:</b>	4 weeks		

After the expiry of the period for submissions, the City's Officers will review all the submissions received in and report back to Council with a determination to proceed or not to proceed with the amendments/rescission.

**LEGAL/POLICY:**

- *Planning and Development Act 2005;*
- *City of Vincent Town Planning Scheme No. 1* and associated Policies; and
- *Residential Design Codes of Western Australia.*

**RISK MANAGEMENT IMPLICATIONS:**

**Low-Medium:** The proposed policies are under review due to an entire review of the City's Planning and Building Policy Manual. Given these policies have not been reviewed from between 6 and 12 years, there is a risk that these policies are outdated and do not reflect state legislation or local strategic directions.

**STRATEGIC IMPLICATIONS:**

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

*"Natural and Built Environment*

1.1 *Improve and Maintain the Environment and Infrastructure.*

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

**SUSTAINABILITY IMPLICATIONS:**

This report related to the proposed amendment of Policies 3.5.3, 3.5.4 and 3.5.22 and the rescission of Policy No. 3.5.9 does not have any sustainability implications.



**FINANCIAL/BUDGET IMPLICATIONS:**

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

'Town Planning Scheme Amendment and Policies'

Budget Amount: \$80,000  
Spent to Date: \$ 2,302  
Balance: \$77,698

The expenditure associated with the subject Planning and Building Policy Amendment is within the balance of the budgeted item.

**COMMENTS & CONCLUSION:**

**Amendment No. 103 to Planning and Building Policy Manual**

As stated in the details section of the report, these four Policies contain requirements that have not been reviewed for a number of years and are inconsistent with state legislation and strategic planning directions. Given this, it is recommended that the Council initiate the rescission of Appendix Nos. 7, 9, 13 and 14 and that this be advertised for four weeks, in accordance with clause 47 of the City of Vincent Town Planning Scheme No. 1.

**Review of the Development and Design Policies**

The following table outlines the current status and future actions of the Development and Design Policies

Policy	Review Outcomes	Future Actions
Policy 3.5.1 – Minor Nature Development	A review of this policy was conducted and adopted by the Council at its Ordinary Meeting held on 6 December 2011 (Planning and Building Policy Amendment No. 84).	To be reviewed, however may not result in any proposed amendments.
Policy 3.5.2 – Signs and Advertising	A review of this policy was conducted and adopted by the Council at its Ordinary Meeting held on 30 August 2011 (Planning and Building Policy Amendment No. 76).	To be reviewed, however may not result in any proposed amendments.
Policy 3.5.3 – Day Nurseries/Child Care Centres	Proposed Amendment No. 103 to Planning and Building Policy Manual.	Await outcome of subject Amendment No. 103.
Policy 3.5.4 – Amusement Centres	Proposed Amendment No. 103 to Planning and Building Policy Manual.	Await outcome of subject Amendment No. 103.
Policy 3.5.5 – Domestic Satellite Dishes, Microwave Antennae and Tower Masts	The policy is proposed to be incorporated into the review of the Residential Design Elements (RDE's) Policy (Planning and Building Policy Amendment No. 101).	Proposed rescission of this policy with the adoption of the amended RDE's.
Policy 3.5.6 – Telecommunication Facilities	A review of this policy was conducted and adopted by the Council at its Ordinary Meeting held on 28 February 2012 (Planning and Building Policy Amendment No. 79).	Review in February 2015.

<b>Policy</b>	<b>Review Outcomes</b>	<b>Future Actions</b>
Policy 3.5.7 – Pedestrian Walkways	The City's Officers are currently working on a new policy that deals with the design of commercial and mixed use developments. It is proposed that this policy will be incorporated into this new policy (Planning and Building Policy Amendment No. 104).	Proposed rescission of this policy with the adoption of new policy.
Policy 3.5.8 – Canvas Awnings	The City's Officers are currently working on a new policy that deals with the design of commercial and mixed use developments. It is proposed that this policy will be incorporated into this new policy (Planning and Building Policy Amendment No. 104).	Proposed rescission of this policy with the adoption of new policy.
Policy 3.5.9 – Stormwater Disposal from Premises	Proposed Amendment No. 103 to Planning and Building Policy Manual.	Await outcome of subject Amendment No. 103.
Policy 3.5.10 – Sustainable Design	Currently under review (Planning and Building Policy Amendment No. 96).	Under review.
Policy 3.5.11 – not currently assigned.		
Policy 3.5.12 – not currently assigned.		
Policy 3.5.13 – Percentage for Public Art	A review of this policy was conducted and adopted by the Council at its Ordinary Meeting held on 27 September 2011 (Planning and Building Policy Amendment No. 78).	Review in September 2014
Policy 3.5.14 – not currently assigned.		
Policy 3.5.15 – Shopfronts and Front Facades to Non-Residential Buildings	The City's Officers are currently working on a new policy that deals with the design of commercial and mixed use developments. It is proposed that this policy will be incorporated into this new policy (Planning and Building Policy Amendment No. 104).	Proposed rescission of this policy with the adoption of new policy.
Policy 3.5.16 – not currently assigned.		
Policy 3.5.17 – Communal Open Space for Lodging Houses, Hostels and Serviced	The City's Officers have reviewed Policy No. 3.4.5 relating to Short Term Accommodation and as part of this review it is proposed to incorporate this policy into the new 'Special Residential Accommodation' Policy. This policy was initiated by the Council at its Ordinary Meeting held on 10 July 2012 and advertising was conducted from 21 August 2012 to 18 September 2012 (Planning and Building Policy Amendment No. 94).	The Officers will be reporting to Council in due course for the final adoption of the Special Residential Accommodation Policy and the rescission of Policy No. 3.5.17.
Policy 3.5.18 – not currently assigned.		
Policy 3.5.19 – Application of Condition to Amalgamate Land on Planning Approvals	A review of this policy was conducted and adopted by the Council at its Ordinary Meeting held on 6 December 2011 (Planning and Building Policy Amendment No. 78).	Review in December 2014.
Policy 3.5.20 – Street Addressing	To be reviewed.	To be reviewed.
Policy 3.5.21 –	A review of this policy was conducted	Review in July 2015.

<b>Policy</b>	<b>Review Outcomes</b>	<b>Future Actions</b>
Sound Attenuation	and adopted by the Council at its Ordinary Meeting held on 24 July 2012 (Planning and Building Policy Amendment No. 87).	
Policy 3.5.22 – Consulting Rooms	Proposed Amendment No. 103 to Planning and Building Policy Manual.	Await outcome of subject Amendment No. 103.
Policy 3.5.23 – Construction Management Plans	To be reviewed.	To be reviewed.

**9.1.7 Way Finding Signage Strategy Implementation – Final Adoption**

<b>Ward:</b>	Both	<b>Date:</b>	12 October 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	PLA0084
<b>Attachments:</b>	<a href="#">001</a> – Way Finding Signage Strategy Implementation Plan		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	T Young, Manager Strategic Planning, Sustainability and Heritage Services; and C Wilson, Manager Asset and Design Services		
<b>Responsible Officers:</b>	C Eldridge, Director Planning Services – Strategy and Consultation; and R Lotznicker, Director Technical Services - Implementation		

**OFFICER RECOMMENDATION:**

That the Council;

1. **ADOPTS** the Way Finding Strategy Implementation Plan as shown in Appendix 9.1.7, to be used as a guiding document by the City’s Administration to implement the recommendations of the Way Finding Strategy that was endorsed by the Council at its Ordinary Meeting held on 10 July 2012; and
2. **NOTES** that the Way Finding Implementation Plan can be amended from time to time by the City’s Administration and will be presented as an Information Bulletin to the Council annually.

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Moved Cr Maier, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

Cr Carey departed the Chamber at 8.45pm.

Debate ensued.

Cr Carey returned to the Chamber at 8.47pm.

Debate ensued.

**AMENDMENT**

Moved Cr Pintabona, Seconded Cr Buckels

“That Clause 1 be amended as follows:

1. **ADOPTS** the Way Finding Strategy Implementation Plan and report the progress in March 2013 on the degree to which this can be accelerated, as shown in Appendix 9.1.7, to be used as a guiding document by the City’s Administration to implement the recommendations of the Way Finding Strategy that was endorsed by the Council at its Ordinary Meeting held on 10 July 2012; and

Debate ensued.

**AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harley was an apology for the Meeting.)

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

(Cr Harley was an apology for the Meeting.)

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**COUNCIL DECISION ITEM 9.1.7**

**That the Council;**

- 1. ADOPTS the Way Finding Strategy Implementation Plan and report the progress in March 2013 on the degree to which this can be accelerated, as shown in Appendix 9.1.7, to be used as a guiding document by the City's Administration to implement the recommendations of the Way Finding Strategy that was endorsed by the Council at its Ordinary Meeting held on 10 July 2012; and**
  - 2. NOTES that the Way Finding Implementation Plan can be amended from time to time by the City's Administration and will be presented as an Information Bulletin to the Council annually.**
- 

**PURPOSE OF REPORT:**

The purpose of this report is to present to the Council the Way Finding Signage Strategy Implementation Plan, and to seek its adoption.

**BACKGROUND:**

The Council at its Ordinary Meeting held on 9 March 2010 adopted the Car Parking Strategy and the Precinct Parking Management Plans. These documents provided a number of recommendations for the City to consider in the implementation of the Car Parking Strategy. Recommendation 12 of the Car Parking Strategy states the following:

*"The Town develops a way finding and parking signage package which brands the Town of Vincent and assists drivers to:*

- know where to look for parking and way finding signage when they need it;*
- understand the way the information is communicated; and*
- obtain the information quickly and without fuss.*

*The system should be applied across the entire Town equally to council and privately owned public car parking areas."*

This was listed as a medium priority recommendation and as such the City's Officers began the process of implementing this recommendation in November 2011.

The Council at its Ordinary Meeting held on 10 July 2012 adopted the final version of the Way Finding Strategy. At this meeting the Council also resolved that the City's Administration prepare a Way Finding Strategy Implementation Plan to provide greater guidance in the implementation of the recommendations from the Way Finding Strategy, and report this to the Council by October 2012.

**DETAILS:**

**Components of the Way Finding Strategy**

The Way Finding Strategy Implementation Plan has been divided into three (3) main parts as follows:

Part One – Timeframe and Budget

This section sets out the key tasks to complete the installation of the signs into the five (5) Town Centres, within a prescribed time frame. Under each of the Town Centres the tasks involved to install the following types of signs are outlined:

- a. Installation of Car Park Gateway Signs;
- b. Installation of Car Park Intersection Signs;
- c. Installation of Car Parking Entry Signs;
- d. Installation of Pedestrian Directional Signs; and
- e. Installation of Pedestrian Map Based Totem Signs.

This section also provides an indicative combined budget for the manufacture and installation of each type sign.

Given the existing budget of \$14,000 being allocated to the installation of the Way Finding Signage from the Parking Reserve Fund in the 2012/2013 financial year, as per the Council resolution on 10 July 2012, it is recommended that all the signage be completed in Leederville first, with the exception of the Pedestrian Based Totem Signs. The remainder of signage in the other four Town Centres and all the Pedestrian Totem Signs can then be budgeted to be designed, manufactured and installed in the 2013/2014 financial year. The Implementation Plan has been written to reflect this proposal.

#### Part Two – Signage Inventory

This sets out a more specific inventory of the type and quantity of signage required in each of the Town Centres, and a breakdown of costs for manufacture and installation. This has been derived from the Way Finding Strategy, with some modifications to address any technical matters that have been identified by the City's Technical Services, in particular the exact location of the Car Parking Gateway Signs. An additional cost for traffic management has also been factored in, which will be required for some of the signage installation.

#### Part Three – How to Use the Implementation Plan

This section provides a brief overview on how the Implementation Plan is to be used. Essentially it will be managed by the City's internal Car Parking Working Group and will be presented to Council as an Information Bulletin on an annual basis to keep the Council informed of the progression of the implementation of the signage and the budget requirements.

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

Required by legislation:	No	Required by City of Vincent Policy:	No
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Whilst the actual Way Finding Implementation Plan itself does not require consultation, prior to the installation of any signage within close proximity to businesses and/or residents, these businesses and/or residents will be advised in writing on the location of the new signage and business group liaison will also be undertaken. In terms of the consultation for Leederville scheduled to be undertaken in the coming months, contact with businesses will also be made through Leederville Connect and also through the City's Leederville Working Group.

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

All signage will be installed in accordance with the Australian Standards and the Main Roads WA standards.

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

**Medium:** The signage has been designed to comply with the Australian Standards and the Main Roads WA standards.

#### **STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2011-2016 - Objectives 1.1.1, 1.1.4 and 1.1.5 state;

*“Natural and Built Environment*

- 1.1.1 *Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.*
- 1.1.4 *Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.*
- 1.1.5 *Take action to improve transport and parking in the City and mitigate the effects of traffic.”*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Expenditure for this matter will be incurred under the following two budgeted items from the 2012/2013 Annual Budget.

'Car Parking Strategy'

Budget Amount:	\$50,000
Spent to Date:	<u>\$ 492</u>
Balance:	\$49,507

Consultation = \$800

'Parking Facilities Reserve Fund'

The Council at its Ordinary Meeting on 10 July 2012 allocated a total of \$14,000 to be allocated to the installation of the Way Finding Signage from the City's Parking Facilities Reserve Fund.

Manufacture and Installation = \$15,381

\*The shortfall of approximately \$1,381 can be covered in the Car Parking Strategy account.

**COMMENTS & CONCLUSION:**

The Way Finding Signage Strategy Implementation Plan has been prepared by the City's internal Car Parking Working Group. The Group agrees that the Implementation Plan will ensure that the installation of the Way Finding Signage will be implemented in a coordinated and effectively manner across the key service areas of the organisation.

The Working Group will continue to monitor the progress of the actions within the Way Finding Signage Implementation Plan to ensure that the Way Finding Signage is effectively rolled out during the 2012/2013 and 2013/2014 financial years and is appropriately budgeted for.

It is considered that the Way Finding Signage Strategy and associated Way Finding Strategy Implementation Plan provide transparent and detailed information in regards to way finding signage within the City, and provides a clear signage schedule in order to send out for a tender process and/or request for quote to signage manufacturers.

In light of the above, it is recommended that the Council adopts the Way Finding Signage Strategy Implementation Plan, in accordance with the Officer Recommendation.

### 9.2.1 Alternative Treatments for Right of Ways within the City

Ward:	Both	Date:	12 October 2012
Precinct:	All	File Ref:	TES0003/TES0331
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	A Brown, Engineering Technical Officer; and R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

#### OFFICER RECOMMENDATION:

That the Council;

1. NOTES the information contained within the report regarding alternative methods of upgrading Rights of Way (ROWs); and
2. CONTINUES with the current method of upgrading the remaining ROWs in the current ROW Upgrade and Acquisition program scheduled to be completed in the next four (4) years, for the reasons detailed in the report, subject to the current level of annual funding being allowed to the program.

Moved Cr Maier, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Pintabona

“That Clause 2 be amended as follows:

2. ~~CONTINUES with the current method of upgrading the remaining ROWs in the current ROW Upgrade and Acquisition program scheduled to be completed in the next four (4) years, for the reasons detailed in the report, subject to the current level of annual funding being allowed to the program.~~ REQUESTS further investigation of alternative methods of upgrading the remaining ROWs”.

Debate ensued.

The Mover, Cr Maier advised that *he* wished to *change his* amendment and *reword it*. The Seconder, Cr Pintabona agreed.

“That Clause 1 be amended and Clause 2 be deleted as follows:

1. NOTES the information contained within the report regarding alternative methods of upgrading Rights of Way (ROWs) and further information to be presented to a forum in February 2013.
2. ~~CONTINUES with the current method of upgrading the remaining ROWs in the current ROW Upgrade and Acquisition program scheduled to be completed in the next four (4) years, for the reasons detailed in the report, subject to the current level of annual funding being allowed to the program.~~

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Harley was an apology for the Meeting.)

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

(Cr Harley was an apology for the Meeting.)

#### COUNCIL DECISION ITEM 9.2.1

That the Council NOTES the information contained within the report regarding alternative methods of upgrading Rights of Way (ROWs) and further information to be presented to a forum in February 2013.



**PURPOSE OF REPORT:**

The purpose of this report is to provide the Council with information regarding using alternative Right of Way (ROW) treatments compared with the current practice of upgrading ROW in the conventional manner using a flexible pavement with a hot mixed asphalt seal.

**BACKGROUND:**

At its Ordinary Meeting held on 26 June 2012 the Council made the following decision.

*That the Council REQUESTS:*

1. *The Chief Executive Officer to investigate the use of water permeable, vegetated treatments for upgrading unsealed rights of ways. The investigation should include but not be limited to:*
  - 1.1 *The potential benefits including environmental and aesthetic benefits;*
  - 1.2 *Any potential advantages and disadvantages;*
  - 1.3 *Engineering implications;*
  - 1.4 *Financial and "whole of life" costs implications;*
  - 1.5 *The effect the above would have on the duration of the ROW upgrade program;*
  - 1.6 *The potential of trialing the alternative treatment to get real world feedback; and*
  - 1.7 *How such measures would fit into best practice water sense of urban design (including swales);*
  - 1.8 *any other relevant matters; and*
2. *that a report be submitted to the Council no later than September 2012.*

**DETAILS:**

As requested, an investigation has been conducted into alternative treatments for ROWs to reduce the impervious surfaces through the City with the main focus on products being able to allow grass to grow through while still providing a structural base to drive upon.

After extensive search the following two (2) products were found to meet initial criteria:

- *Turf Cell; and*
- *Grasscrete.*

**Potential Advantages and Disadvantages:**

Product Acquisition:

*Turf Cell* can be ordered through a Western Australian company; however, it needs to be transported from the Eastern States. Therefore product availability is subject to freight and manufacture and requires advance notice for large quantities to be imported into Western Australia.

*Grasscrete* is not available to purchase through any Western Australian Company; however, it can be imported from Canberra or shipped directly from Malaysia to Western Australia.

Maintenance:

The current ROW upgrade practice results in all-weather access and reduces ongoing maintenance. It is considered that alternative treatments would incur higher maintenance costs as outlined below:

- Ongoing lawn maintenance (trimming, watering, planting);
- Ongoing cleaning of surface to prevent the build up of unwanted material blocking the porous holes; and
- Lack of material availability in Western Australia to replace or repair surface if damaged by large vehicle/building works/service authorities e.g. Water Corporation.

**Engineering Implications:**

Asphalt (Current):

The current method to construct a ROW comprises the following:

- Removal of the existing soil a depth of approximately 280 millimetres.
- Grading and compaction of the subgrade.
- Supply/place and compact Sub base comprising either recycled road profiling or limestone to a depth of 250 millimetres.
- The pavement forms a 'V' in the centre and strategically placed soak wells are installed.
- Install a semi mountable concrete kerb or jarrah beam to provide an edge restraint to lock the new pavement in place.
- Lay dense graded hot mixed asphalt

With this method of construction the need for manual labour is minimised as machinery is used to undertake most of the works.

Officer Comments:

This is a tried and true method of upgrading ROWs and the vast majority of residents are more than happy once the ROW is upgraded. All-weather access is guaranteed, flooding is mitigated, rain water is soaked into the ground and maintenance costs are markedly reduced.

Grasscrete (Alternative):

To construct a ROW using Grasscrete would comprise the following:

- Removal of all existing material to a minimum depth of 320 millimetres.
- Supply, place and compact a granular sub base course to a depth of 150 millimetres.
- Install mesh reinforcement throughout the Grasscrete.
- Pour concrete poured to fill gaps.
- Using a flame (possible health/safety issue/staff training required) on the former tops and clean.
- Place fill (via screeding) and seeds in the gaps.

Officer Comments:

This type of construction method would be labour intensive not only with having to place the mesh reinforcement but also forming up the required area. The concrete infill would need to be manually placed with the use of wheel barrows as most ROWs within the City would be too narrow for concrete truck access. Also the ROW would be out of use for a period of time while the concrete cured.

While barrowing and pouring concrete is relatively quick for small jobs and the concrete remains workable, over the distance that may be required to barrow, the concrete may become unworkable quickly. Barrowing concrete would also create health and safety issues/claims/back injuries.

This method of construction would be very labour intensive and the placement of reinforcement would be an issue for the Water Corporation to excavate for repairs to sewer lines.

Also while the grass would grow in the wetter months of the year, in summer it would die and the ROW could become a dust bowl. In addition, the grass/weeds would need to be mowed and maintained by the City resulting in additional maintenance costs.

Access for people with disabilities or women with high heels could also be an issue.

Turf Cell (Alternative):

Installation of Gravel/Turf Cell is undertaken as follows:

- Excavating out 230 millimetres depth of natural soil.
- Applying a Geotextile to the base.
- Adding washed river sand compacted to 80 millimetres in depth.
- Laying 100 millimetres of growing media screening the media level.
- Turf Cells are then placed on top and filled with a mixture of top soil and growing media and levelled.
- Grass is then rolled over the top and water and fertilised to suit weather conditions.

**Financial and “Whole of Life” Costs Implications:**

The current cost to upgrade a ROW using the current practice can vary between from \$150 to \$200 per square metre dependant on geometry, length, drainage requirements and retaining requirements.

Turf Cell (Alternative):

Taking into account all labour works, flush kerbing requirements and all materials required to meet final product for turf cell, the estimated cost is between \$300 to \$350 per square metre dependant on geometry, length and drainage requirements.

Grasscrete (Alternative):

Total estimated costs, including labour, to upgrade a ROW with Grasscrete is estimated to be between \$300 to \$350 per square metre dependant on geometry, length and drainage requirements. In addition, a \$10,000 shipping cost from Canberra to Perth would need to be added for Grasscrete with an additional cost to pick up from delivery depot and transport to site.

Comparison of Costs:

To compare cost of treatments a ROW 3.0 metres wide x 50 metres long = 150 square metres was used. With the conventional method, the cost would be in the order of \$26,000.

For Turf Cell, the cost would be in the order of \$49,000 and for Grasscrete, the cost could be in the order of \$60,000 (depending on the quantity of Grasscrete imported).

**Effect on the Duration of the ROW Upgrade Program:**

It is estimated that sealing and draining of the remaining unsealed ROWs based on an annual allocation of \$350,000 would be completed over the next four (4) financial years, in 2016/2017.

ROWs vary in width from 3.0 metres to 6.0 metres and in geometry. There are no documented reasons why the ROWs were created at such varying widths however the ones formed at the turn of the century were predominantly very narrow i.e. just under 10 feet in width.

As mentioned above, the current estimated cost to upgrade a ROW using the current practice can vary between from \$150 to \$200 per square metre dependant on geometry, length, drainage requirements and retaining requirements.

If either one of the alternative treatments were chosen the ROW program would be extended by based on an annual allocation of \$350,000 would be completed over the next eight financial years in 2020/2021 at an additional estimated cost of \$1.4m.

**The Potential of Trialing the Alternative Treatment to get Real World Feedback:**

This is possible however the additional cost involved weighed up against the potential benefits is not considered feasible.

**How such measures would fit into best practice water sense of urban design (including swales):**

Water Sensitive Urban Design can be described as the approach through design to capitalise on the highest quality output through integrated water saving technologies and measures.

It is important to note that the alternative treatments for ROW may demand higher quantities of water to sustain and maintain the plant species in the design to an acceptable level. Whilst some elements of the alternative ROW treatment designs fit within the best practice of Water Sensitive Urban Design; such as ecosystem diversification, heat absorption, CO2 absorption and toxin absorption, the maintenance of the ROW to an acceptable standard, i.e. plant growth, will not be possible without the application of water.

**Any Other Relevant Matters:**

Drainage:

Current ROW treatments allow for a vast majority of storm water runoff to be captured and soaked away into the ground through the use of channelization into stand alone soak wells. Although alternative treatments are designed to be porous and allow storm water runoff to permeate through them into the ground during large storm events, the use of soak wells in these systems would still be required to capture the intense runoff that would occur especially at the low points in the ROW. This would add additional costs to the build.

Impact on Residents:

Current construction methods allow eighty per cent (80%) of ROWs to be opened to vehicle traffic on a daily basis during the construction. The proposed alternative surfaces would see the ROWs being closed to vehicle traffic for a period of over one (1) month while the works are in progress due to the construction method and product itself.

All of the alternative products are unable to be driven on until the final product is achieved and in particular Grasscrete, which requires up to twenty-eight (28) days for the concrete to reach maximum compressive strength before a vehicle is permitted to make use of the surface.

It is also important to consider accessibility for pedestrians both able bodied and disabled. Having a soft or spongy grass surface would limit the ability for persons in a wheel chair or requiring the use of walking aids to make use of the ROW.

Additional Maintenance Costs:

As mentioned above there would be additional maintenance costs associated with mowing, weed removal, sand/soil replacement and repairs due to construction activity/service authorities to maintain the structural integrity of the ROW. Patching asphalt is relatively simple with repair materials readily available.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

With the use of alternative treatments such as Grasscrete or Turf Cell there is potential for a greater number of claims being lodged against the City from persons that may have had a fall.

The reason this is possible is that the ROW surface is only partially solid and this would be invisible to the eye as the location of holes would be covered with grass. Therefore any persons traversing the ROW wearing footwear containing any sort of heel could possibly step into the holes and sink causing them to fall.

Also, the general wear on the grass could cause a potential for the surface to become exposed and when wet this would become slippery due to the nature of the material.

**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:**

Potential Benefits Including Environmental and Aesthetic Benefits:

- Micro-climate change in the ROW due to the heat absorbing properties of turf;
- Improved aesthetical value of the ROW, including colour contrast and patterned design;
- Increased absorption of CO<sub>2</sub> and various other urban toxins and pollutants; and
- Increasing biodiversity by introducing new plant species into the ROW.

However, from an engineering view point there are no benefits that would be derived from the alternative treatments as the conventional upgrade method is cost effective, provides all-weather access and reduces long term maintenance costs.

**FINANCIAL/BUDGET IMPLICATIONS:**

As mentioned above it is estimated that sealing and draining of the remaining unsealed ROWs based on an annual allocation of \$350,000 would be completed over the next four (4) financial years, in 2016/2017.

As mentioned above, the current estimated cost to upgrade a ROW using the current practice can vary between from \$150 to \$200 per square metre dependant on geometry, length, drainage requirements and retaining requirements. If either one of the alternative treatments were chosen, the ROW program, based on an annual allocation of \$350,000, would be completed over the next eight (8) financial years in 2020/2021 at an additional estimated cost of \$1.4m.

**COMMENTS:**

The ROW Upgrade and Acquisition program is almost completed with only four (4) years to go.

Given that ROWs vary in width, from 3.0 metres to 6.0 metres in length, geometry, levels etc, the conventional upgrade method has being extremely effective in providing a cost effective, all-weather surface with drainage mitigation and reduced maintenance costs.

Existing rear garages often vary in level, ROW gradients/levels are very variable to ensure access is maintained. Also, to ensure properties are not flooded the ROW is veed in the centre and soakwells installed varying in numbers depending on geometry and the frequency of low points. Grasscrete/Turf Cells would be more suitable for flat areas or areas with even gradients.

The vast majority of residents are more than happy when their ROW is upgraded and is transformed from a sandy, overgrown, dusty track to an all-weather accessway.

While the alternative methods of upgrade may have their place in certain applications e.g. large level hard stand areas etc, for ROW construction it is considered that this application is not appropriate especially from construction view point and from a long term maintenance view point nor is it cost effective.

**9.2.4 Trial for Vehicle Charge Stations for Electric Vehicles – Progress Report No 3**

<b>Ward:</b>	Both	<b>Date:</b>	12 October 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0047
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J Parker, Project Officer – Parks & Environment		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **NOTES** the information in the report; and
2. **DETERMINES** the future of the charge points in July 2013 at the conclusion of the trial period.

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**COUNCIL DECISION ITEM 9.2.4**

**Moved Cr Topelberg, Seconded Cr Buckels**

**That the recommendation be adopted.**

**Debate ensued.**

**MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

**(Cr Harley was an apology for the Meeting.)**

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**PURPOSE OF REPORT:**

The purpose of this report is to provide information on the progression of the Trial Charge Stations (Points) for Electric Vehicles within the City.

**BACKGROUND:**

**Ordinary Meeting of Council – 12 July 2011**

The Council considered progress report 2 on the Trial Charge Stations (Points) for Electric Vehicles where the following decision was made (in part):

*“That the Council;*

- (ii) RECEIVES a further progress report on the trial in February 2012.”*

**DETAILS:**

In accordance with the Council decision, at the OMC 12 July 2012, the following information is provided.

**Communications Plan:**

A communications plan was prepared, and adopted as per the Ordinary Meeting of Council on 12 July 2011. As outlined in the plan, the channels of communication to make stakeholders aware of the Charge Points Trial have been as follows:

- The Vincent webpage/newsletter;
- Newspaper article placed in the local media and/or West Australian newspaper;
- Newspaper advertisement placed in the local media and/or West Australian newspaper;
- Leaflet sent to surrounding business to display in shop front windows;
- Leaflet that can be collected from the City of Vincent Administration and Civic Centre and the Library and History Centre;
- Letters/leaflet sent out to Electric Vehicle Societies, Tertiary Institutions, Sustainability groups and surrounding Local Government's; and
- Appropriate signage at the designated car parks.

**Charge Station Locations:**

The Council approved setting up the trial at the following locations, the Barlee Street and The Avenue car parks. These locations were considered to be the most appropriate:

Location 1: (refer below)

The Avenue Carpark on the south side of the existing ablution facility for the following reasons:

- Close to a power source;
- Suitable lighting; and
- Suitable parking layout and adequate room.

NOTE: The existing disabled parking bay will be relocated within the carpark.

Location 2: (refer below)

The Barlee Street Carpark on the east side of the carpark for the following reasons:

- Close to a power source; and
- Suitable parking layout and adequate room.



Location 1: The Avenue Carpark



Location 2: Barlee Street Carpark

**Proposed Logistics of how Users will be able to Access/Use the Charge Stations during the Trial Period:**



Electricity is provided for free during the trial period and Charge Points are only able to be accessed by RIFD cards which are available for collection from the Administration and Civic Centre 'at no charge' to Vincent residents.

Only electric vehicles will be permitted to park in the designated Charge Point parking bays and parking in the Charge Point bays will be in accordance with the parking time restrictions and will attract the required car parking fees where applicable.

**Charge Station Use during the Trial Period:**

During the trial, use has been minimal, however, this is to be expected due to the fairly new integration of electric vehicles into the market and the centralised location of the City of Vincent.

Often, persons using electric vehicles will not require re-charging within the City due to the close proximity to neighbouring facilities and locations particularly within the Perth CBD. However, it is expected that with the increasing costs of fuel and the falling costs of electric vehicles, the charge points will be more widely utilized as the number of electric vehicles in the City increases.

**CONSULTING/ADVERTISING:**

To be advertised as per the communications plan.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** As previously reported, the risks are considered to be low.

**STRATEGIC IMPLICATIONS:**

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

*"Natural and Built Environment*

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

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

**SUSTAINABILITY IMPLICATIONS:**

The promotion of more sustainable transport will be an inherent product of the trial.

**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable at this stage.

**COMMENTS:**

It is recommended that the Council receives Progress Report No. 3 as an update on the successful progression of the trial.

**9.3.5 Hyde Park – Proposed Gazebo, Barbeque and Temporary/Portable Mobile Food Service and Progress Report No.4**

<b>Ward:</b>	South	<b>Date:</b>	15 October 2012
<b>Precinct:</b>	Hyde Park (12)	<b>File Ref:</b>	RES0042
<b>Attachments:</b>	<a href="#">001</a> – Plan of proposed gazebo		
<b>Tabled Items:</b>			
<b>Reporting Officers:</b>	M Rootsey, Director Corporate Services; and J Van Den Bok, Manager Parks and Property Services		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services – Quotation for temporary food Service R Lotznicker, Director Technical Services - Infrastructure		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the progress report No. 4, concerning the investigation of the possibility of providing a temporary/mobile food service and/or “Tea Room” at Hyde Park, Perth; and:
2. **APPROVES BY AN ABSOLUTE MAJORITY;**
  - 2.1 The replacement of a small gazebo in Hyde Park (adjacent to the water playground), with a Victorian type gazebo, estimated to cost \$36,000 as shown in Appendix 9.3.5 (001); and
  - 2.2 The installation of a double electric barbeque in Hyde Park (adjacent to the water playground), at an estimated cost of \$15,000; and
3. **AUTHORISES** the Chief Executive Officer;
  - 3.1 In liaison with the Mayor to call and approve quotations for a temporary portable/mobile food facility at Hyde Park, on a trial basis for the period, up to 30 April 2013; and
  - 3.2 Identify a funding source for items specified in Clause 2 at the mid-year Budget review.

Moved Cr Buckels, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

**AMENDMENT 1**

Moved Cr Topelberg, Seconded Cr Buckels

“That Clause 2.1 be amended to read as follows:

2. **APPROVES BY AN ABSOLUTE MAJORITY;**
  - 2.1 The replacement of a small gazebo in Hyde Park (adjacent to the water playground), with a timber Victorian type gazebo with shingled roof, estimated to cost ~~\$36,000~~ \$42,500 (including installation) as shown in Appendix 9.3.5 (002); and”

Debate ensued.

**AMENDMENT 1 PUT AND LOST (2-6)**

**For:** Cr Topelberg, Cr Maier

**Against:** Mayor Hon. MacTiernan, Cr Buckels, Cr Carey, Cr McGrath, Cr Pintabona, Cr Wilcox

(Cr Harley was an apology for the Meeting.)

**AMENDMENT 2**

**Moved Cr Topelberg, Seconded Cr McGrath**

“That Clause 2.1 be amended to read as follows;

- 2.1 **Lists for consideration in the 2013/2014 Draft Budget**, the replacement of a small gazebo in Hyde Park (adjacent to the water playground), with a Victorian type gazebo, estimated to cost \$36,000 as shown in Appendix 9.3.5 (001); and”

**AMENDMENT 2 PUT AND CARRIED (8-0)**

(Cr Harley was an apology for the Meeting.)

**MOTION AS AMENDED PUT AND CARRIED  
BY AN ABSOLUTE MAJORITY (8-0)**

(Cr Harley was an apology for the Meeting.)

**COUNCIL DECISION ITEM 9.3.5**

That the Council;

1. **RECEIVES** the progress report No. 4, concerning the investigation of the possibility of providing a temporary/mobile food service and/or “Tea Room” at Hyde Park, Perth; and:
2. **APPROVES BY AN ABSOLUTE MAJORITY** the installation of a double electric barbeque in Hyde Park (adjacent to the water playground), at an estimated cost of \$15,000;
3. **LISTS FOR CONSIDERATION** in the 2013/2014 Draft Budget, the replacement of a small gazebo in Hyde Park (adjacent to the water playground), with a Victorian type gazebo, estimated to cost \$36,000 as shown in Appendix 9.3.5 (001); and  
and
4. **AUTHORISES** the Chief Executive Officer;
  - 4.1 In liaison with the Mayor to call and approve quotations for a temporary portable/mobile food facility at Hyde Park, on a trial basis for the period, up to 30 April 2013; and
  - 4.2 Identify a funding source for items specified in Clause 2 at the mid-year Budget review.

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**Additional Comments:**

A Queensland based company supplies an 8 metre diameter timber gazebo, with shingled roof.

The cost is as follows:

Supply in kit form	\$34,000 exclusive GST
Installation	\$8500 exclusive GST
<b>Total</b>	<b>\$42,500 exclusive GST</b>

**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council on the progress concerning the investigation for the possibility of providing a temporary portable/mobile food facility at Hyde Park, a new gazebo and additional barbeque, adjacent to the new water playground at Hyde Park, Perth.

**BACKGROUND:**

Previous reports have been submitted to the Council on 22 September 2009, 1 December 2009 and 23 March 2010 and 27 March 2012.

At the Ordinary Meeting of Council, held on 27 March 2012, the Council adopted the following recommendation:

*“That the item be deferred to the Council Forum to be held in June 2012.”*

**DETAILS:**

On Sunday 14 October 2012 the newly upgraded and refurbished water playground at Hyde Park was open to the public. Despite being a cool day the water playground was well used by the Community.

Feedback from the Community indicated that a mobile food service would be beneficial and add to the amenity of Hyde Park. Mayor Hon. Alannah MacTiernan has requested that the Council consider;

- A new gazebo to replace the existing small gazebo;
- A new electric barbeque to be located near the water play ground; and
- A temporary portable/mobile food facility at Hyde Park, on a trial basis – for the 2012/2013 summer/autumn period.

**New Gazebo and barbeque**

The existing gazebo located adjacent to the new water playground was constructed in the 1970's, is 4.0metres in diameter and whilst still structurally sound, requires upgrading and is not in keeping with the parks landscape style.

The proposed new gazebo would be larger in diameter (6-8 metres) be of 'Victorian' style (with attached cupola) similar to the gazebo installed in Axford Park in 2008. It is constructed of steel. This would allow more sheltered area for patrons using the park and be an aesthetically pleasing structure that would add to the park and the recently upgraded area around the water playground.

In addition a double plate electric BBQ is proposed to be installed in this vicinity. Hyde Park BBQ's are frequently used, particularly around the new upgraded children's' playground. Therefore, it is considered a new electric BBQ unit will be a welcome addition to the park in what is likely to be a heavily patronised area during the summer months.

**Temporary/portable mobile food service/tea room**

It is intended that the temporary mobile food service will provide a healthy food and drink menu. It is proposed that the successful service provider will be charged a fee for the use of the park during the trial period.

The investigation of tea rooms in Hyde Park has taken considerably longer than expected due to completing priorities, and it was aimed to present to the Council Member Forum in November 2012.

However, due to a variety of reasons, including;

- No funds in the budget;
- No approvals in place (Aboriginal consultation, Heritage etc.); and
- Absence of a clear direction for type of facility.

In view of the above, the provision of a tea room will not eventuate for some considerable time.

Mayor Hon. Alannah MacTiernan has requested that consideration be given to the provision of a temporary/portable food service for the forthcoming summer months. This proposal can be relatively easily implemented reasonably quickly.

**CONSULTATION/ADVERTISING:**

There will be a requirement to consult with the Heritage Council of Western Australia.

**LEGAL/POLICY:**

- Food Act 2008 and Food Regulations 2009
- Environmental Protection (Noise) Regulations 1997
- Local Government Act (1995) Tender Regulations.

**STRATEGIC IMPLICATIONS:**

Plan for the Future Strategic Plan 2011–2016:

Key Result Area One – Natural and Built Environment:

*“1.1.1 Improve and Maintain the Environment and Infrastructure.”*

Key Result Area Two–Eco Economic Development

*“2.1.1 Promote the City of Vincent as a place for investment appropriate to the vision for the City.”*

**SUSTAINABILITY IMPLICATION:**

The building will take cognisance of its environmental surrounds and will be low impact.

**FINANCIAL/BUDGET IMPLICATIONS:**

There are no funds for this project in the 2012/2013 Annual Budget. As such, if approved by the Council, the gazebo and barbeque will be funded from a source to be identified at the Midyear Budget review.

The temporary food service will be advertised on a basis of nil cost to the Council.

**COMMENTS:**

The addition of a new gazebo and barbeque will be of significant benefit to the users of Hyde Park, particularly those using the newly refurbished and opened water playground. The temporary/portable food service will be of a benefit to the community and will provide a much needed service, in this part of Hyde Park. Being of temporary nature it will also allow the City to ascertain the demand for such a service in Hyde Park.

Approval of the Officer Recommendation is requested.

**9.4.2 William Street Festival Community Consultation**

<b>Ward:</b>	South	<b>Date:</b>	12 October 2012
<b>Precinct:</b>	Beaufort 13	<b>File Ref:</b>	CMS0124
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	Y Coyne, Coordinator Arts and Creativity; and J Anthony, Manager Community Development		
<b>Responsible Officer:</b>	R. Boardman, Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the report on the consultation undertaken to date, concerning the William Street Festival in 2013; and
2. **DEFERS** the festival in William Street until such time that the businesses and community in the area are ready and willing to take on the responsibility to hold such an event.

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**Moved** Cr Topelberg, **Seconded** Cr McGrath

That the recommendation be adopted.

Debate ensued.

Cr Carey departed the Chamber at 9.31pm.

Debate ensued.

Cr Carey returned to the Chamber at 9.32pm.

Debate ensued.

**AMENDMENT 1**

**Moved** Cr Topelberg, **Seconded** Cr Maier

“That Clause 2 be amended to read as follows:

2. ~~DEFERS the festival in William Street until such time that the businesses and community in the area are ready and willing to take on the responsibility to hold such an event.~~ **ENGAGES the William Street businesses and community to further explore the possibility of a festival on William Street.”**

Debate ensued.

**AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harley was an apology for the Meeting.)

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

(Cr Harley was an apology for the Meeting.)

**COUNCIL DECISION ITEM 9.4.2**

That the Council;

1. **RECEIVES** the report on the consultation undertaken to date, concerning the William Street Festival in 2013; and
2. **ENGAGES** the William Street businesses and community to further explore the possibility of a festival on William Street.

**PURPOSE OF REPORT:**

To defer the holding the William Street Festival 2013.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 26 June 2012, the Council resolved to defer consideration of the William Street Festival until such time as the City's Officers have carried out further engagement with the local community and stakeholders; and report back to the last Ordinary Meeting of Council in August 2012.

**DETAILS:**

On 10 September 2012, a meeting was held at the Salvation Army Cafe in William Street to discuss the future of the William Street Festival for 2013. All businesses were invited to attend to discuss the possibility of another William Street Festival. Seventeen (17) business owners had indicated their attendance, however only eight people attended.

Mayor Hon. Alannah MacTiernan requested City Officers organise a meeting inviting all of the Business's of William Street and Surrounding area to discuss the future of the William Street Festival and to gauge the interest amongst the street in holding a 2013 Festival.

During the meeting the following topics were discussed and recommendations made:

- Mayor Hon. Alannah MacTiernan spoke to the group and explained that the City would like to support a festival in the area but the businesses need to support the event for it to go ahead.
- Mayor Hon. Alannah MacTiernan stated that traditionally festivals are organised at least in part by the business and community groups in the area.
- There is a view that William Street businesses need to take responsibility for the festival in the same fashion as Angove Street, Beaufort Street and Leederville, and that it should not be something solely organised, funded and operated by the Council.
- Mayor Hon. Alannah MacTiernan suggested different themes of what the festival could be, that is, Chinese New Year Twilight Festival and Parade, which was not favourable to businesses along William Street who attended the meeting as it is their busiest time.
- Mayor Hon. Alannah MacTiernan stated given the low attendance of the meeting and the response from those who attended, she does not feel this festival is of a particular priority to the street, if this is the case, the council would put their focus elsewhere.
- A future meeting was scheduled to have time to think about the festival further, and in hope more businesses on the street could attend the next meeting, in order to get a wider opinion of the street's point of view.

All William Street businesses were again invited to attend the next meeting that was held on 24 September 2012. Representatives from Salvation Army, The Moon Cafe, William Topp and On William Street, as well as Councillor Topelberg were the only businesses present. Representatives from the Chung Wah Association were also invited, but unable to attend.

A recommendation from the second meeting was to engage on William Street by both City of Perth and City of Vincent to be the event organisers of the festival. On William coordinated the City of Perth side of the William Street Festival in March 2012. On William is expanding their constitution to be more inclusive in their membership and to become a network for the wider William Street community, thus could include the businesses on City of Vincent side of William Street.

The City's Officer has spoken with City of Perth's Event Manager who has stated that the City of Perth have plans to hold the William Street Festival from Newcastle Street to Roe Street in 2013. The City of Perth Event Manager also suggested a meeting with the Mayors of both Cities take place in the near future.

Councillor Topelberg suggested a meeting with Mayor Hon Alannah MacTiernan, the Lord Mayor of Perth, a senior at the Metropolitan Redevelopment Authority (MRA) and representatives from On William in order to provide some overarching strategic framework for working cohesively between the street and the relevant local and state authorities.

**CONSULTATION/ADVERTISING:**

Two (2) Community Consultation meetings have been held; the first on 10 September 2012 with Mayor Hon Alannah MacTiernan and a further meeting on 24 September 2012.

**LEGAL/POLICY:**

- Policy No. 1.1.5 – Donations, Sponsorship and Waiving of Fees and Charges;
- Policy No. 1.1.8 – Festivals; and
- Policy No. 3.8.3 – Concerts and Events.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** There are very minimal risk implications with not going ahead with the event.

**STRATEGIC IMPLICATIONS:**

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

*“Community Development and Wellbeing*

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

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.”*

**SUSTAINABILITY IMPLICATIONS:**

The purpose of the Festivals is to provide community events in the City and is an excellent opportunity to promote environmental/sustainability initiatives provided by the City.

**FINANCIAL/BUDGET IMPLICATIONS:**

The allocation of funding for Festivals listed in the 2012/2013 Annual Budget is as follows:

<b>Festival</b>	<b>Allocated Funding</b>	<b>Date of Festival</b>
Angove Street Festival	\$40,000	7 April 2013
Beaufort Street Festival	\$40,000	17 November 2012
WA Youth Jazz Orchestra	\$6,000	25 November 2012
Light Up Leederville Festival	\$50,000	8 December 2012
Hyde Park Rotary Fair	\$25,000	2-3 March 2013
Perth International Jazz Festival	\$10,000	24-26 May 2013
Festivals	Unallocated amount \$80,000	

**COMMENTS:**

There is currently further liaison with the businesses in William Street to encourage the formation of a representative group similar to Beaufort Street Network and Leederville Connect. It is likely that in time, the businesses in the street will realise the economic, cultural and social benefits that a festival can bring to enliven and invigorate a street, and such a commitment would provide the City with some impetus to provide sponsorship funding and resources to assist with a street festival in one form or another.

The City’s Officers will continue with liaising with other stakeholders and key players in the industry to develop and deliver quality events that will benefit the community.



**9.4.3 Parking Enforcement - Day-Shift Rangers – Progress Report No. 1**

<b>Ward:</b>	Both	<b>Date:</b>	12 October 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	
<b>Attachments:</b>	<a href="#">001</a> – Contract Ranger Statistics		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J MacLean, Manager Ranger and Community Safety Services		
<b>Responsible Officer:</b>	R Boardman, Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the report on the performance of and the benefits derived from the employment of two (2) day-Shift Parking Rangers, specifically dedicated to parking enforcement in the areas adjacent to the recently introduced ticket machine zones; and
2. **NOTES** that;
  - 2.1 The City's Administration will continue to monitor and deploy Parking Rangers to streets and areas adversely affected by parking; and
  - 2.2 Reports will be submitted to the Council on a six (6) monthly basis.

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**COUNCIL DECISION ITEM 9.4.3**

**Moved Cr Carey, Seconded Cr Pintabona**

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harley was an apology for the Meeting.)

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**PURPOSE OF REPORT:**

To provide information to the Council on the performance of and the benefits derived from the employment of two (2) day-shift Parking Rangers contracted to June 2013.

**BACKGROUND:**

At the Ordinary Meeting of the Council held on 24 April 2012, the Council resolved to employ two (2) additional Day-Shift/Parking Rangers, for deployment in residential areas. This decision was based on a number of factors, including a need to ensure that residential areas, adjacent to the locations of the new ticket machines, were not adversely affected by drivers parking in time restricted areas, rather than paid parking areas.

The Day-Shift/Parking Rangers were employed to patrol and monitor the areas which would be likely to be affected by the installation of the new ticket machines. To ensure that their functions were not solely focused on the parking enforcement of residential areas close to the ticket machines, as a way to broaden their experience base, they have also been deployed throughout the City of Vincent. This has meant that these Officers have included all aspects of parking enforcement in their training programme, though have not always operated in the areas close to the ticket machines. However, when the Day-Shift/Parking Rangers were operating in other suburbs of the City, two Rangers have always been dedicated to parking enforcement in the defined areas.

**DETAILS:****Recruitment:**

The recruitment process to employ two (2) Day-Shift/Parking Rangers was completed in mid July 2012, with one of the selected candidates commencing work on 30 July 2012 and the other commencing work on 8 August 2012. Since their appointments were prompted by a need to provide residents with some protection from all-day parking, resulting from the introduction of ticket machines to the business hubs, their deployment was focused on the areas adjacent to the ticket machine zones. The breakdown of the issued infringement notices excludes any that relate to ticket parking offences.

**Number of Infringement Notices:**

Since 30 July 2012 to 11 October 2012, there has been a total of 4,395 Infringement Notices (to the value of \$307,650) issued in the areas in close proximity to the new ticket machine zones, or which could reasonably be expected to be affected by the installation of the ticket machines. However, there are generally more than just the two Day-Shift/Parking Rangers operating in these areas, so while there has been a total of 4,395 Infringement Notices issued, the two Day-Shift/Parking Rangers have issued 1,757 of them (around 40% of the total issued) to a value of around \$123,000. This number equates to around 18 infringement notices (to the value of \$1,300) per Ranger per working day.

**Suburbs and Streets:**

The following table shows the breakdown of the Parking Infringement Notices for each suburb, not including any notices that deal with offences relating to ticket machines.

Suburb	Number Issued
EAST PERTH WA 6004	2
HIGHGATE WA 6003	58
LEEDERVILLE WA 6007	813
MOUNT HAWTHORN WA 6016	135
MOUNT LAWLEY WA 6050	293
NORTH PERTH WA 6006	688
PERTH WA 6000	2246
WEST PERTH WA 6005	160
<b>TOTAL</b>	<b>4395</b>

The number of Infringement Notices issued by street is shown in Appendix 9.4.3. However, a substantial number of streets had less than 10 Infringement Notices issued between 1 August 2012 and 11 October 2012, meaning that there is little value in analysing these figures. As a result, they have been collated into a single entry of 497 Infringement Notices.

**CONSULTATION/ADVERTISING:**

Not Applicable.

**LEGAL/POLICY:**

Nil.

**RISK MANAGEMENT IMPLICATIONS:**

Nil.

**STRATEGIC IMPLICATIONS:**

The City of Vincent *Strategic Plan 2011-2016*, Objective 1 states:

*“Natural and Built Environment*

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

1.1.4 *Take action to improve transport and parking in the City and mitigate the effects of traffic.*

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable.

**COMMENTS:**

This report is provided to ensure that Council Members are kept aware of the benefits that have been derived from the increase in the current staff establishment to include two (2) temporary parking Officers to patrol the areas likely to be affected by the recent introduction of paid parking in various locations. The provided statistics demonstrate that the affected areas are receiving adequate attention by Rangers in patrolling and monitoring the areas adjacent to the paid parking zones.

**9.5.1 nib Stadium, No. 310 Pier Street, Perth – Approval of Reserve Funds and Progress Report No. 23**

<b>Ward:</b>	South	<b>Date:</b>	12 October 2012
<b>Precinct:</b>	Beaufort P13	<b>File Ref:</b>	RES0092
<b>Attachments:</b>	<a href="#">001</a> – Photo's Perth Oval Gates <a href="#">002</a> – Additional Photos		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	John Giorgi, Chief Executive Officer		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY;**
  - 1.1 **The Capital Works Items as listed in this report, estimated to cost up to \$225,313 and for this to be funded from the Perth Oval Reserve Fund; and**
  - 1.2 **Pursuant to Section 6.11 of the Local Government Act 1995, to close and discontinue the Perth Oval Reserve Fund, as it is no longer relevant and/or required; and**
2. **AUTHORISES the Chief Executive Officer to release all the funds in the Perth Oval Reserve Fund (\$225,313 as at 30 September 2012), to the State Government (VenuesWest), upon production of the receipts and adequate documentation; and**
3. **NOTES the progress of the Stadium redevelopment by the State Government, as detailed in this report, as at 23 October 2012.**

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**COUNCIL DECISION ITEM 9.5.1**

**Moved Cr Topelberg, Seconded Cr Maier**

That the recommendation be adopted.

**MOTION PUT AND CARRIED UNANIMOUSLY  
BY AN ABSOLUTE MAJORITY (8-0)**

**(Cr Harley was an apology for the Meeting.)**

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**PURPOSE OF REPORT:**

The purpose of this report is to seek Council approval of the following:

- Capital Works Items at Nib Stadium, and for this to be funded from the Perth Oval Reserve Fund; and
- To close and discontinue the reserve fund and to note the progress of the proposed Stadium redevelopment being carried out by the State Government.

**BACKGROUND:**

On 13 March 2012, the City signed its Lease Agreement with the State Government to lease the nib Stadium to the State Government, in order for it to manage the Stadium. The Lease prescribes that the State Government is now responsible for all Capital Improvements and maintenance of the Stadium.

As Council is aware, the State Government is well advanced with Stage 1 of its new rectangular Stadium, as reported to the Ordinary Meeting of Council held on 27 March 2012 and 22 May 2012.

**Stadium Advisory Committee**

A Stadium Advisory Committee as prescribed by the lease was held on Friday 17 August 2012. Minutes for this committee are currently being prepared. At the committee meeting, the City was requested to release funding for Capital improvements at the stadium.

**Lease**

The lease between the City and the State Government specifies the funds currently held in the Perth Oval Reserve Fund are to be used at the recommendation of the Stadium Advisory Committee, for Capital improvements.

The lease states at Clause 11.6;

*"The Lessor agrees to make the Reserve fund available for expenditure on the Stadium in accordance with the decisions of the Stadium Advisory Committee."*

**Capital works**

The Stadium Advisory Committee has recommended the following Capital Works to be carried out and has requested the City to release funds in the Perth Oval Reserve fund;

<b>CAPITAL WORKS PROJECTS</b>		
<b>WORKS LOCATION</b>	<b>WORKS ITEM DESCRIPTION</b>	<b>INDICATIVE COST \$</b>
Carpark *	Increase asphalt area to increase usable area and separate vehicles further from main pedestrian access ways	\$33,280
North East area between Gates 1 and 5*	Provide permanent concession pad for catering outlets and marquees including provision of utility services	\$30,000
Main Player Change rooms	Install Reverse Cycle Air Conditioning	\$27,691
Suites 1-14	Replace weathered seats	\$15,000
Change Room 2	Install Reverse Cycle Air condition	\$12,562
Team Dug Outs	Replace polycarbonate covers	\$10,486
Gate 1*	Install awning or similar to alleviate issues with inclement weather and provide shade	\$10,000
Southern Perimeter Fence *	Install retaining wall and realign bollards to perimeter fence west of South Stand	\$10,000
Change Room 4	Install Reverse Cycle Air Condition	\$9,238
Staff Entry, Gate 3 and Gate 5 *	Install staff shelters to protect from the elements	\$8,163
Executive Suites	Install audio visual feed system	\$7,500
Gate 3 Ticket Box	Install Air Conditioning unit	\$6,984
Gate 3 *	Install awning or similar to alleviate issues with inclement weather and provide shade	\$5,787
Referee Room 1	Install Reverse Cycle Air conditioning	\$5,462
Northern Bar Area *	Install additional soakwells to provide sufficient capacity for drainage	\$5,140
Gate 1 *#	Upgrade external lighting.	\$5,000
Ticketmaster Server Room	install air conditioning to prevent malfunction due to overheating of equipment	\$5,000
North and south player Raceways	Replace deteriorated carpet with rubberised matting	\$5,000
Open Media Bench	Enclose with Glazing and door	\$5,000
	Install adequate lighting	\$660
	Install monitors	\$900

<b>CAPITAL WORKS PROJECTS</b>		
Southern Perimeter Fence *	Upgrade external lighting. Levels currently insufficient for security purposes	\$5000
Referee Room 2	Install Reverse Cycle Air conditioning	\$4,889
Pier St Fence line *	Replace rusty fence between Gates 2 and 3	\$3,700
Suites 1-14	Replace water damaged steps	\$3,600
Pitch	Install gel block system to reticulation mainline to rectify imbalances of levels of water retention in different areas of pitch	\$3,250
Media Boxes Rear Windows	Install frosting to alleviate glare on workspaces	\$1,960
Gate 1	Improve Lighting outside gates	\$1,772
WARL Office	Make good Office wall and stairwell	\$1,000
Reception	Install TV monitor	\$1,000
Event Day Staff Entrance	Remove Concrete curb	\$911
Chairman's Lounge	Replace existing tinting (with frosting) to main window	\$900
Gate 1	Additional 2 of 10amp GPO's	\$505
Total		\$247,340

\* Details and plans to be submitted for approval by the City.

# Approval of Heritage Council of Western Australia also required.

The Capital Works are estimated to cost \$247,340, however there is only \$225,313 in the Reserve Fund (as at 30 September 2012). These funds will be released for the Capital Works and VenuesWest have advised that any shortfall will be funded by them for an alternative funding source.

### **Redevelopment Project – Progress as at 11 September 2012**

#### **Project Control Group**

In accordance with the Lease requirements for the facility, a Project Control Group has been formed, between the City and the Department of Sport and Recreation.

The inaugural meeting was held on 12 April 2012 and monthly meetings have been scheduled for the duration of the redevelopment.

#### **Construction Tender**

Tenders have been called for the construction of the rectangular stadium and, at the close of the Tender on 3 May 2012; five (5) builders had submitted a Tender. The successful tenderer was BGC.

#### **Project Delivery**

Construction commenced on 2 July 2012 and is anticipated to be completed by 15 March 2013 to enable rugby union games to be played at the venue.

#### **Southern Stand**

The temporary Southern Stand (made of scaffolding) has been removed. The new concrete Southern Stand is approximately ¾ completed and progressive opening and use has been requested for this stand.

The City has advised that the Southern Stand maybe used, subject to compliance with Health, Safety and Emergency requirements, on the weekend of 20-21 October 2012.

#### **Loton Park**

The concept plans for Loton Park were approved at the Ordinary Meeting of Council held on 14 August 2012.

#### **Construction Management Plan**

A Construction Management Plan has been submitted to the City. No complaints have been received to date.

### **Percent for Art**

An appeal was lodged by the Project Architect with the State Administrative Tribunal against the Metro West Joint Development Assessment Panel Condition 3 relating to Percent for Art. This Condition states:

*“Within twenty eight (28) of the date of issue of Approval to Commence Development, the applicant shall elect to either obtain approval from the City of Vincent for an artist to undertake a Public Art Project (Option 1) or pay the cash in lieu percentage for public art contribution of \$951,000 (Option 2) being the equivalent value of 1% of estimated cost of the development at \$95,100,000.”*

The Development Assessment Panel has revised condition 3 and has specified a minimum of \$400,000 is to be expended in accordance with the terms and provisions of the West Australian State Government percent for arts scheme guidelines (October 2011) and for this to be included in Stage 1.

### **Current Status of the Project as at the 15 October 2012:**

- Current works onsite include the earthworks, footings, in ground services and the pitch perimeter works;
  - Services to the East and South grandstands are in place;
  - Concrete Southern Stand has been  $\frac{3}{4}$  built;
  - Southern Stand – concrete slabs and floor partly constructed;
  - Support footings and services to the new East stand are in place;
  - Tower crane bases in the east are in place;
  - NE corner (hill) has been removed;
  - Numerous service and cabling channels have been installed; and
  - Seat manufacturing is in progress.
- Stage A (Partial completion of the Southern Stand) is scheduled to be completed 20 - 21 October 2012;
- Loton Park is currently available for public use outside of the BGC construction site. Temporary pathways and pedestrian lighting have been installed;
- Capacity for Stage A will be approximately 10,200;

The project overall is currently tracking as scheduled.

### **Heritage Gates – Refurbishment – Refer photographs Attachment 001**

The distinct Perth Oval Gates are one of Western Australia's finest examples of the Inter-war Mediterranean style constructed in 1932 for recreational purposes, and are recognized as having significant cultural heritage value. The Gates are listed on the State Register of Heritage Places and also the City's Municipal Heritage Inventory as a Management Category A – Conservation Essential, as part of the overall heritage listing of Perth Oval.

Recent works to the Perth Oval Gates overseen by Heritage Architects, Griffiths Architects have resulted in extensive conservation works to the Heritage Gates to ensure that the gates are restored to their former glory. The works have almost been completed and have involved various measures to improve the appearance and structural integrity of the gates, including; re-pointing of the brickwork, removal of loose render and reinstating with new render, and the removal and treatment of the rust on the gates, so they are now functional again. The render has been re-painted with an anti-graffiti coating, and the actual gates themselves have been painted an olive green in keeping with the original color of the gates. Various other measures have also been taken to ensure the management of water run-off to ensure that the gates remain structurally sound.

To improve the functionality of the gates to cater for the increase in capacity entering Perth Oval, most of the existing defunct turnstiles have been removed. However, importantly two of the turnstiles on the most eastern and most western portion of the gates have been retained, as a reminder of the past. The turnstiles that have been removed are now being stored by the City, and investigation for options to incorporate them into public artwork or street furniture or similar, within close proximity of Perth Oval (NIB Stadium), is currently being undertaken.

A site visit undertaken on 28 September 2012 as shown in the photographs taken indicate that the conservation works have been completed to a high standard, and have greatly improved the appearance of the Heritage Gates from the street.

The City has issued the required Building Occupancy Certificate for the refurbished Heritage Gates.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

The State Government signed the lease for the Stadium on 13 March 2012. As such, the City is no longer responsible for any works at the Stadium, effective from that date.

Reserve Funds are controlled by Section 6.11 of the Local Government Act 1995.

**RISK MANAGEMENT IMPLICATIONS:**

**High:** If unexpected delays occur in this project, it will affect the completion date and will interfere with the 2013 rugby union scheduled playing dates and the 2012/2013 A - League Soccer playing dates.

**STRATEGIC IMPLICATIONS:**

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

- "1.1.6(h) Carry out the redevelopment of Members Equity Stadium (Perth Oval) in partnership with the State Government and stakeholders;*
- 2.1.2(a) Establish public/private alliances and partnerships to attract external funding and investment to enhance the strategic direction of the City;*
- 2.1.2(b) Develop partnerships with government agencies; and*
- 2.1.5(a) Identify and develop successful business opportunities, pursuing other income streams and cost management to reduce the City's reliance on rates."*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The Reserve Fund contains an amount of (\$225,313 as at 30 September 2012). Once all the current funds have been expended, the Reserve Fund will be closed. (Note: The City no longer contributes any monies to the Reserve Fund.)

**COMMENTS:**

It is important that the Council approve of the funds to be released so that the project can be progressed in accordance with the adopted schedule. As all funds in the Perth Oval Reserve Fund will be expended and the City is no longer required to contribute funds, it is recommended that the Reserve Fund be closed.

Approval of the Officer Recommendation is therefore requested.



**9.5.3 FURTHER REPORT: Policy No. 3.9.3 – “Parking Permits” – Proposed Amendment**

<b>Ward:</b>	Both	<b>Date:</b>	12 October 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	ADM0023
<b>Attachments:</b>	<a href="#">001</a> – Amended Policy No. 3.9.3 – Parking Permits		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J MacLean, Manager Ranger and Community Safety Services		
<b>Responsible Officer:</b>	R Boardman, Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY to amend Policy No. 3.9.3 “Parking Permits”, as shown in Appendix 9.5.3; and**
2. **DOES NOT ADVERTISE the amended Policy No. 3.9.3, as the amendment relates to the Emergency Service Vehicles and does not affect the general community.**

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**COUNCIL DECISION ITEM 9.5.3**

**Moved Cr McGrath, Seconded Cr Pintabona**

**That the recommendation be adopted.**

**MOTION PUT AND CARRIED UNANIMOUSLY  
BY AN ABSOLUTE MAJORITY (8-0)**

**(Cr Harley was an apology for the Meeting.)**

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**FURTHER REPORT:**

The Council at its Ordinary Meeting held on 9 October 2012, resolved as follows:

*“That the Item be DEFERRED to the Ordinary Meeting of Council on 23 October 2012.”*

The following concerns were mentioned by Council Members:

- That the administration was “over-regulating” with respect to this recommendation and suggested that Essential Emergency Service vehicles were predominantly large trucks, with a clearly defined Agency logo, so there should be no need to make a formal Policy.

**Officer Comment:**

*All the vehicles covered in this report would be undertaking Essential Emergency Service duties and would be unmarked Utility vehicles. It is understood that the vehicles are predominantly unmarked, to ensure that they do not become involved in work that is not considered an “emergency”. Currently, the Agencies use white crew-cab Holden Rodeo, Ford Ranger or Toyota Hilux vehicles, although this may change when the existing vehicles are due for replacement.*

- That Rangers should exercise their discretion, when they approach a parked vehicle that is engaged in essential emergency repairs.

Officer Comment:

*Rangers can always be expected to exercise their discretion when faced with an emergency situation, but because the Agency vehicles are predominantly unmarked, they may not be aware, until they actually approach the vehicle. If they have already issued infringement notices to other vehicles in the vicinity, it is difficult for them to then ignore the unmarked vehicle and continue to enforce the legislation for the remaining vehicles in the street. It is important that Rangers project an image of consistency at all times, which is why it is also important that the Council supports their discretionary authority, when complaints are received about "favouritism" and "discrimination" when carrying out their duties.*

- Council Members indicated that they had further concerns that, if Western Power, Alinta Gas and Water Corporation could issue their own permits, the system could be open to abuse.

Officer Comment:

*The Agencies have assured the City that they already strictly control their permits, which are only issued to the very few vehicles that will be engaged in "Essential Emergency Duties". The essential emergency service personnel attend only serious emergency situations, but there may be no need for the large trucks and four wheel drive vehicles to also attend. As a result, for some emergency situations, there could be no vehicles on site with flashing lights, so Rangers may not be aware of a problem.*

*As a safeguard, Western Power, Alinta Gas and Water Corporation will provide an emergency contact number to the City, to make enquiries about an emergency. The permits that are issued to the essential emergency service vehicles will also have a contact telephone number, which is always manned, should there be a need for a Ranger or other person to ascertain details.*

- On page 2 of 14, at Clause 2(d)(i) of the Policy that was provided, it suggests that the City of Vincent would issue permits to the agencies, but the report suggests that the City would accept the permits that are already issued to the emergency personnel, as being valid in the City of Vincent.

Officer Comment:

*It was considered impractical for each local government in the metropolitan area to issue a different "Essential Emergency Services Parking Permit", because that could result in each vehicle having a pile of parking permits to display. This system would rely on the fact that the driver would be aware that, if he/she parks in (say) Beaufort Street, he/she would know that south of Newcastle Street is City of Perth, between Newcastle and Walcott Streets is City of Vincent and north of Walcott Street is City of Stirling. As a result, if the City of Vincent accepts the permits that have already been issued as being valid, each vehicle need only carry one permit that would be valid throughout the Metropolitan area.*

*As a result, the wording of clause 2(d)(i) of Policy No. 3.9.3 has been amended to reflect that the permits are issued by the Agency and not by the City, as follows:.*

**"2(d) Essential Services Emergency Parking Permits**

- (i) *Permits, as shown in Appendix 2 to this Policy, may be issued ~~to~~ by Western Power, Alinta Gas, Water Corporation, or any other State Government Agency with substantial "essential services" infrastructure, at the discretion of the Chief Executive Officer."*

- Consideration should be given to also including other emergency services personnel, such as Visiting Midwives.

Officer Comment:

*Representation has also been received from a number of other agencies, including Silver Chain, Carers WA, Salvation Army, Home-Help Agencies and a number of others, seeking the issue of parking permits for use in the City of Vincent, while undertaking their duties. However, while the City would never downgrade the importance of these agencies, the recommendation only deals with the "high level" emergencies that have the potential to adversely affect large numbers of the community. It is considered impractical for the City to issue permits to every agency which provides a service to the community, partly because the logistics of issuing permits would be too onerous and partly because it would be impossible to develop checks and balances to avoid abuse.*

*As a result, it has been recommended that the City only deals with emergency situations that are likely to create widespread disruption and have a widespread impact.*

**COMMENTS:**

The Council expressed some concerns about the acceptance of the "Essential Emergency Services" parking permits, which are displayed on vehicles that are undertaking emergency repairs. However, it is considered impractical for each local government in the Metropolitan area to issue its own permit for use by emergency response vehicles and more practical for the City to validate the use of the permits that are already issued to their vehicles.

The proposed amended Policy No. 3.9.2 – Parking Permits has been further amended to reflect the fact that the permits will be issued by the emergency response agencies and not the City of Vincent.

The Minuted of the Item 9.5.4 from the Ordinary Meeting of Council held on 9 October 2012 relating to this report is available on the City's website at the following link: <http://www.vincent.wa.gov.au/yourCouncil/Agenda-Minutes>.

**9.5.4 Delegations for the Period 1 July 2012 to 30 September 2012**

<b>Ward:</b>	Both	<b>Date:</b>	12 October 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	ADM0018
<b>Attachments:</b>	001 – Delegation Reports		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	J MacLean, Manager Ranger and Community Safety Services; and P Morrice, Team Leader Ranger Administration		
<b>Responsible Officer:</b>	R Boardman, Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **ENDORSES** the delegations for the period 1 July 2012 to 30 September 2012 as shown at Appendix 9.5.4; and
2. **APPROVES BY AN ABSOLUTE MAJORITY** to write-off infringement notices/costs to the value of \$45,860 for the reasons as detailed below:

<u>Description</u>	<u>Amount</u>
Breakdown/Stolen (Proof Produced)	\$375
Details Unknown/Vehicle Mismatched	\$1,140
Equipment Faulty (Confirmed by Technicians)	\$660
Failure to Display Resident or Visitor Permit	\$10,540
Interstate or Overseas Driver	\$0
Ranger/Administrative Adjustment	\$12,900
Signage Incorrect or Insufficient	\$1,310
Ticket Purchased but not Displayed (Valid Ticket Produced)	\$4,720
Other (Financial Hardship, Disability, Police On-duty, Etc)	\$10,785
Litter Act	\$400
Dog Act	\$300
Planning Act	\$500
Health Act	\$250
Pound Fees Modified	\$1,980
<b>TOTAL</b>	<b><u>\$45,860</u></b>

**COUNCIL DECISION ITEM 9.5.4**

**Moved Cr Maier, Seconded Cr Pintabona**

That the recommendation be adopted.

**MOTION PUT AND CARRIED UNANIMOUSLY**  
**BY AN ABSOLUTE MAJORITY (8-0)**

(Cr Harley was an apology for the Meeting.)

**PURPOSE OF REPORT:**

The purpose of this report is to provide a quarterly progress report of the delegations exercised by the City's Administration for the period 1 July 2012 to 30 September 2012 and to obtain the City's approval to write-off infringement notices.

**BACKGROUND:**

The Local Government Act 1995, at Section 5.42, allows for a Council to delegate to the Chief Executive Officer its powers and functions.

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the day to day functions of the Local Government. The Chief Executive Officer, Directors and specific Managers exercise the delegated authority in accordance with the Council's policies.

**DETAILS:**

The area, which has resulted in most Infringement Notices being withdrawn for this quarter is that of "Ranger/Administrative Adjustments. Included in the total were fifty-five (55) infringement notices which were issued by the same Ranger, on the same day and in the same location, which were issued under the wrong clause. Because the error was not identified till the following day, none of the infringement notices were re-issued. The Ranger in question has received additional training in how to identify the correct clause, so this should not recur.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

Section 5.42 of the Local Government Act 1995 gives power to a Council to delegate to the Chief Executive Officer the exercise of its powers and functions; prescribes those functions and powers which cannot be delegated; allows for a Chief Executive Officer to further delegate to an employee of the City; and states that the Chief Executive Officer is to keep a register of delegations. The delegations are to be reviewed at least once each financial year by the Council and the person exercising a delegated power is to keep appropriate records.

It is considered appropriate to report to the Council on a quarterly basis on the delegations utilised by the City's Administration. A copy of these for the quarter is shown at Appendix 9.5.4.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** It is a statutory requirement to report matters approved under Delegation Authority to the Council.

**STRATEGIC IMPLICATIONS:**

The above is in accordance with the City's *Strategic Plan 2011-2016* - Objective 4.1.2 (a) states:

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

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

The Council's Auditors recommend that infringement notices be reported to the Council for a decision to write-off the value of the infringement notice. In these cases, it is the opinion of the Co-ordinator Ranger Services and/or the Parking Appeals Review Panel that infringement notices cannot be legally pursued to recover the money or it is uneconomical to take action as this will exceed the value of the infringement notice.

**COMMENTS:**

It is recommended that the delegations be endorsed by the Council and the write-off of the Infringement Notices be approved.

**9.5.5 City of Vincent Parking and Parking Facilities Local Law No.1. 2012 – Consideration of Submissions and Adoption of Amendment to increase the modified penalty for parking in a clearway, contrary to specified times**

<b>Ward:</b>	Both	<b>Date:</b>	12 October 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0045; PKG0001
<b>Attachments:</b>	<a href="#">001</a> – Local Law Amendment		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J Highfield, Executive Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council;

1. **NOTES** that pursuant to Section 3.16 of the Local Government Act 1995 the City has advertised its local law and that no submissions were received at the close of the statutory six (6) week public consultation period; and
2. Pursuant to section 3.12 of the Local Government Act 1995 **APPROVES BY AN ABSOLUTE MAJORITY to ADOPT** a new City of Vincent Parking and Parking Facilities Local Law No.1 2012, as shown in Appendix 9.5.5 (attachment 001).

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**COUNCIL DECISION ITEM 9.5.5**

**Moved Cr McGrath, Seconded Cr Maier**

**That the recommendation be adopted.**

**MOTION PUT AND CARRIED UNANIMOUSLY  
BY AN ABSOLUTE MAJORITY (8-0)**

**(Cr Harley was an apology for the Meeting.)**

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**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council that no submissions were received at the close of the public consultation period concerning an amendment to the City's Parking and Parking Facilities Local Law 2007, to increase the modified penalty for parking in a Clearway, contrary to specified times.

**BACKGROUND:**

The purpose of a Clearway is to provide an additional traffic lane in peak traffic periods. In general terms, for main roads that run from north to south, the east side has a morning Clearway (7:30am to 9:00am, Monday to Friday) and the west side has an afternoon Clearway (4:15pm to 6:00pm, Monday to Friday). The west side of Beaufort Street, Mount Lawley also has a No Stopping in place, from 3:15pm to 4:15pm, Monday to Friday, which means that this northern section of the west side of Beaufort Street has a Clearway effectively operating from 3:15pm to 6:00pm. A single vehicle standing during the Clearway period can cause considerable congestion, traffic hazards and inconvenience to other motorists.

It is an offence, under clause 5.1(1)(b) of the City of Vincent Parking and Parking Facilities Local Law 2007, to stop a vehicle in a "No Stopping" area, during the times specified on a sign.

Clause 5.1(1)(b) states:

*“5.1 No stopping and no parking signs, and yellow edge lines*

*(1) No stopping*

*A driver shall not stop on any part of a carriageway, or in an area –*

*(a) to which a “no stopping” sign applies; or*

*(b) during the times a sign specifies a “no stopping” restriction is in operation.”*

The word “Clearway” has the same meaning as “No Stopping” and clause (b) clarifies that the restrictions are only applicable at peak times, as specified on signs in the vicinity. It should also be noted that a vehicle parking in a Clearway is also in contravention of Section 148 of the Road Traffic Code 2000.

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

The process to amend a Local Law requires a period of not less than six (6) weeks, statewide public consultation. This will provide an opportunity to gauge whether there is general support for the proposal. Following the consultation process, a further report will be provided to the Council, including any comments received and the Council can then make an informed decision.

The proposed amendment to the Local Law was advertised on a Statewide basis on 1 September 2012 and submissions closed on 15 October 2012.

No submissions were received.

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

Section 3.12 of the Local Government Act 1995 prescribes the procedure for amending a Local Law.

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

**High:** The procedure for amending a Local Law must be strictly followed.

#### **STRATEGIC IMPLICATIONS:**

In accordance with the objective of *Strategic Plan 2011-2016* – Objective 1 states:

*“Natural and Built Environment*

*1.1.5 Take action to improve transport and parking in the City and mitigate the effects of traffic”.*

#### **SUSTAINABILITY IMPLICATIONS:**

Nil.

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

An increase in the modified penalty will result in an increase in fees received. It is difficult to predict the estimated amount, as the fine is significant and should act as a deterrent.

The amendment to the City's Local Law is consistent with its strategy to minimise the negative effects of traffic and parking on the Vincent community.

#### **COMMENTS:**

As no submissions were received, approval of the Officer Recommendation is requested.

**9.5.6 Strategic Plan 2011-2016 – Progress Report for the Period 1 July 2012 – 30 September 2012**

<b>Ward:</b>	-	<b>Date:</b>	12 October 2012
<b>Precinct:</b>	-	<b>File Ref:</b>	(ADM0038)
<b>Attachments:</b>	<a href="#">001</a> – Strategic Plan Quarterly Progress Report		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J Highfield, Executive Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council RECEIVES the progress report on the Strategic Plan 2011-2016 for the period 1 July 2012 – 30 September 2012, as shown in Appendix 9.5.6.

**COUNCIL DECISION ITEM 9.5.6**

**Moved Cr Topelberg, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

**(Cr Harley was an apology for the Meeting.)**

**PURPOSE OF REPORT:**

The purpose of this report is to provide a quarterly report to the Council to keep it informed of the various strategies in the City's Strategic Plan for the period 1 July 2012 - 30 September 2012.

**BACKGROUND**

At the Ordinary Meeting of Council held on 14 June 2011 (Item 9.4.2) the Council considered this matter and resolved to adopt *"the amended City (Town) of Vincent Plan for the Future - Strategic Community Plan 2011-2012, Strategic Plan (Corporate Business Plan) 2011-2016"*.

**DETAILS:**

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

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

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

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

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.



**STRATEGIC IMPLICATIONS:**

The Strategic Plan provides the elected Council and administration with its aims, goals and objectives (key result areas) for the period 2011-2016. The reporting on a quarterly basis is in accordance with the Strategic Plan 2011-2016 Key Result Area.

This is in keeping with the City's Strategic Plan 2011-2016 - "*Leadership, Governance and Management*", in particular, Objective 4.1.2 - "*Manage the Organisation in a responsible, efficient and accountable manner*".

**SUSTAINABILITY IMPLICATIONS:**

Nil

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

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

**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 10.00pm** Moved Cr McGrath Seconded Cr Buckels

That the Council proceed "behind closed doors" to consider confidential item 14.1, as this matter relates to the personal affairs of a person.

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Harley was an apology for the Meeting.)

There were no members of the public present.

Executive Assistant (Minutes Secretary) – Jerilee Highfield departed the meeting.

**PRESENT:**

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath ( <i>Deputy Mayor</i> )	South Ward
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr 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
Jacinta Anthony	A/Director Community Services
Carlie Eldridge	Director Planning Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services

**14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“BEHIND CLOSED DOORS”)**

**14.1 CONFIDENTIAL REPORT: Request to Name the ROW bounded by Mary Street, William Street, Chatsworth Road and Beaufort Street, Highgate**

<b>Ward:</b>	South	<b>Date:</b>	12 October 2012
<b>Precinct:</b>	Hyde Park (12)	<b>File Ref:</b>	TES0266
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officers:</b>	G Bellinger – Technical Officer, Development; and R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

**COUNCIL DECISION ITEM 14.1**

That the Council;

- 1. RECEIVES the application to name the right of way bounded by Mary Street, William Street, Chatsworth Road and Beaufort Street, as illustrated by the attached Plan 2867-RP-01;**
- 2. SUBJECT TO a further report (as per Clause 3 below) being adopted, NOTES that the proposal will be required to be advertised on a local basis, and within a 250 metre radius, for a period of twenty-one (21) days seeking written comments and submissions; and**
- 3. REQUESTS a further report detailing how to progress the Application received, in accordance with the adopted procedure in Policy No: 2.2.8.**

**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates to the personal affairs of a person and which relates to a matter to be discussed at the meeting. In accordance with Section 5.23 of the Local Government Act, the report is to be kept confidential until determined by the Council to be released for public information.

**LEGAL:**

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

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

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

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

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

**PROCEDURAL MOTION**

At 10.12pm **Moved Cr Pintabona Seconded Cr McGrath**

**That the Council resume an “open meeting”.**

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

**(Cr Harley was an apology for the Meeting.)**

**15. CLOSURE**

**There being no further business, the Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting closed at 10.15pm with the following persons present:**

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath ( <i>Deputy Mayor</i> )	South Ward
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr 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
Jacinta Anthony	A/Director Community Services
Carlie Eldridge	Director Planning Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 23 October 2012.

Signed: .....Presiding Member  
Mayor Hon. Alannah MacTiernan

Dated this ..... day of ..... 2012