



**CITY OF VINCENT**

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*"Enhancing and celebrating our diverse community"*

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# MINUTES

**25 SEPTEMBER 2012**

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**INDEX  
(25 SEPTEMBER 2012)**

<b>ITEM</b>	<b>REPORT DESCRIPTION</b>	<b>PAGE</b>
<b>9.1 PLANNING SERVICES</b>		
9.1.1	FURTHER REPORT: No. 137 (Lot 141; D/P: 1197) West Parade, Mount Lawley - Proposed Demolition of Existing Single House and Construction of Two (2) Storeys and Loft Residential Development Comprising Seven (7) Multiple Dwellings and Car Parking (PRO5626; 5.2012.59.1)	53
9.1.2	FURTHER REPORT: No. 10 (Lot 2545) Farmer Street, North Perth (Woodville Reserve) – Proposed Alterations and Additions (Wellness Centre) to Existing Recreational Facilities (Community Services Building – Multicultural Services Centre of Western Australia Inc.) (PRO0079; 5.2011.552.2)	65
9.1.3	No. 165 (Lot 4; STR 4370) Brisbane Street, Perth – Proposed Home Occupation – Bed and Breakfast (Retrospective Application) (PRO1008; 5.2012.275.1)	70
9.1.4	No. 9 (Lot 605; D/P 57562) Chatsworth Road, Highgate – Proposed Partial Demolition of and Alterations and Additions to Existing Single House Including Third Storey (PRO5739; 5.2012.181.1)	91&151
9.1.5	Nos. 148-158 (Lot 600 D/P:47025) Scarborough Beach Road, corner Fairfield and Flinders Street, Mount Hawthorn – Closure of the Internal Road, Creation of Dedicated Community Space, Including a Children’s Play Area with Shade Structure, Outdoor Seating Area (alfresco), Bicycle Path and Delivery and Car Bays off Fairfield Street to the Existing “Mezz” Shopping Centre (PRO0266; 5.2012.235.1)	108&142
9.1.6	No. 95 (Lot 125 D/P: 2099) East Street, Mount Hawthorn – Proposed Demolition of Existing Single House and Construction of Two Storey Single Dwelling (PRO5539; 5.2011.415.1)	19
9.1.7	No. 33 (Lot 124 D/P: 10154) Matlock Street, Mount Hawthorn – Proposed Carport Addition to Existing Single House (PRO5741; 5.2012.184.1)	111
9.1.8	No. 115 (Lot 154 D/P: 2790) Shakespeare Street, Mount Hawthorn - Proposed Demolition of Existing Single House Construction of Two Storey Single House (PRO5747; 5.2012.207.1)	85
9.1.9	Proposed Scheme Amendment No. 34 relating to land coded Residential R20 in the Mount Hawthorn and North Perth Precincts – Precinct Plans 1 and 8 (PLA0202)	93
9.1.10	Amendment No. 95 to Planning and Building Policies – Draft Amended Policy No. 3.4.2 relating to Aged or Dependent Persons’ Dwellings (PLA0238)	116
9.1.11	Proposal for New Areas of Paid Parking – Consideration of Submissions and Approval of Amended Days, Times, and Purchase of Additional Ticket Machines (PGK0168) [ <b>Absolute Majority Decision Required</b> ]	98
<b>9.2 TECHNICAL SERVICES</b>		
9.2.1	Proposed Reintroduction of Two-Way Traffic on Beaufort and William Streets, Perth - Progress Report No. 7 (TES0473)	124
9.2.2	Proposed 2012-2013 Black Spot Improvement Projects (TES0174;TES0173)	28
9.2.3	Leederville Hotel - Proposed Light Projection Displays Across Newcastle Street, Leederville (PRO0740)	32
9.2.4	City of Vincent ‘Hyde Park Catchment Management Plan’ – Adoption (RES0042)	129

**9.3 CORPORATE SERVICES**

9.3.1	Investment Report as at 31 August 2012 (FIN0033)	35
9.3.2	Authorisation of Expenditure for the Period 1 – 31 August 2012 (FIN0032)	37
9.3.3	Financial Statements as at 31 August 2012 (FIN0026)	40
9.3.4	Loftus Community Centre Request to Change a Budget Item (FIN0025) [Absolute Majority Decision Required]	132

**9.4 COMMUNITY SERVICES**

9.4.1	Cultural Development Seeding Grant Applications – Carols in the Park, Mount Hawthorn (FIN0155)	47
9.4.2	Community Sporting and Recreation Facility Fund (CSRFF) – Grant Application – Loton Park Tennis Club (FIN0074)	135

**9.5 CHIEF EXECUTIVE OFFICER**

9.5.1	The 13 <sup>th</sup> Australian Parking Convention, 11 to 13 November 2012 – Sydney. (ADM0031)	139
9.5.2	Civica National User Conference – Sydney, New South Wales, 14 – 17 October 2012 (ADM0031)	49
9.5.3	Information Bulletin	52

**10. COUNCIL MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

10.1	Notice of Motion – Cr John Carey – Request to investigate Adoption of City of Vincent Policy No: 4.1.34 - Relationship Declaration Register	163
------	---	-----

**11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (Without Discussion)**

Nil.	167
------	-----

**12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**

Nil.	167
------	-----

**13. URGENT BUSINESS**

Nil.	167
------	-----

**14. CONFIDENTIAL ITEMS / MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“Behind Closed Doors”)**

14.1	Perth Rectangular Stadium (nib Stadium) 310 Pier Street, Perth – Percent for Art and Progress Report No. 23 (RES0092)	168
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**15. CLOSURE**

1723
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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 25 September 2012, commencing at 6.02pm.

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

The Presiding Member, Mayor Hon. Alannah MacTiernan, declared the meeting open at 6.02pm 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 Joshua Topelberg due to personal commitments.

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

Nil.

**(c) Present:**

Mayor Hon. Alannah MacTiernan	Presiding Member
Cr Warren McGrath ( <i>Deputy Mayor</i> )	South Ward
Cr Matt Buckels	North Ward
Cr John Carey	South Ward
Cr Roslyn Harley	North Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	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 9.22pm)

Employee of the Month Recipient

Nil.

Media

Lauren Stringer	Journalist – <i>"The Guardian Express"</i> (until approximately 9.12pm)
David Bell	Journalist – <i>"The Perth Voice"</i> (from 6.06pm until approximately 9.05pm)

Approximately 23 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. Andrew Jackson of 114 Stirling Highway, Nedlands – Item 9.1.3 Stated the following:
  - Mr Hayes application is a minor and straight forward matter to recognise the compliant Bed and Breakfast he operates from home on a part-time basis, such a home occupation is a permitted use in a Residential Zone and there are other larger commercial accommodation establishments nearby in the same street.
  - It is also consistent that the City's overall Strategic Planning Objectives and inclusive Community spirit. I am aware of a petition and some comments made in this respect and can only observe that those statements are clearly not correct and unfortunately appear somewhat misguided.
  - The Officer Report is thorough and balanced in covering all of the relevant aspects and presenting the extensive justification for the application, the recommended conditions appear appropriate, although regarding condition five (5) to be fair no real reason is seen why Mr Hayes as a resident should not enjoy parking permits just like anyone else. So it is respectfully suggested that condition could be considered to be deleted.
  - I would like to thank the Council again for your consideration towards approval of this Item.
  
2. Lorraine Vicensoni of 73 Sydney Street, North Perth– Item 9.1.9 Stated the following:
  - She is from the North Perth Precinct Group and appreciates the Council and especially the City's Officers support and prompt action on bringing this further report through to the Council, we are disappointed with the outcome amendment no. 31.
  - She strongly requested that the Council support the Officer Recommendation on this matter and asked that the Councillors give consideration to the date of 29 March 2015 being long enough as we do not want to go through another amendment.
  - She supported the shorter advertising period, although provided it does not take longer than twenty one (21) days to actually get that request otherwise it negates the purpose.
  - Finally there is plenty of justification for the R20 zoning, mainly that it is consistent with the City of Vincent Vision and that the majority of the Community supports the amendment and this was reflected in the last amendment with 84% supporting the R20 zoning.
  
3. Peter Govalis of 154 Newcastle Street, Perth – Item 9.1.11 Stated the following:
  - I moved into the area three (3) years ago when there was no paid parking in the area and as the years have gone on more and more paid parking has come into the area, the latest one a year (1) ago in Lindsay Street which was neighbouring and I did not attend the Council meeting to speak on behalf at the time to complain, as no one thought that the paid parking would be till midnight.
  - Finally I know we have been inherited by the City of Perth, also our rates have been inherited, all I am asking that we are allowed permits to park in the street with an additional car bay.

4. Ken Smith of 3/33 William Street, Northbridge – Item 9.1.11 Stated the following:
  - He spoke on behalf of the Salvation Army. There had been a written submission made on behalf of the Salvation Army raising concerns in particular regarding the Sunday morning service and the impact this would have on the worship services.
  - The headquarters for the State of Western Australia is based at this address and certainly a lot of the operations, support and the work that happens within the Community, not only for the City of Vincent and the City of Perth but more broadly throughout the State of Western Australia.
  - He asked for consideration for this and one of the things suggested to them was to perhaps have the parking available up until midday, this would certainly help the situation.
  
5. Anthony Phillips of 8/154 Newcastle Street, Perth – Item 9.1.11 Stated the following:
  - He has lived in the street for a while and advised that the parking has become more and more difficult and just expressing what Mr Ken Smith from the Salvation army stated, if we could maybe move it to business hours and rather than the changes which are occurring at the moment.
  - It is very hard for family to visit and to have any type of family event there. We are just asking for a little bit of understanding in maybe making the parking for weekend or after business hours.
  
6. Ken Austen of 72 Sydney Street, North Perth – Item 9.1.9 Stated the following:
  - This issue has gone on for the best part of ten (10) years and I support the Council motion to extend the date to March 2015 at the least. We would prefer a permanent deletion of these Clauses.
  
7. Naughton Flavel of 135a West Parade, Mount Lawley – Item 9.1.1 Stated the following:
  - His property is on the Southern boundary, to the proposed development. It was deferred at the last Ordinary Meeting of Council for consideration of plot ratios and setbacks in that regard it seems to have been improved.
  - Is concerned for the future of the area, the nature of having multiple dwellings on a small site, in an area where we are and I am aware that things have changed quite a bit since I built and got my proposal approved.
  - It seems to have flipped back the other way a lot and in our area there has been a lot of infill development, one (1) or two (2) dwellings sometimes three (3) at the most and now to have seven (7) dwellings as a precedent this concerned him.
  - In terms of sustainable development, the amenity of the whole area, is not a well considered solution and it may be too late for us, but in the future and would like to see something change to see this kind of a development to be considered more carefully.

*Presiding Member Mayor Hon. Alannah MacTiernan advised Mr. Flavel that this is a State Government Policy.*

  - He advised that he understood that it is a State Government Policy, his issue was not with the Council it is more with how we interpret and proceed with this. He felt having seven (7) units next door to him will change the lives a fair bit and it is not what the area needs.
  
8. Caroline But of 4 Cavendish Street, Highgate – Item 9.1.3 Stated the following:
  - She spoke on behalf of her mother who owns 163 Brisbane Street, Perth. She attended the previous Ordinary Meeting of Council which was held on 11 September 2012, having an objection to number 165 Brisbane Street, retrospective application and today would like to quickly reiterate what she previously said.

- 163 Brisbane Street, Perth has been operating the bed and breakfast illegally for over five (5) years and during this time the guests have been causing great disturbances to her mother's tenants.
  - Secondly the owners of the bed and breakfast have questionable qualifications in which to operate a commercial kitchen. This may result in a multi-million dollar lawsuit, should one of the guests be affected.
  - Finally there was no disclosure of facilities available for disabled people and this has been advertised as a gay bed and breakfast, so believes that everyone should have access.
9. Ramdas Sankaran of 20 View Street, North Perth – Item 9.1.2 Stated the following:
- He is the Executive Director of the Multicultural Services Centre of Western Australia. He supported the proposal to have an extension to the centre that they provide services for the Home and Community Care program. They first sought to make this extension several years ago and it has taken a while and hoped that the proposal will be accepted by the Council.
  - The changes that we are seeking to make regarding the zoning is absolutely not significant at all for the simple reason that we have been providing the service ever since it was under the Perth City Council which is more than twenty (20) years ago, so we are not seeking any change in terms of zoning for what we seek to do at this premises.
  - The HAAC program has changed quite significantly in terms of how it is meant to be serviced and we use the term “wellness approach” and therefore the program we have to provide has to be much more physical activity based and the current centre does not allow us to do that in a safe and secure way.
  - It is also important to note that a significant proportion of the people who use this service are long term residents of the City of Vincent and I do not think it is unreasonable that these residents who have paid their rates for so long can expect to have a reasonable sort of service within the City they live in.
  - I think in the past there have been some concerns raised by the City of Vincent Officers and he advised that all of those concerns have been addressed more than satisfactorily.
  - In summing it up he felt that it was important that the City of Vincent supports the proposal for the reasons he had outlined and more importantly he asked if the Council would consider an alternative proposal which was put a long time ago but not in recent times and this is to actually have a standalone facility at the same premise, which he felt will afford both the residents in surrounding area as well as the clients, much better value for money.
  - Mr Sankaran provided a hardcopy with additional information for the Councillors to take a look at, and this was distributed to the Mayor and Councillors.
10. Anthony Martella of 115 Shakespeare Street, Mount Hawthorn – Item 9.1.8 Stated the following:
- He spoke on behalf of his wife who is the property owner. He advised that they are trying to build a family home, the house that is currently on the property is a very small cottage built in the thirty's and they are trying to go upstairs and put a nice three (3) bedroom house on the property.
  - It has not been approved due to a two (2) % overshadowing on the backyard of the neighbours house, both neighbours did sign of the proposed plans, they advised that they did not have any issues with them building upstairs.
  - He advised that they are thinking of putting solar panels on the roof and one of the issues brought up with the two (2) % overshadowing with the neighbours was in relation to the solar panels.
  - He believes that his proposed residence will not overshadow the neighbours solar panels.

11. Sam Mancini of 88 Raglan Road, Mount Lawley – Item 10.1 Stated the following:
- He supported the Notice of Motion and urged the Council to vote for the Motion and it would hopefully be a positive step towards the full removal of discrimination in relationships based on gender.

There being no further speakers, Public Question Time closed at approx. 6.22pm.

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

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

- 4.1 Cr Joshua Topelberg requested leave of absence from 7 October 2012 to 12 October 2012 (inclusive), due to work commitments.
- 4.2 Mayor Hon. Alannah MacTiernan requested leave of absence from 26 September 2012 to 8 October 2012 (inclusive), due to personal commitments.
- 4.3 Cr John Pintabona requested leave of absence from 15 October 2012 to 20 October 2012 (inclusive), due to council commitments.

**Moved Cr Wilcox Seconded Cr McGrath**

**That Mayor Hon. Alannah MacTiernan's, Cr Joshua Topelberg's and Cr John Pintabona's request for leave of absence be approved.**

**CARRIED UNANIMOUSLY (8-0)**

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

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

- 5.1 Petition received from Mr. P Flood of Dangan Street, Northbridge along with 11 signatures relating to a parking infringement received by Mr Flood and also parking issues in Dangan Street, Northbridge.

The Chief Executive Officer recommended that this petition be received and referred to the Director Community Services with respect to the parking infringement notice to be considered by the City's review panel and also the matter relating to parking in the streets be referred jointly to the Director Technical Services and Director Community Services concerning the aspect of the street.

**Moved Cr Maier Seconded Cr Harley**

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

**CARRIED UNANIMOUSLY (8-0)**

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

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

- 6.1 Minutes of the Ordinary Meeting of Council held on 11 September 2012

**Moved Cr Harley Seconded Cr Maier**

**That the Minutes of the Ordinary Meeting of Council held 11 September 2012 be confirmed as a true and correct record.**

**CARRIED UNANIMOUSLY (8-0)**

**(Cr Topelberg 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 Item 9.5.3**

The Chief Executive Officer advised that Item 9.5.3, listed in the Council Agenda Index, relating to Strategic Community Plan – Review and Approval of Community Engagement Plan has not been finalised and will be reported to the Ordinary Meeting of Council to be held on 9 October 2012.

**8. DECLARATIONS OF INTERESTS**

- 8.1 Mayor Hon. Alannah MacTiernan declared an Proximity interest in Item 9.1.11 – Proposal for New Areas of Paid Parking – Consideration of Submissions and Approval of Amended Days, Times, and Purchase of Additional Ticket Machines. The extent of her interest being she no longer has a lease held interest in Parry Street. She requested Council approval to participate in the debate and vote on the matter and that the Deputy Mayor Warren McGrath preside on the item.
- 8.2 Cr John Carey declared an Impartiality interest in Item 9.1.4 - No. 9 (Lot 605; D/P 57562) Chatsworth Road, Highgate – Proposed Partial Demolition of and Alterations and Additions to Existing Single House Including Third Storey. The extent of his interest being that he knows the owner through being a member of the Beaufort Street Network Executive.
- 8.3 Cr Dudley Maier declared an Impartiality interest in Item 10.1 - Notice of Motion – Cr John Carey – Request to investigate Adoption of City of Vincent Policy No: 4.1.34 - Relationship Declaration Register. The extent of his interest being that he is in a long term relationship and may benefit from the adoption of a Relationship Register.

*Cr Carey asked for clarification regarding Cr Maier declaration, that the other Councillors would also be affected.*

*The Presiding Member Mayor Hon. Alannah MacTiernan advised that it is up to Cr Maier if he wishes to declare. He can participate in the debate. Cr Maier is just declaring it and that he believed that it will not affect his judgement on the issue.*

*The Chief Executive Officer, Mr. John Giorgi advised that in his opinion, under the Local Government Act all Council Members would have an "interest in common", as correctly stated by the Presiding Member Hon. Alannah MacTiernan it is up to the individual Council Members and/or Officers to disclose if they so wish.*

The Presiding Member Mayor Hon. Alannah MacTiernan departed the Chamber at 6.27pm – to allow the Council to consider her request to participate in the debate and vote on Item 9.1.11. Deputy Mayor Cr Warren McGrath assumed the chair.

Cr Carey departed the Chamber at 6.26pm.

**PROCEDURAL MOTION:**

**Moved Cr Pintabona, Seconded Cr Maier**

**That Mayor Hon. Alannah MacTiernan's request to participate in the debate and vote on item 9.1.11, be approved.**

**CARRIED UNANIMOUSLY (6-0)**

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

Mayor Hon. Alannah MacTiernan returned to the Chamber at 6.28pm and assumed the Chair.

The Chief Executive Officer informed Mayor Hon. Alannah MacTiernan that her request had been approved.

Cr Carey returned to the Chamber at 6.28pm.

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

Nil.

**10. REPORTS**

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

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

Items 9.1.1, 9.1.2, 9.1.3, 9.1.8, 9.1.9, 9.1.11 & 10.1

**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 9.1.11 & 9.3.4

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

9.1.11

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:**

Cr Carey	Nil
Cr Topelberg	Nil
Cr Buckels	9.1.7 & 9.2.4
Cr McGrath	Nil
Cr Wilcox	9.1.5
Cr Pintabona	Nil
Cr Harley	Nil
Cr Maier	9.1.10 & 9.2.1
Mayor Hon. MacTiernan	9.4.2

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 9.1.4\*, 9.1.6, 9.2.2, 9.2.3, 9.3.1, 9.3.2, 9.3.3, 9.4.1, 9.5.2 & 9.5.3  
\*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 9.1.4\*, 9.1.6, 9.2.2, 9.2.3, 9.3.1, 9.3.2, 9.3.3, 9.4.1, 9.5.2 & 9.5.3  
\*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, 9.1.3, 9.1.8, 9.1.9, 9.1.11 & 10.1

**(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 Carey Seconded Cr Wilcox**

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

**Items 9.1.4\*, 9.1.6, 9.2.2, 9.2.3, 9.3.1, 9.3.2, 9.3.3, 9.4.1, 9.5.2 & 9.5.3**  
\*subsequently recommitted by the Council and separately determined and approved.

**CARRIED UNANIMOUSLY (8-0)**

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

**9.1.4 No. 9 (Lot 605; D/P 57562) Chatsworth Road, Highgate – Proposed Partial Demolition of and Alterations and Additions to Existing Single House Including Third Storey**

<b>Ward:</b>	South	<b>Date:</b>	14 September 2012
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PRO5739; 5.2012.181.1
<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 Officers:</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 J Adams, on behalf of the owner, JM Adams and PJ Herron, for Proposed Partial Demolition of and Alterations and Additions to Existing Single House Including Third Storey at No. 9 (Lot 605 ; D/P 57562) Chatsworth Road, Highgate and as shown on plans stamp-dated 9 May 2012, and amended plans stamp-dated 15 August 2012 and 7 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 Chatsworth Road;
2. Any new street/front wall, fence and gate within the Chatsworth Road setback area, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences;
3. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site. As part of the demolition permit, the applicant is required to submit photographs indicating the existing structures which are proposed to be demolished, including the light weight stairs to the lookout and verandah, portion of rear verandah, portion of external and internal walls etc, for the City's Historical Archive Collection;
4. Subject to first obtaining the consent of the owners of No. 17 Chatsworth Road, Highgate for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 17 Chatsworth Road in a good and clean condition. The finish of the walls is to be fully rendered or facebrick;
5. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning;
6. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION**, the following shall be submitted to and approved by the City:
  - 6.1 **Privacy**
    - = Revised plans shall be submitted to and approved by the City demonstrating the following:
      - 6.1.1 balcony to bedroom 1 on the second floor on the eastern elevation; and
      - 6.1.2 the windows to the study room 2 on the northern, southern and western elevations;

being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material that is easily removed; OR prior to the lodgement of a Building Permit application, revised plans shall be submitted demonstrating the above major openings being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes;

**6.2 Road and Verge Bond**

A Road and Verge security bond for the sum of \$2200 shall be lodged with the City by the applicant, prior to the issue of a building permit, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City's Technical Services Directorate. An application for the refund of the security bond shall be made in writing. The bond is non-transferable; 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.

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**COUNCIL DECISION ITEM 9.1.4**

**Moved Cr Carey, Seconded Cr Wilcox**

That the recommendation be adopted.

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

(Cr Topelberg was an apology for the Meeting.)

NOTE: This matter was recommitted by the Council for further consideration – refer to page 151.

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<b>Landowner:</b>	JM Adams & PJ Herron
<b>Applicant:</b>	J Adams
<b>Zoning:</b>	Metropolitan Region Scheme: 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>	476 m2
<b>Right of Way:</b>	Southern boundary, sealed and 5 metres in width.

**PURPOSE OF REPORT:**

Development Applications for three storey development are required to be considered by Council.

**BACKGROUND:**

Nil.

**DETAILS:**

The proposal involves partial demolition of and alterations and additions to existing single house including a third storey.

**ASSESSMENT:**

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

Design Element	Complies 'Acceptable Development'	OR	'Performance Criteria' Assessment
Plot Ratio	N/A		
Front Setback	N/A		
Building Setbacks	✓		
Building Height			✓
Roof Forms			✓
Open Space	✓		
Access	✓		
Car Parking	✓		
Bicycle Parking	N/A		
Privacy			✓
Solar Access for adjoining sites	✓		

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:	Building Height
Requirement:	<b>Residential Design Elements BDADC 5</b>  Two Storeys  Wall Height = 6 metres
Applicants Proposal:	Three Storeys  Wall Height = 8.7 metres
Performance Criteria:	<b>Residential Design Elements BDPC 5</b>  Building height is to be considered to:  <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 private space of neighbouring properties; and</li> <li>• Maintain the character and integrity of the existing streetscape.</li> </ul>

Issue/Design Element:		Building Height
Applicant's Summary:	Justification	<p><i>"The proposed building height of the new rear addition is intended to remain in keeping with the scale of the retained existing observatory 'tower' structure onsite."</i></p> <p>This proposal seeks the dispensation from the maximum wall height requirement as a non-financial bonus in favour of the overall conservation work of developing this heritage property as outlined in City of Vincent Planning &amp; Building Manual, Heritage Policy 3.6.7 on Heritage Management, Municipal Heritage Inventory Incentives &amp; Development Bonus.</p> <p>The elevations show that the proposed extension is of approximate height and scale consistent with the existing dwelling on the adjacent eastern property.</p> <p>The proposed cladding material facing east to 7 Chatsworth Road is predominantly copper to the upper levels as well as some plywood. It is a beautiful non-reflective reddish-brown material of the highest quality and will slowly patina into a green oxide with time. It is a material that in our view will complement perfectly the reddish tones of the existing face brickwork of the existing residence, without competing with it.</p> <p>The proposed development complies with the building setbacks, privacy and overshadowing.</p>
Officer technical comment:		Refer to Comments.

Issue/Design Element:		Roof Forms
Requirement:		<b>Residential Design Elements Clause 7.4.3 BDADC 3</b> Roof Pitch to be 30 - 45 degrees
Applicants Proposal:		Roof pitch is 3 to 25 degrees
Performance Criteria:		<p><b>Residential Design Elements Clause 7.4.3 BDPC 3</b></p> <p>The roof of a building is to be designed so that:</p> <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's Summary:	Justification	<p><i>"The proposed roof pitches vary depending on location, but there are sections facing towards Chatsworth Road at 3 degrees and 25 degrees, a section facing the ROW to the rear at 11 degrees. A small section of roof to the Eastern side is pitched at 52 degrees, and another small section of roof to the western side is pitched at 45 degrees, consistent with loft roof forms. This is consistent with the shallow and steep pitches of the existing dwelling, which has two main pitches. The existing main roof elements are pitched at 30 degrees, and the existing verandah roof elements are pitched at 11 degrees. So the proposed roof pitches are consistent with the pitched roof language of the existing dwelling."</i></p>

Issue/Design Element:	Roof Forms
Officer technical comment:	<p>The proposed roofing is considered to comply with the Performance Criteria of Clause 7.4.3 <i>Roof Forms</i>:</p> <p>The proposed roofing will match with the existing roofing of the heritage building. The City's Heritage Services do not object to the proposed roofing as there will be no impact on the heritage value of the existing building.</p>

Issue/Design Element:	Visual Privacy
Requirement:	<p><b>R-Codes Clause 6.8.1 A1</b> Balcony – 7.5 metre Cone of Vision Privacy Setback Study room – 4.5 metres Cone of Vision Privacy Setback</p>
Applicants Proposal:	<p>Balcony to bedroom 1 (second floor) – 3.1 metres to the eastern boundary.</p> <p>Observatory will be converted into a study room which will result in overlooking – 0.7 metre to the western boundary on the western elevation, 2.8 metres to the western boundary on the northern elevation and 2 metres to the western boundary on the southern elevation.</p>
Performance Criteria:	<p><b>R-Codes Clause 6.8.1 P1</b> Direct overlooking of active habitable spaces and outdoor living areas of other dwellings is minimised by building layout, location and design of major openings and outdoor active habitable spaces, screening devices and landscape, or remoteness.</p> <p>Effective location of major openings and outdoor active habitable spaces to avoid overlooking is preferred to the use of screening devices or obscured glass.</p> <p>Where these are used, they should be integrated with the building design and have minimal impact on residents' or neighbours' amenity.</p> <p>Where opposite windows are offset from the edge of one window to the edge of another, the distance of the offset should be sufficient to limit views into adjacent windows.</p>
Applicant's Justification Summary:	<p><i>"We have sought to minimise overlooking from the upper level balcony off the Master Bedroom by providing a privacy screen to 1.6m high to the east side and also extending the wall/roof of the extension across to assist in shielding and providing privacy between the dwelling. This does increase the length of the wall along the side boundary adjoining with 7 Chatsworth Road. To decrease the impact of the wall/massing to this neighbour it is proposed that we pull this wall back by 900 mm and remove the privacy screen to the side of the balcony and replace with glass balustrade. This will serve to minimise loss of view from the rear balcony of 7 Chatsworth Rd looking west across to Hyde Park. It is noted that this would not comply with the privacy requirements for this area, but the Owners are willing to amend the proposal if the neighbours at 7 Chatsworth would like this change/adjustment."</i></p>
Officer technical comment:	<p>Applicant justification is noted, however, there is an issue of privacy. In this instance, if this application is supported, the applicant is required to comply with the screening requirement.</p>



**CONSULTATION/ADVERTISING:**

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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<b>Comments Period:</b>	25 June 2012 to 9 July 2012.
<b>Comments Received:</b>	Four objections were received.

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Height</p> <p><i>"The new extension of the third storey is to be some 7.98 metres and will dominate the rear lane and outlook from my backyard. The request to keep the third floor the same level as the current observatory should not be considered as observatory originally would have been permitted by council on the grounds of that intended use, as observatory."</i></p> <p>The proposed height will dominate the street as well as the rear laneway as the proposal is overwhelming.</p> <p>Concession should not be given to the development based on the applicant claim that conservation work will be carried out on a heritage property. The addition is of different style architecture as compared to the existing development.</p> <p>The proposal will provide a fifth bedroom and third bathroom to the existing development which will provide an exceptionally large amount of accommodation for a property which requires planning concessions.</p> <p><i>"The existing observatory is, firstly, an anomaly in the area (and is locally famous because of it) and, secondly and most relevantly, is of very modest area (an estimated 9 sqm with a pitched roof line). Its appearance is more like that of a minaret or steeple in that it is visible from the street but not imposing because it is slender and with the same roof line as the rest of the house and other houses in the street. To extend the height of this small room across the full width of the block and a further 4 m outwards, as the applicant for the concession requests, will have a completely different visual impact and its scale will be visually intrusive and in our opinion offensive."</i></p>	<p>Noted. Refer to Comments. It is noted that the height of the proposed development will match with the height of the building on the adjoining eastern property. Irrespective of the use of the observatory, the existing building is considered as a three storey development due to the observatory occupying another floor.</p> <p>Dismiss. Refer to Comments.</p> <p>Noted. The addition is assessed as per the planning guidelines applicable for the subject property as outlined in the Assessment Table. There is no concession to the planning guidelines given the building is heritage listed.</p> <p>Noted. The number of bedrooms to be provided is not a planning issue.</p> <p>Dismiss. Refer to Comments. The applicant has the ability to construct a loft within the roof space to 9 metres in height which would have the same impact as that proposed.</p>
<p>Privacy</p> <p><i>"Currently that observatory is being used as bedroom and I can actually see the occupant walking around the room while seated in lounge room. Based on the enormity of the rear extension, I was concerned and sought advice from my architect who has provided the attached plan showing levels of sight into</i></p>	<p>Noted. The balcony complies with the privacy setback of 7.5 metres from the adjoining boundary. Moreover the applicant could have developed the third storey as a loft with openings facing the right of way which would have the same impact as that being proposed.</p>

Summary of Comments Received:	Officers Technical Comment:
<p><i>my back yard. The plan clearly shows that a person can see directly into my lounge and kitchen areas based at 3.774 m (tip of the proposed balcony) and 5.2 metres (undercover on the same balcony) from the boundary of their lot. Please note this also means I too will be able to see them. Therefore the ideal distance to ensure privacy to all is as shown in red, 12.412 m from their boundary. To make my point rather clear I have also attached a picture taken from the lounge room looking back, towards 9 Chatsworth Road. Kindly note that the observation tower is set back, the proposed third storey will then push far forward and become rather intrusive."</i></p> <p>Privacy will be impacted by the proposed opening to the kitchen.</p>	<p>Supported and Addressed. The applicant has amended the plans to provide screening.</p>
<p>Roof form</p> <p><i>"The effect of having roof pitch of only 11 degrees is that it enables the walls of the third floor of the development to extend at full height for much higher and longer. The result is that instead of the internal section of the house finishing at a similar point on the block as it currently does (about 0.4 m further than No. 7) it will now be about 4.0 metre beyond our house ( as well as substantially above our 2<sup>nd</sup> floor). The imposition of this we are certain will be significant and adverse – the effect will be that of a large blank wall looming over rear window and balcony (which is our key warm weather entertaining area). It will also overwhelm the back areas of the neighbouring blocks across the laneway in St Albans Street."</i></p>	<p>Not supported. Overall, the proposal complies with the required 9 metres height as prescribed by the R-Codes. Moreover the applicant has confirmed the proposed cladding material facing east will be predominantly copper to the upper levels, as well as some plywood, which will contribute to minimise the bulk and impact on the adjoining property. With regards to the rear laneway, the proposed building complies with the required setback.</p>
<p>Issue: Building Setbacks</p> <p>The proposed building is to be setback further from the adjoining properties as it will impact on the amenity of the adjoining properties.</p>	<p>Dismiss. The applicant has amended the plans to comply with the required side setbacks.</p>
<p>Overshadowing</p> <p><i>"Photos taken at 1 pm on 1 July show the shadow from the existing house at No. 9 is approximately the same as that shown on the drawing of the predicted shadowing – yet the latter is said to be the shadow resulting at noon from a building with a higher wall. Given the size of the proposed development and the fact that it is over our uncovered outdoor area, even on their existing analysis, we request the owner be required to provide a complete set of calculations so that they can thoroughly reviewed."</i></p>	<p>Dismiss. As per the R-Codes, the overshadowing is based on the location of the sun at noon on 21 June. As shown on the additional plans submitted by the applicant, it is demonstrated that the proposal complies with the overshadowing requirement. With regards to the adjoining outdoor living area being overshadowed, the plan shows that the outdoor living area is already being overshadowed by the existing building on the eastern property.</p>

The applicant has provided a response to each submission received during Community Consultation as follows:

*“Plans were amended to comply with the required side setbacks.*

*Obscuring the window (translucent glass) in the family room and extending the translucent glazing across and reducing the area opening on the outdoor kitchen to less than 1 sqm to comply with the privacy requirements.*

*“We have sought to minimise overlooking from the upper level balcony off the Master Bedroom by providing a privacy screen to 1.6m high to the east side and also extending the wall/roof of the extension across to assist in shielding and providing privacy between the dwelling. This does increase the length of the wall along the side boundary adjoining with 7 Chatsworth Road. To decrease the impact of the wall/massing to this neighbour it is proposed that we pull this wall back by 900 mm and remove the privacy screen to the side of the balcony and replace with glass a glass balustrade. This will serve to minimise loss of view from the rear balcony of 7 Chatsworth Rd looking west across to Hyde Park. It is noted that this would not comply with the privacy requirements for this area, but the Owners are willing to amend the proposal if the neighbours at 7 Chatsworth would like this change/adjustment.*

*The overshadowing proposed to Lot 606 (7 Chatsworth Road) is 61.8 m<sup>2</sup>, equating to 20.2% of its 306m<sup>2</sup> site area. We are allowed up to 50% so we are well under the maximum allowable for this element. Furthermore, the overshadowing does not occur to the private outdoor living space designated by the neighbour at 7 Chatsworth Rd to the terrace over the garage. We have modelled the neighbouring house and balcony/terrace in 3 dimensions and can test the impact of solar access in real time on the neighbour. The terrace is self-shaded by their own dwelling/balcony. Refer to diagram.*

*The above plan view on the left models the existing overshadowing as if there was no structure at 9 Chatsworth Rd. As you can see, the existing dwelling at 7 Chatsworth Rd entirely self-shades itself. The shadow casting down is calculated at the Winter Solstice – 12 Noon on the 21<sup>st</sup> of June as per the R-Code basis.*

*On the right hand-side is shown the shadow impact of the existing and proposed structures at 9 Chatsworth Rd. The proposal does shade the lower smaller courtyard area to the west of the neighbours existing terrace area, but this is not their main designated private outdoor living space, which must have a minimum length and width dimension of 4 m to satisfy R-Code requirements.”*

**Design Advisory Committee:**

Referred to Design Advisory Committee: No

**LEGAL/POLICY:**

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

**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 proposed addition will have a minimal impact on the existing heritage building.	

SOCIAL	
Issue	Comment
The proposal will contribute to the lifestyle of the owners/occupiers of the building.	

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Demolition**

The subject place at No. 9 Chatsworth Road, Highgate (formerly known as No. 7 Chatsworth Road) is listed on the City's Municipal Heritage Inventory as Management Category B – Conservation recommended.

The proposal involves partial demolition of and alterations and additions to existing single house including third storey.

In accordance with the City's Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties, a Heritage Impact Statement was undertaken on 21 June 2012, based on the plans dated 9 May 2012, to assess the impact of the proposed development on the cultural heritage value of the subject building.

The Heritage Impact Statement indicates that the proposed works will not detract from the prominence and character of the existing heritage building and will ensure the continued use of the subject property.

In light of the above, the Application is recommended for approval subject to standard condition.

**Planning**

The proposed three-storey single house is of a quality contemporary design and incorporates building articulation (different cladding materials) which are proposed to contribute and be reflective of the visual appearance and scale of the existing streetscape. Facing the right of way, the balcony provides articulation and surveillance and complies with the required setback, therefore minimising any impact on the right of way in terms of bulk.

From Chatsworth Road, the development presents a single storey with loft building, as the loft/third storey is entirely within the roof space at this point. At the rear however, there is an open balcony and the loft presents as a third storey to the right of way, therefore, the proposal is regarded as a three-storey building. Whilst the loft space for the dwelling is considered a third level, it is noted that the maximum height of a two-storey dwelling with a pitched roof can be a height of 9 metres; the highest point of the roof at the ridge level will be 9 metres. It is also noted that the proposed third floor (loft) complies with all the side setback requirements of the R-Codes. In terms of height, as shown on the plans, the proposed height will match with the height of the adjoining eastern property. Moreover, the site slopes approximately 2 metres from the front to the right of way, which results in a variation to the wall height. The proposed development complies with the overshadowing requirement as outlined above and privacy issues have been addressed, hence, it is considered the loft/third storey will not be detrimental to the adjoining property owners nor to the amenity of the local area.

In light of the above, given the development will not unreasonably impact on the surrounding area, it is recommended that Council approves the application, subject to standard and appropriate conditions.

**9.1.6 No. 95 (Lot 125 D/P: 2099) East Street, Mount Hawthorn – Proposed Demolition of Existing Single House and Construction of Two Storey Single Dwelling**

<b>Ward:</b>	North	<b>Date:</b>	14 September 2012
<b>Precinct:</b>	Mount Hawthorn, P1	<b>File Ref:</b>	PRO5539; 5.2011.415.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans		
<b>Tabled Items</b>	Nil		
<b>Reporting Officer:</b>	A Dyson, Planning Officer (Statutory)		
<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, REFUSES the application submitted by Don Russell Homes Pty Ltd on behalf of the owner S & K Birtwistle for Proposed Demolition of Existing Single House and Construction of Two Storey Single Dwelling, at, No. 95 (Lot 125 D/P: 2099) East Street, Mount Hawthorn, and as shown on amended plans stamp-dated 18 July 2012 and 27 August 2012, for the following reasons:

1. Non-compliance with the Acceptable Development and Performance Criteria provisions of the Residential Design Codes, with regard to the following Clause:
  - 1.1 Clause 6.9.1 *Solar Access for Adjoining Sites*;
2. The proposed development does not comply with the following objectives of the City of Vincent Town Planning Scheme No. 1:
  - 2.1 To protect and enhance the health, safety and physical welfare of the City’s inhabitants and the social, physical and cultural environment; and
  - 2.2 To ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which:
    - 2.2.1 Recognises the individual character and need of localities within the Scheme zone area;
3. Consideration of the objections received; and
4. The proposed two storey single house would create an undesirable precedent for the development of surrounding lots, which is not in the interests of orderly and proper planning for the locality. In addition the development will impact the future amenity of the adjoining residential lot given the non compliance with the Acceptable Development Provisions and Performance Criteria of Clause 6.9.1 *Solar Access for Adjoining Sites* of the Residential Design Codes.

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**COUNCIL DECISION ITEM 9.1.6**

**Moved Cr Carey, Seconded Cr Wilcox**

That the recommendation be adopted.

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

(Cr Topelberg was an apology for the Meeting.)

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<b>Landowner:</b>	S S & K A Birtwistle
<b>Applicant:</b>	Don Russell Homes Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: (MRS): Urban Town Planning Scheme No.1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	377 square metres
<b>Access to Right of Way</b>	Not Applicable

**PURPOSE OF REPORT:**

The application is referred to a meeting of the Council as the application proposes a variation to overshadowing which cannot be supported under delegated authority.

**BACKGROUND:**

No specific background directly relates to the proposal.

**Previous Reports to Council:**

Nil.

**DETAILS:**

The proposal involves the demolition of an existing single residential dwelling and the construction of a two-storey residential dwelling. The site abuts an existing dual lot to the immediate south which contains a large garden abutting the subject property.

The property is located opposite Menzies Park, along the northern end of East Street, which is characterised by a predominantly open streetscape and single storey facades.

**ASSESSMENT:**

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

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

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

<b>Issue/Design Element:</b>	<b>Building Setbacks</b>
Requirement:	<p><b>Residential Design Codes Clause 6.3.1 A1</b>  <b>Lower</b> (Southern)                      Carport- 1.0 metre  <b>Upper</b> (Northern)                      Balcony – Study – 1.2 metres                      Balance – 2.1 metres</p>
Applicants Proposal:	<p><b>Lower</b> (Southern)                      Carport- Nil  <b>Upper</b> (Northern)                      Balcony – Study– 1.12 metres                      Balance - 1.6 metres</p>
Performance Criteria:	<p><b>Residential Design Codes Clause 6.3.1 P1</b>                      Buildings setback from boundaries other than street boundaries so as to:</p> <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:	<p><i>Regarding the southern boundary setback the carport is open on all 3 sides with part of the rear of the carport abutting the house and the remaining open for gate access to the southern side of the house. This setback enables the maximum usage of the northern forecourt and therefore opening the front elevation to the streetscape.</i></p>
Officer technical comment:	<p>Whilst the proposed northern upper floor side setbacks are not considered to be inconsistent with other contemporary two storey developments, the overall impact of a reduced upper floor setback, increases the built area and attributes to the significant overshadowing proposed to the adjoining lot.</p> <p>The proposed car port is open in nature and abuts an open yard area of the adjoining property. It is however noted the structure contributes 22.68m<sup>2</sup> to the overall overshadowing to the adjoining property and in essence when added to the overall overshadowing which is derived from the remainder of the two storey dwelling will provide a detrimental impact to the future development of the adjoining site. On this basis the side setback variation for the carport is not supported.</p>



<b>Issue/Design Element:</b>		<b>Solar Access for Adjoining Sites</b>
Requirement:		<b>R-Codes Clause 6.9.1 A1</b> Residential R30– Maximum of 35% Overshadowing – (131.95m2)
Applicants Proposal:		167.68m2 or 44.47%
Performance Criteria:		<b>R-Codes Clause 6.9.1 P1</b> Development designed to protect 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's Summary:	Justification	<p><i>Due to the east/west orientation of the lot the home has been designed to suit the northern aspect. Bedrooms have been located to cater for future developments on the north side and hence the future development of the vacant lot to the south would take into consideration the same aspects. Building on only a small lot 12 metres wide will always create challenges with the requirements of overshadowing. Even a single storey home of the equivalent ground floor area will show 29% of overshadowing. The acceptable development standard for overshadowing has been exceeded as the home and the overall size of the home is designed to be suitable for current lifestyles and living standards. Family Units are staying together longer with children extending their time at home and the addition of Grandparents increasing the size of the family unit. These factors need to be considered in the design of modern homes.</i></p> <p><i>The following justification is based on the potential to overshadow as the adjoining Lot 124 to the south of the subject site is currently vacant. To date no plans have been submitted to the City to develop Lot 124. The subject Lot 125 and adjoining Lot 124 are situated on an east-west axis and each lot is relatively narrow at approximately 12 metres in width, the worst case scenario when assessing solar access for adjoining sites. The shadow cast from the single storey component of the proposed dwelling on Lot 125 will overshadow approximately 22% of Lot 124 as per the shadow diagram submitted. Even though 22% complies with the ADS of Clause 6.9.1 it is likely the majority of north facing windows on Lot 124 would be subject to overshadowing in any case, given the narrow lot width and orientation. Should a near identical house design to the one proposed for the subject lot 125 be constructed on Lot 124, more than 75% of the minimum required outdoor living area (24sqm) would be capable of receiving direct sunlight, at midday on 21 June. Should the design for Lot 125 incorporate the outdoor living area to the northern aspect of the site (as opposed to the southern aspect), more than 50% of the minimum required outdoor living area would be capable of receiving direct sunlight, at midday on the 21 June.</i></p> <p><i>Both scenarios are deemed acceptable given that more than two thirds of the outdoor living area is required to be uncovered as per Clause 6.4.2 A2 of the R-Codes, therefore the provision of direct sunlight to the outdoor areas would be more than acceptable in either situation.</i></p>

<b>Issue/Design Element:</b>	<b>Solar Access for Adjoining Sites</b>
	<p><i>Should a near identical house design to the one proposed for the subject Lot 125 be constructed on Lot 124, all north facing major openings at ground level and the upper storey level will be subject to overshadowing. Due to the width of the lot and the extent of over shadowing from a permitted tow storey house, it is highly impractical and extremely difficult to design north facing habitable room windows that will not be subject to overshadowing. This can be remedied by incorporating major openings to the east and west facing elevations on the northern aspect of the site (including suitably sized eaves). Allowing morning and afternoon sunlight to enter major openings to habitable rooms so that the impact on amenity of the dwelling is not negatively affected by a lack of direct sunlight to habitable areas.</i></p>
	<p><i>To alleviate the issue of overshadowing of balcony and veranda areas, the habitable portion of balconies and verandas should be situated towards the southern aspect of the site although remaining open to the northern sunlight. This can be achieved through appropriate articulation of facades and appropriate opening setbacks and heights.</i></p> <p><i>Whilst the proposed overshadowing from Lot 125 places restrictions on the house design of Lot 124, as suitably designed house is still able to achieve adequate access to direct sunlight for active habitable areas and major openings to habitable rooms.</i></p> <p><i>In addition, the external wall and roof height and setbacks to the boundary of the proposed dwelling on Lot 125 comply with the ADS of the relevant Clause of the R-Codes.</i></p>
<p>Officer technical comment:</p>	<p>The proposed overshadowing is not considered to comply with the performance criteria due to the following:</p> <ul style="list-style-type: none"> <li>• The proposed overshadowing would affect any future development and make it extremely difficult to design a dwelling that could access northern sunlight to windows and habitable rooms.</li> <li>• The impact of the additional overshadowing from the two storey section would limit the provision of solar collectors and the placement of such along the northern façade/roof.</li> <li>• The future development of the adjoining dwelling would be very limited in the placement of balconies and outdoor living areas including verandahs which could access sunlight for significant periods of the year.</li> <li>• Overall it is noted that whilst the proposed dwelling would have little impact to the existing dwelling on the southern property, given it is effectively a dual lot, the potential to overshadow the vacant lot is where the development does not meet the performance criteria of the Residential Design Codes.</li> <li>• It is noted that the R Codes refer to adjoining properties and not a dwelling. This provides protection for vacant lots to allow a development which could be designed to have adequate solar access.</li> </ul>

**CONSULTATION/ADVERTISING:**

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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<b>Comments Period:</b>	13 October 2011 – 27 October 2011
<b>Comments Received:</b>	Neighbour consultation was undertaken in relation to the proposed street setback, upper floor setbacks, overshadowing, building height, roof forms, street fencing variations. Four (4) comments objecting to the development were received.

<b>Summary of Comments Received:</b>	<b>Officers Technical Comment:</b>
<p>Issue: Privacy</p> <ul style="list-style-type: none"> <li>Concern regarding the privacy to the adjoining property from the proposed rear windows (bedroom 2 and sitting room of the upper storey) causing a direct line of vision into the adjoining properties. Request for alternative solutions to be investigated for privacy to be maintained to rear property.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. Whilst the upper storey windows at the rear of the property are compliant with the provisions of the Residential Design Codes, the impact on the property abutting the rear of the subject property is to such an extent that a screen or obscure glass is required to be provided to ensure that privacy between the landowners is maintained.</li> </ul>
<p>Issue: Overshadowing</p> <ul style="list-style-type: none"> <li>Object to the overshadowing proposed which would impact on the provision of winter sun to the adjoining and adjacent properties.</li> </ul>	<ul style="list-style-type: none"> <li>Supported. The development proposed provides for a 35.73m<sup>2</sup>/44.47% or 9.47% overshadowing variation to the acceptable development provisions of the Residential Design Codes. The proposed development, will impact an existing open garden area of the adjoining property, which in the future impacts the potential for the adjoining owners to develop an adequate dwelling on the lot given the impact of overshadowing to the provision of north facing habitable rooms and outdoor living areas.</li> </ul>
<p>Issue: Front Fencing</p> <ul style="list-style-type: none"> <li>Concern the proposed solid portion of wall to 1.8 metres in height is not in keeping with the existing East Street streetscape.</li> </ul>	<ul style="list-style-type: none"> <li>Dismiss. The proposed front fencing is compliant with Clause 6.4.4 (i) of the City's Policy 3.21, in relation to Residential Design Elements.</li> </ul>

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Location of Carport</p> <ul style="list-style-type: none"> <li>Concern that the proposed carport has no clearance to the southern boundary and is proposed on the front boundary, thereby creating a hazard for both pedestrians and vehicles leaving 93 and 95 East Street. In addition the location of the proposed carport will block the existing view and open streetscape character of East Street.</li> </ul>	<ul style="list-style-type: none"> <li>Noted and Supported. The applicant has amended the proposed carport to ensure appropriate sightlines are maintained for vehicles exiting the property. However it is noted that the proposed carport structure contributes 22.68m<sup>2</sup> to the overall overshadowing to the adjoining property and in essence when added to the overall overshadowing which is derived from the remainder of the two storey dwelling will provide a detrimental impact to the future development of the adjoining site. On this basis the side setback proposed is not supported. In any support of the proposal the carport should be reconsidered to be setback such that any overshadowing and bulk to the adjoining property is reduced.</li> </ul>
<p>Issue: Upper Floor Setbacks</p> <ul style="list-style-type: none"> <li>Concern the proposed lower and upper floor setbacks proposed do not maintain the existing streetscape and character of the area. A row of at least 13 dwellings along the street are all level on the building line. The proposed development extends to far in front along with the balcony of the upper storey.</li> </ul>	<ul style="list-style-type: none"> <li>Noted and Addressed. The applicant has amended the proposed upper and lower floor front setbacks to ensure compliance with the City's Policy 3.2.1 in relation to Residential Design Elements. It is noted however the impact of a two-storey development will break up the existing character of the intact streetscape prevalent along East Street and dominate.</li> </ul>
<p>Issue: Pool</p> <ul style="list-style-type: none"> <li>The proposed pool pump is located on the northern side of the property, next to the adjoining property's patio and will impact the enjoyment of this area. Request that the pool pump be sound proofed or moved to the other side of the block.</li> </ul>	<ul style="list-style-type: none"> <li>Addressed. The applicant has removed the proposed pool from the plans.</li> </ul>
<p>Issue: Site Survey</p> <ul style="list-style-type: none"> <li>Note the following points: <ul style="list-style-type: none"> <li>The survey pegs on the northern side of the property are not in alignment with the property wall and fences on 97 East Street.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Noted and Addressed. The applicant will be required to provide a survey plan prior to the commencement of any building works on site, to ensure all building works are within the lot.</li> </ul>
<p>Issue: Streetscape</p> <ul style="list-style-type: none"> <li>Concern the heritage value of the street is being compromised.</li> </ul>	<ul style="list-style-type: none"> <li>Noted. The immediate East Street streetscape opposite Menzies Park, comprises predominantly single storey Bungalow type dwellings. The impact of a two storey dwelling on the streetscape, particularly in this case given the development's large second storey floor area, will compromise this.</li> </ul>

**Design Advisory Committee:**

Referred to Design Advisory Committee: No.

**LEGAL/POLICY:**

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

**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 dwelling has incorporated northern solar access to habitable rooms.  However in proposing the design of a large two-storey dwelling with an east-west orientation, it effectively reduces the potential for the adjoining property to be developed in the future with sufficient sunlight to any habitable rooms on its northern elevation and the provision of an adequate outdoor living area.

SOCIAL	
Issue	Comment
	The proposed dwelling will have an impact on the existing intact streetscape along East Street of single storey dwellings.

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Demolition**

The subject single storey brick and tile dwelling at No. 95 East Street is an example of the Interwar bungalow constructed in the Post-war period circa 1955. The dwelling has a two room street frontage and has a main hipped tile roof form with two more modest hipped roofs.

The heritage assessment indicates that whilst the front façade of the dwelling appears to remain substantially unchanged from its date of construction and it remains a modest example of the Interwar Bungalow, the dwelling is not rare; it has little scientific, aesthetic or social value and no specific links of historic significance have been identified. The place does not meet the threshold for consideration of entry onto the City's Municipal Heritage Inventory in accordance with the City's Policy No. 3.6.2 relating to Heritage Management- Assessment. In light of this, it is considered that approval should be granted for the demolition subject to the following condition:

*"A Demolition Permit shall be obtained from the City prior to the commencement of any demolition works on site"*

In view of the assessment above, it is noted that whilst the development and the setbacks proposed are indicative of a contemporary two storey dwelling, the impact of the overshadowing proposed by the development on a relatively small adjoining lot (377m<sup>2</sup>) is significant. The proposed development proposes 44.47% or 167.68m<sup>2</sup> total overshadowing of the adjoining southern lot or a 9.44% variation to the allowed overshadowing, which will have the potential to impact the future development of the adjoining lot for a dwelling which can adequately be afforded northern light to habitable rooms and outdoor living areas. On this basis the development does not comply with the performance criteria of the Residential Design Codes Clause 6.9.1 *Solar Access for Adjoining Sites*, and is not supported.

In light of the above the proposed residential dwelling is recommended for refusal due to the aforementioned reasons.

### 9.2.2 Proposed 2012-2013 Black Spot Improvement Projects

<b>Ward:</b>	Both	<b>Date:</b>	14 September 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0174, TES0173
<b>Attachments:</b>	<a href="#">001</a> – Location Diagrams		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	C Wilson, Manager Asset & Design Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

#### OFFICER RECOMMENDATION:

That the Council;

1. APPROVES;

1.1 The following Proposed 2012-2013 Black Spot Improvement Projects Program, subject to undertaking the Public Information Process specific to Black Spot Projects, as adopted by Council at its Ordinary Meeting of 9 August 2011:

1.1.1 Intersection of Broome and Stirling Streets, Highgate, as shown in Diagram 1;

1.1.2 Intersection of Walcott and York Street, Mt Lawley, as shown in diagram 2;

1.1.3 Intersection of Vincent and Cleaver Streets, West Perth, as shown in diagram 3; and

1.2 The implementation of Intersection of Loftus and Bourke Streets, North Perth/Leederville, (upgrade traffic signals to LED), as it has nil impact upon the surrounding residents, as shown in diagram 4; and

2. AUTHORISES the Director Technical Services to refer any of the projects outlined in clause 1 above, that attract reasoned objections, to the City's Integrated Transport Advisory Group (ITAG) for further consideration prior to considering their implementation.

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#### COUNCIL DECISION ITEM 9.2.2

Moved Cr Carey, Seconded Cr Wilcox

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Topelberg 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 City's 2012/2013 State and Nation Building Black Spot Improvement Program.

**BACKGROUND:**

A 'Black Spot' is a location where there have been five (5) or more reported accidents over a five (5) year period. The accidents are analysed and a concept plan of the proposed treatment to address the predominant accident type is prepared, costed and a cost benefit ratio (CBR) determined (in accordance with the funding guidelines). If the CBR meets the eligibility criteria the project is submitted for funding.

Local Government are requested to make Black Spot submissions in July of each year for projects in the following financial year and therefore the 2012/13 projects were submitted in July 2011.

It is common to be a two (2), or more, year gap between the submission being made, and if successful, the project being implemented. This is particularly true of traffic signal modifications for which the approval process can take two (2) years, and as a result Main Roads have extended the time period for signal modifications projects over two (2) financial years.

State Black Spot funding is allocated on 2:1 basis while the Nation Building Black Spot Projects are fully funded.

**DETAILS:**

Usually Local Governments receive a letter from Main Roads WA in October/November of each year advising of the success of their submissions. This did not occur for the 2012/2013 program, rather the City received a preliminary email advice of our successful projects, which was the basis for the projects inclusion in the 2012/2013 budget process. It is common practice to await the formal notification before advising Council.

As a consequence, other than approving the budget allocations, the Council has not had prior opportunity to review the Black Spot Program.

**Approved Projects:**

The City submitted six (6) projects of which the following four (4) were successful.

Projects approved as a State Black Spot attracting 2:1 funding.

- *Intersection of Broome and Stirling Streets, Highgate*, budget \$35,000 (\$23,333/\$11,667). Install traffic islands in Stirling Street approaches and install additional stop signs to reinforce the stop control;
- *Intersection of Walcott and York Streets, Mt Lawley*, budget \$35,000 (\$23,333/\$11,667). Install a ½ seagull island on York Street banning the right turn into Walcott Street; and
- *Intersection of Loftus and Bourke Streets, North Perth/Leederville*, budget 75,000 (\$50,000/\$25,000). Upgrade traffic control to signals to LED (currently incandescent lamps).

Note: The proposed traffic control signals upgrade has nil impact upon surrounding residents and therefore an exemption is being sought to having to undertake public information other than a standard notification of works.

Project approved as a Nation Building Black Spot project which is fully funded.

- *Intersection of Vincent and Cleaver Streets, West Perth*, budget \$50,000. Install ½ seagull island on Cleaver Street banning the right turn into Vincent Street.

In respect of the above location there was fatality on 2 August 2012 when a vehicle turned right into Cleaver Street across the path of a motor cyclist.

While the proposed measure, the ½ seagull island, would not have prevented the accident it is reminder that a moment's lack in attention or impatience can have devastating consequences.

The proposed treatment would however have prevented two (2) major accidents and several minor accidents in the preceding 5 year review period. Further, it will assist the Transperth bus services in the peak periods, turning left into Vincent Street west bound, who are subject to lengthy delays if a vehicle is turning right out of Cleaver Street.



**Black Spot Improvement Projects, once approved difficult to change:**

If the City consults and the community objects to the proposal, the project needs to be withdrawn as there is no mechanism to modify the design and resubmit. This is because any redesign would affect the CBR and the project would most probably not meet the funding requirements.

For the reason outlined above, the majority of Local Governments do not consult on Black Spot projects, as a Black Spot improvement is viewed as a safety improvement for the betterment of the wider community.

**CONSULTATION/ADVERTISING:**

For Local Area Traffic Management Schemes (LATM) – in accordance with the Consultation Policy, a proposal to Conduct Notice is delivered or mailed to all owner(s) and occupier(s) within the designated area and those on both sides of the perimeter roads giving them 14 days to provide comment, excluding “Black Spot” projects.

A “Black Spot” is defined as a location whereby there have been more than five (5) accidents over a five (5) year period.

- Provide the community with an enhanced ‘Information Bulletin’ at the time prior to construction outlining the background and rationale for the project; and
- Provide potentially affected residents (upon request) with all the relevant information including, but not limited to, the approved design, accident information and posts this information on the City’s website.

In the event of one or more projects meeting with community objections it is proposed that the project(s) be referred Integrated Transport Advisory Group (ITAG) for further consideration.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**High:** Black Spots are locations that have recorded five (5) or more accidents over a five (5) year period.

**STRATEGIC IMPLICATIONS:**

The *Strategic Plan 2011-2016* states:

“Natural and Built Environment

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

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

**SUSTAINABILITY IMPLICATIONS:**

Improved safety for road users.

**FINANCIAL/BUDGET IMPLICATIONS:**

The 2012/2013 budget includes the following Black Spot projects:

- Intersection of Broome and Stirling Streets, Highgate, budget \$35,000 (\$23,333/\$11,667);
- Intersection of Walcott and York Street, Mt Lawley, budget \$35,000 (\$23,333/\$11,667);
- Intersection of Loftus and Bourke Streets, North Perth/Leederville, budget 75,000 (\$50,000/\$25,000); and
- Intersection of Vincent and Cleaver Streets, West Perth, budget \$50,000 (fully funded).

**COMMENTS:**

As mentioned above, Black Spots are locations whereby there have been five (5) or more accidents over a five (5) year period. The Black Spot design is based upon a range of standard treatments and counter measures to eliminate accidents and once approved by Main Roads WA there is no scope to change the design as funding will be jeopardised.

Also the majority of Local Governments do not consult on Black Spot projects, as a Black Spot improvement comprises a safety improvement for the betterment of the wider community.

**9.2.3 Leederville Hotel - Proposed Light Projection Displays Across Newcastle Street, Leederville**

<b>Ward:</b>	South	<b>Date:</b>	14 September 2012
<b>Precinct:</b>	Oxford Centre (4)	<b>File Ref:</b>	PRO0740
<b>Attachments:</b>	Nil		
<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. **APPROVES** the proposal from the Leederville Hotel to 'Project Light Displays' across Newcastle Street, Leederville for an initial twelve (12) month period subject to final satisfactory negotiations being carried out by the Chief Executive Officer and subject to the material to be displayed DOES NOT comprise;
  - 1.1 any commercial advertising material;
  - 1.2 material of a politically sensitive, religious or pornographic nature and/or is likely to be considered by the City to be offensive to the public;
  - 1.3 material that depicts smoking or other tobacco product or other prohibited illegal substances; and
  - 1.4 material which may resemble in shape, size or colour any traffic sign or a shape which has the appearance of giving any instruction and/or direction for traffic or which constitutes in the reasonable opinion of the City a traffic hazard; and
2. **AUTHORISES** the Chief Executive Officer to review the approval on an annual basis and to withdraw the approval, without notice, should there be a breach of any one of conditions outlined in clause 1.

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**COUNCIL DECISION ITEM 9.2.3**

**Moved Cr Carey, Seconded Cr Wilcox**

That the recommendation be adopted.

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

(Cr Topelberg was an apology for the Meeting.)

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**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council's approval to allow the Leederville Hotel to 'Project Light Displays' across Newcastle Street, Leederville for an initial twelve (12) month period.

**BACKGROUND:**

The Leederville Hotel currently own a number of properties either side of a portion of Newcastle Street and have requested approval to 'Project Light Displays' across the street onto the Leederville Hotel facade located on the north east corner of Oxford and Newcastle Streets, Leederville.

**DETAILS:**

**Light Projection Demonstration:**

In August 2012 the Leederville Hotel requested approval to conduct a "light projection demonstration" and following discussions, the City's Administration conditionally approved the trial which was successfully undertaken on Saturday 1 September 2012 between 19:00 to 22:00.

The projection was conducted from a first floor window above 'Latashas' restaurant, a building owned by Leederville Hotel (on the south side of Newcastle Street).

The images were projected across Newcastle Street onto the upper floors of the Leederville Hotel only and were artistic in nature, involved no advertising and comprised a simple demonstration to gauge angles of projection and (if any) distractions to traffic etc.

The Mayor, Councillors and officers were invited to attend the trial. Businesses in the vicinity were notified of the trial and no negative comments were received. Members of the community who were in the street during the show voiced their admiration and were making positive remarks through the demonstration. *(The photos below show some of the projections on the night courtesy Manager Community Development)*



**Approval:**

As mentioned above, the Leederville Hotel currently own a number of properties either side of a portion of Newcastle Street and it is possible to utilise these building for the light projection across Newcastle Street. Should ownership change in the future this may not be possible.

Therefore it is considered that the approval to 'Project Light Displays' across Newcastle Street, should be for an initial twelve (12) month period and the approval be reviewed annually.

Also the approval should be on the proviso that the material to be displayed does not include any advertising material, material of a politically sensitive or religious or pornographic nature and/or is likely to be considered by the City to be offensive to the public, material that depicts smoking or other tobacco product or other prohibited illegal substances and material which may resemble in shape, size or colour any traffic sign or a shape which has the appearance of giving any instruction and/or direction for traffic or which constitutes in the reasonable opinion of the City a traffic hazard.

**CONSULTATION/ADVERTISING:**

It is considered that Leederville Connect should be advised of the Council decision.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** Improvement to aesthetics and amenities.

**STRATEGIC IMPLICATIONS:**

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

*"Community Development and Wellbeing*

*Objective: 3.1: (b) Encourage and promote cultural and artistic expression throughout the City."*

**SUSTAINABILITY IMPLICATIONS:**

To improve the economic vibrancy of the area and make the area more sustainable for both business activities by the type of infrastructure improvements proposed.

**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable.

**COMMENTS:**

The Leederville Hotel conducted a successful light projection trial on Saturday 1 September 2012 between 19:00 to 22:00. The projection was conducted from first floor window above 'Latashas' a building owned by Leederville Hotel (on the south side of Newcastle Street).

The Leederville Hotel has requested that they be permitted to 'project lighting displays across Newcastle Street on an ongoing basis. It is therefore recommended that approval be granted for an initial twelve (12) month period subject to a number of conditions as outlined in the report.

The Leederville Hotel and Main Roads WA (for information only), will be advised of the Council Decision.

**9.3.1 Investment Report as at 31 August 2012**

<b>Ward:</b>	Both	<b>Date:</b>	14 September 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 31 August 2012 as detailed in Appendix 9.3.1.

**COUNCIL DECISION ITEM 9.3.1**

**Moved Cr Carey, Seconded Cr Wilcox**

That the recommendation be adopted.

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

**(Cr Topelberg 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 31 August 2012 were \$30,511,000 compared with \$18,211,000 at 31 July 2012. At 31 August 2011, \$24,011,000 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

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

	<b>Annual Budget</b>	<b>Budget Year to Date</b>	<b>Actual Year to Date</b>	<b>%</b>
Municipal	\$584,000	\$65,000	\$66,685	11.42
Reserve	\$535,000	\$65,000	\$124,056	23.19

**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. As at 27 June 2011, key deposits, hall deposits, works bonds, planning bonds and unclaimed money were transferred into Trust Bank account as required by Local Government (Financial Management) Regulations 1996, Section 8 (1b).

Rates revenue has been received during this month which has resulted in surplus monies be available for investment. Retained money from 2011 – 2012 for Beatty Park Redevelopment is also part of this investment.

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 – 31 August 2012**

<b>Ward:</b>	Both	<b>Date:</b>	14 September 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 August – 31 August 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 Carey, Seconded Cr Wilcox**

That the recommendation be adopted.

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

(Cr Topelberg 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 August – 31 August 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	072611 - 072798	\$131,132.39
Transfer of Creditors by EFT Batch	1422, 1423, 1425, 1426, 1430 - 1435	\$2,857,424.82
Transfer of PAYG Tax by EFT	August 2012	\$360,729.63
Transfer of GST by EFT	August 2012	
Transfer of Child Support by EFT	August 2012	\$1,054.29
Transfer of Superannuation by EFT:		
• City of Perth	August 2012	\$57,010.85
• Local Government	August 2012	\$207,062.47
<b>Total</b>		<b>\$3,614,414.45</b>
<b>Bank Charges &amp; Other Direct Debits</b>		
Bank Charges – CBA		\$10,081.76
Lease Fees		\$3,445.44
Corporate MasterCards		\$14,463.25
Loan Repayment		\$113,688.59
Rejection fees		\$42.50
<b>Total Bank Charges &amp; Other Direct Debits</b>		<b>\$141,721.54</b>
<b>Less GST effect on Advance Account</b>		<b>0.00</b>
<b>Total Payments</b>		<b>\$3,756,135.99</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 31 August 2012**

<b>Ward:</b>	Both	<b>Date:</b>	14 September 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0026
<b>Attachments:</b>	001 – Financial Reports		
<b>Tabled Items:</b>	002 – 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 31 August 2012 as shown in Appendix 9.3.3.

**COUNCIL DECISION ITEM 9.3.3**

**Moved Cr Carey, Seconded Cr Wilcox**

That the recommendation be adopted.

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

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

**PURPOSE OF REPORT:**

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

**BACKGROUND:**

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

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

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

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

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

**DETAILS:**

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

Note	Description	Page
1.	Summary of Income and Expenditure by Service Areas	1-24
2.	Statement of Financial Activity by Programme Report	25
3.	Statement of Financial Activity by Nature or Type Report	26
4.	Statement of Financial Position	27
5.	Statement of Changes in Equity	28
6.	Capital Works Schedule	29-35
7.	Restricted Cash Reserves	36
8.	Sundry Debtors Report	37
9.	Rate Debtors Report	38
10.	Beatty Park Leisure Centre Report – Financial Position	39
11.	Major Variance Report	40-47
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	\$3,280,691
YTD Revised Budget	\$3,463,959
YTD Variance	\$183,268
Full Year Budget	\$20,198,425

**Summary Comments:**

The total operating revenue is currently 95% of the year to date Budget estimate.

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

General Purpose Funding – 28% under budget;  
 Governance – 18% under budget;  
 Law, Order, Public Safety – 14% under budget;  
 Health – 13% under budget;  
 Education and Welfare – 60% over budget;  
 Community Amenities – 39% over budget;  
 Recreation and Culture – 14% over budget;  
 Transport – 14% under budget;  
 Economic Services – 44% under budget;  
 Other Property and Services – 4% over budget; and  
 General Administration (Allocated) – 202% over budget.

**Operating Expenditure**

YTD Actual	\$6,438,181
YTD Revised Budget	\$7,555,830
YTD Variance	(\$1,117,649)
Full Year Budget	\$45,143,870

**Summary Comments:**

The total operating expenditure is currently 85% of the year to date Budget estimate

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

General Purpose Funding – 3% under budget;  
 Governance – 11% under budget;  
 Law Order and Public Safety – 22% under budget;  
 Health – 18% under budget;  
 Education and Welfare – 18% under budget;  
 Community Amenities – 18% under budget;  
 Recreation and Culture – 17% under budget;  
 Transport – 2% over budget;  
 Economic Services – 14% under budget;  
 Other Property & Services – 9% under budget; and  
 General Administration (Allocated) –110% 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	\$3,121,537
YTD Revised Budget	\$4,525,734
Variance	(\$1,404,197)
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 \$46,699,418 and non-current assets of \$193,779,154 for total assets of \$240,478,572.

The current liabilities amount to \$13,948,322 and non-current liabilities of \$19,356,716 for the total liabilities of \$33,305,038.

The net asset of the City or Equity is \$207,173,534.

**7. Net Current Funding Position**

	<b>31 August 2012 YTD Actual \$</b>
<b>Current Assets</b>	
Cash Unrestricted	14,088,710
Cash Restricted	17,273,646
Receivables – Rates and Waste	10,655,691
Receivables – Others	4,497,640
Inventories	172,731
	<b>46,688,418</b>
<b>Less: Current Liabilities</b>	
Trade and Other Payables	(9,157,596)
Provisions	(2,450,721)
Accrued Interest (included in Borrowings)	(333,161)
	<b>(11,941,477)</b>
<b>Less: Restricted Cash Reserves</b>	(17,273,646)
<b>Net Current Funding Position</b>	<b>(17,473,295)</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	\$10,200	\$12,499	123%
Plant & Equipment	\$1,757,000	\$158,500	(\$2,461)	-2%
Land & Building	\$11,289,000	\$4,117,000	\$1,046,590	25%
Infrastructure	\$13,916,365	\$1,161,100	\$228,752	20%
<b>Total</b>	<b>\$27,273,005</b>	<b>\$5,446,800</b>	<b>\$1,285,380</b>	<b>24%</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 29 – 35 of Appendix 9.3.3.

**9. Restricted Cash Reserves**

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

The balance as at 31 August 2012 is \$17.2m. The balance as at 31 August 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 \$1,228,464 is outstanding at the end of August 2012.

Out of the total debt, \$267,998 (21.8%) relates to debts outstanding for over 60 days, which is related to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangement for more than one year.

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

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

**11. Rate Debtors**

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

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

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

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

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

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

Rates outstanding as at 31 August 2012 including deferred rates was \$10,231,447 which represents 41.69% of the outstanding collectable income compared to 42.67% at the same time last year.

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

As at 31 August 2012 the operating deficit for the Centre was \$165,863 in comparison to the year to date budgeted deficit of \$602,751.

The cash position showed a current cash deficit of \$122,597 in comparison year to date budget estimate of a cash deficit of \$558,808. 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.

**9.4.1 Cultural Development Seeding Grant Applications – Carols in the Park, Mount Hawthorn**

<b>Ward:</b>	North	<b>Date:</b>	14 September 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0155
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	A Cole, A/Senior Community Development Officer; J Anthony, Manager Community Development		
<b>Responsible Officer:</b>	R Boardman, Director Community Services		

**OFFICER RECOMMENDATION:**

That the Council APPROVES a Cultural Development Seeding Grant of \$1,000 for the Mount Hawthorn Community Church to host Carols in the Park on 9 December 2012 and “in-kind” use of Braithwaite Park in Mount Hawthorn to hold the event.

**COUNCIL DECISION ITEM 9.4.1**

**Moved Cr Carey, Seconded Cr Wilcox**

That the recommendation be adopted.

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

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

**PURPOSE OF REPORT:**

To seek approval for one (1) Cultural Development Seeding Grant application.

**BACKGROUND:**

The City of Vincent established the Cultural Development Seeding Grants in 1997 as part of the development of the City’s Community Identity Strategy. The grants are to help not-for-profit community groups plan and carry out community based cultural activities that express the different ways of life in the City.

Grants of up to \$1,000 are available for cultural activities or performances that help people feel that they belong to the community of Vincent. Projects must reflect some aspect of the City’s culture, ethnicity, history and/or contemporary identity.

A Cultural Development Seeding Grant has been received from Mount Hawthorn Community Church to assist in costs associated with hosting Carols in the Park at Braithwaite Park in Mount Hawthorn.

**DETAILS:**

**Carols in the Park**

The Mount Hawthorn Community Church has been based at the Mount Hawthorn Community Centre (Lesser Hall) since 1998. An independent Christian Church with no official ties to any denomination is open to any and all who are curious or seeking to discover more about the Christian faith or their own spiritual journey.

On 9 December 2012, the Community Church proposes to hold Carols in the Park at Braithwaite Park in Mount Hawthorn and will feature a variety of musicians and the provision of lyric sheets, candles, tea and coffee. There will be opportunities for people to make financial donations on the night however, this is entirely voluntary and any money raised will be given in full to local organisations in need.

Similar carol singing events have been held in previous years and have proven to be very popular with the community at large. In particular, strong support has been received from families with school age and younger children.

**CONSULTATION/ADVERTISING:**

This event will have a variety of advertising initiatives including printed material and via the City's website. It will be requested that the City of Vincent logo is placed on this material in recognition of the City's support along with prominent display of signage at the events and verbal acknowledgement on the day.

**LEGAL/POLICY:**

The application meets the cultural requirements for a Cultural Development Seeding Grant.

It is noted that the Guidelines indicate that *"Projects that are mainly for fund raising or making profits will not be funded."* The application from Mount Hawthorn Community Church specifies that financial donations are not required and if they are received, will be given in full to local organisations in need. City funding will also go directly towards the costs of the PA system and lighting.

The allocation of Community Development Seeding Grants aligns with Policy No. 3.10.5 in relation to Donations, Sponsorship and Waiving of Fees and Charges.

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

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

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

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

Budget Amount:	\$ 6,000
Spent to Date:	<u>\$ 300</u>
Balance:	<u>\$ 5,700</u>

**COMMENTS:**

The application by Mount Hawthorn Community Church demonstrates a willingness to engage the local community. Funding through the Cultural Development Seeding Grant will enable them to hold their event that will bring together a broad range of the community.

**9.5.2 Civica National User Conference – Sydney, New South Wales, 14 – 17 October 2012**

<b>Ward:</b>	-	<b>Date:</b>	14 September 2012
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0031
<b>Attachments:</b>	<a href="#">001</a> - Civica National User Conference Programme		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	M Rootsey, Director Corporate Services		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **APPROVES** the Manager Financial Services to attend the Civica National User Conference to be held in Sydney, New South Wales on 14 - 17 October 2012, at an estimated cost of \$2,383.

**COUNCIL DECISION ITEM 9.5.2**

**Moved Cr Carey, Seconded Cr Wilcox**

That the recommendation be adopted.

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

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

**PURPOSE OF REPORT:**

The purpose of the report is to obtain approval for the Manager Financial Services to attend the Civica National User Conference to be held at the Novotel Pacific Manly, New South Wales on 14 - 17 October 2012.

**BACKGROUND:**

The Civica “Authority” System is the City’s corporate system. The Financial Services section uses a significant number of the modules of this system as listed below:

- Accounts Payable;
- Accounts Receivable;
- General Ledger;
- Assets;
- Online Purchasing;
- E-Services;
- Receipting;
- Payroll;
- BIS Reporting; and
- Excel Wizard integration.

The Civica National User Conference is an annual event at which the company outlines its strategic direction and future product development. Each state User Group is responsible for hosting the National User Conference.

The Director Corporate Services has previously attended this conference however, will not be attending this conference for family reasons. It is important that the City is represented due to the substantial investment that the City has made in this system and will provide an excellent development opportunity for the Manager Financial Services.

**DETAILS:**

During 2012 the City has installed and implemented a number of new modules as follows:

- System upgrade to Version 6 (web based);
- Business Information Systems Reporting (BIS);
- Excel Wizard reporting integration;
- Mobile Computing (Health Services); and
- New Chart of Accounts.

It is appropriate that the Manager Financial Services attends the Conference this year as a number of these initiatives have been undertaken in the Financial Services Section. It will provide important insight on how these modules are utilised in other sites and any proposed enhancements for these products.

It will also provide insight into other modules that the City may implement in the future to enhance and maintain our corporate system in accordance with industry best practice.

**Conference Program:**

A copy of the program is Tabled and shown at Appendix 001.

The programme covers a wide range of financial issues, which will have implications for the City and includes the following topics;

- Overview of current projects;
- Civica Business Review;
- Authority Product and Technology;
- Customer Requests – product demonstration;
- Asset Management Framework;
- Corporate Finance Reporting
- Finance Modules – General Ledger best practice;
- On-Line systems demonstrations; and
- Human Resources Management.

**CONSULTATION/ADVERTISING:**

Not Applicable.

**LEGAL/POLICY:**

*As per Council Policy 4.1.15, Conferences - Attendance, Clause 1.1 (i) states:*

- “(i) When it is considered desirable that the City of Vincent be represented at an interstate conference, up to a maximum of one Council Member and one Employee may normally attend, unless otherwise approved by the Council; and*
- (ii) In certain circumstances (for example where the Conference is of a technical nature) the Chief Executive Officer may recommend that two (2) Employees attend. In this instance, the Chief Executive Officer will specify reasons in the report to the Council.”*

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** The only risk to the City would be due to loss of associated costs for the Conference if the registered person was unable to attend due to unforeseen circumstances.

**STRATEGIC IMPLICATIONS:**

*Keeping in line with the City's Strategic Community Plan 2011-2021 (Plan for the Future)*

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

**SUSTAINABILITY IMPLICATIONS:**

Not Applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Please see the below breakdown of the conference costs:

	<b>Costs</b>
Conference Registration	\$ 695
Accommodation (3 nights)	\$ 750
Airfare (economy class)	\$ 462
Expenses Allowance (4 days) (\$119 per day)	\$ 476
<b>Total</b>	<b>\$2,383</b>

**COMMENTS:**

The Civica National User Conference is a major event for the City's corporate system provider.

Attendance at this conference by the Manager Financial Services will provide the opportunity to see how the strategic development system is proposed for the forthcoming period as well as development of individual modules. In addition, presentations will be provided on specific case studies by other Councils and their experiences.

As this is a conference involving technical and software matters, attendance by an Elected Member may not provide information which would be beneficial. Accordingly, attendance by an Elected Member is not recommended.

It will be beneficial for the City of Vincent for the Manager Financial Services to attend this conference.

It is therefore recommended that approval be granted for the Manager Financial Services to attend the Civica National User Conference to be held in Sydney, New South Wales on the 14 – 17 October 2012.

**9.5.3 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	14 September 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 28 September 2012, as distributed with the Agenda.

**COUNCIL DECISION ITEM 9.5.3**

**Moved Cr Carey, Seconded Cr Wilcox**

That the recommendation be adopted.

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

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

**DETAILS:**

The items included in the Information Bulletin dated 25 September 2012 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	Letter from ICLEI Local Governments for Sustainability regarding Milestone 2 Achievement (Corporate and Community)
IB02	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 23 August 2012
IB03	Unconfirmed Minutes of the Beaufort Street Enhancement Working Group held on 3 September 2012
IB04	Summary Minutes of the State Council Meeting held on 5 September 2012
IB05	Unconfirmed Minutes of the Britannia Reserve Masterplan Working Group held on 5 September 2012

**9.1.1 FURTHER REPORT: No. 137 (Lot 141; D/P: 1197) West Parade, Mount Lawley - Proposed Demolition of Existing Single House and Construction of Two (2) Storeys and Loft Residential Development Comprising Seven (7) Multiple Dwellings and Car Parking**

<b>Ward:</b>	South	<b>Date:</b>	14 September 2012
<b>Precinct:</b>	Banks; P15	<b>File Ref:</b>	5.2012.59.1; PRO5626
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans		
<b>Tabled Items</b>	Nil		
<b>Reporting Officer:</b>	A Dyson, Planning Officer (Statutory)		
<b>Responsible Officer:</b>	C Eldridge, Director Planning Services		

**FURTHER OFFICER RECOMMENDATION:**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Aaron Sice – Residential and Commercial on behalf of the owner China Plate Development Pty Ltd for Proposed Demolition of Existing Single House and Construction of ~~Three~~ Two Storeys and Loft Residential Development Comprising Seven (7) Multiple Dwellings and Car Parking at No. 137 (Lot 141; D/P: 1197) West Parade, Mount Lawley, and as shown on amended plans stamp-dated 7 September 2012 and 11 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 West Parade;
2. Any new street/front wall, fence and gate within the West Parade setback area, including along the side boundaries within this street setback area, shall comply with the Residential Design Codes City's Policy provisions relating to Street Walls and Fences;"
3. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site;
4. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning;
5. ~~The owners shall make application to obtain the~~ Subject to first obtaining the consent of the owners of No. 135 West Parade and No. 141 West Parade for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 135 West Parade and No. 141 West Parade in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork;
6. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION**, the following shall be submitted to and approved by the City:
  - 6.1 **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:
    - 6.1.1 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



6.1.2 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;

~~6.2 Water Corporation Approval~~

~~The applicant to seek approval from the Water Corporation for the approved plans;~~

6.3 Construction Management Plan

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

6.4 Schedule of External Finishes

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

6.5 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:

- 6.4.1 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;
- 6.4.2 The location and type of existing and proposed trees and plants;
- 6.4.3 All vegetation including lawns;
- 6.4.4 Areas to be irrigated or reticulated;
- 6.4.5 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 6.4.6 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);

**6.6 Waste Management**

**6.6.1** The development shall be provided with an adequate number of waste and recycling bins in accordance with the City's requirements;

**6.6.2** A bin store/s of sufficient size to accommodate the City's bin requirements, shall be provided;

**6.7 Truncations**

Any fencing along the western boundary to the right of way shall be truncated to a maximum height of 0.65 metres for a distance of 1.5 metres from the rear of the property;

**6.8** The proposed skylight domes along the roof of the first floor hallway are to be ventilated;

**6.9** The proposed dwellings are to be provided with a compliant laundry or similar in accordance with the City of Vincent Health Local Law;

**6.10 Survey**

An identification survey must be undertaken by a licenced surveyor to locate any of the City's drainage which may be on site. The survey must be submitted to the City together with recommendations for measures to protect the drainage infrastructure where necessary, prepared by a qualified consultant. The survey and protection of the drainage infrastructure to the satisfaction of the City, must be undertaken at the cost of the developer;

**6.11 Landscaping**

Any landscaping proposed for this development shall be submitted to Technical Services for assessment to ensure it does not encroach into the car parking bays or the setback required for future ROW widening. The widening area shall be sealed with bitumen to match into the existing ROW to the satisfaction of the City;

**6.12 Easement**

An easement in favour of the City shall be granted free of cost, for the protection of the City's drainage infrastructure within the property. The easement must be registered on the title prior to commencement of works on the site; and

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

**7.1 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;

**7.2 Clothes Drying**

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

**7.3 Residential Car Bays**

A minimum of five (5) and two (2) car bays shall be provided for the residents and visitors respectively. The seven (7) 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; and

**7.4 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.

**ADVICE NOTE:**

**1. Water Corporation Approval**

**The applicant to seek approval from the Water Corporation for the approved plans.**

*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 9.1.1**

**Moved Cr Maier, Seconded Cr McGrath**

That the recommendation be adopted.

Debate ensued.

Cr Carey departed the Chamber at 6.35pm.

Debate ensued.

Cr Carey returned to the Chamber at 6.36pm.

Debate ensued.

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

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

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**FURTHER REPORT**

At its Ordinary Meeting held on 28 August 2012, the Council resolved the following:

*"That the item be DEFERRED to address concerns that were raised, and to give the developer further opportunity to see if he can get greater compliance with plot ratio, setbacks and also give consideration in reducing the number of dwellings".*

### **Amended Plans**

In light of the Council decision, the applicant has considered the above and submitted amended plans dated 7 and 11 September 2012, which address the following:

- *Ground Floor*
  - (a) Reduction in the car parking area with the removal of two (2) surplus car parking bays to provide a greater open area and landscaping at the rear of the property;
  - (b) Increase in lower floor setback along southern boundary from 4.599 metres to 5.785 metres;
  - (c) Increase in open areas through the provision of a courtyard area in the middle of the property;
- *First Floor*
  - (a) Increase in setback along southern side of dwellings to a minimum of 1.5 metres;
  - (b) Increase in front setback along southern boundary from 4.599 metres to 5.0 metres – 6.7 metres (Balcony);
  - (c) Increase in rear setback from 2.849 metres – 3.669 metres to 5.411 metres – 7.5 metres;
  - (e) Reworking of the balconies along the southern side of the dwelling to a north-south orientation rather than an east-west orientation;
  - (f) Reworking of the layout of dwellings to accommodate the increase in the southern boundary setback;
- *Loft (Previously Second Floor)*
  - (a) Reduction in size of dwelling and removal of balcony along the southern façade of the building resulting in increase of rear setback from 6.609 metres and a reduction in overshadowing;
  - (b) Removal of Balcony at the front of the building resulting in an increased front setback from 5.237 metres to a minimum of 11.9 metres;
- *Overshadowing*
  - (a) Reduction in the total overshadowing from 257.19m<sup>2</sup> or 48.9% to 176.00m<sup>2</sup> or 33.39% of the adjoining lot. The proposed overshadowing of the adjoining properties' outdoor living areas are 32% (135 West Parade) and 49.8% (135a West Parade) respectively;
- *Plot Ratio*
  - (a) Reduction in the plot ratio from 0.91 or 447.97m<sup>2</sup> (Including Stores) to 0.679 or 333.45m<sup>2</sup> (Including stores);
- *Height*
  - (a) Reduction in the number of storeys from three (3) storeys to two (2) storeys and loft.
- *Open Space Provision*
  - (a) Increase in the provision of open space on site from 186.26m<sup>2</sup> or 37.94% to 222.15m<sup>2</sup> or 45.24%.

**Compliance**

These changes achieve the following in terms of compliance:

- Compliance with the acceptable development provisions for Plot Ratio (333.45m2);
- Compliance with the acceptable development provisions for Open Space (222.15m2);
- Compliance with the acceptable development provisions for Solar Access to Adjoining Sites (176.00m2 or 33.39% of the Adjoining Property and 32% (135 West Parade) and 49.8% (135a West Parade) of the adjoining properties outdoor living areas); and
- Compliance with the number of storeys (two storeys and loft).

**AMENDED ASSESSMENT:**

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

Design Element	Complies 'Acceptable Development'	OR	'Performance Criteria' Assessment	Comment
Plot Ratio	✓		✗	Amended
Streetscape	✓			
Front Setback			✓	
Building Setbacks			✓	
Boundary Wall			✓	
Building Height			✓	
Roof Forms			✓	
Open Space	✓			
Access	✓			
Car Parking	✓			
Bicycle Parking	✓			
Privacy	✓			
Solar Access	✓		✗	Amended

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

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

Issue/Design Element:	Front Setback
Requirement:	<p><b>Residential Design Elements SADC 5 Street Setbacks Lower Floor</b> The primary street setback is to reflect the predominant streetscape pattern for the immediate locality which is defined as being the average setback of the 5 adjoining properties on each side of the development. Average setback: Lower – 5.625 metres</p> <p><b>Upper Floor</b> A minimum of two metres behind each portion of the ground floor setback. - Upper – 7.625 metres</p> <p><b>Balconies</b> A minimum of one metre behind the ground floor setback – 6.625 metres</p>
Applicants Proposal:	<p><b>Front Setback Variations Noted Lower Floor</b> – <del>2.589 metres</del> – <del>4.599 metres</del> <u>4.0 metres</u> – <u>5.785 metres</u></p> <p><b>Upper Floor</b> - <u>Upper Storey (dwelling)</u> – <u>5.265 metres</u> – <u>9.015 metres</u> - <del>2.075 metres</del> – <del>4.599 metres</del> <u>Upper Balconies</u> – <u>4.9 metres</u> – <u>6.7 metres</u></p>

Issue/Design Element:	Front Setback
Performance Criteria:	<p><b>Residential Design Elements SPC 5</b></p> <p>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's Justification Summary:	<p><i>The neighbouring buildings to the south are all residential dwellings of various period, size and construction. To the north there is a large warehouse/factory facility with a nil setback to West Parade. Further north to this facility is another warehouse/factory facility with a nil setback to West Parade and finally a bare site pre-approved for a four (4) storey apartment development. As such the streetscape has lost any residential continuity and provides large variances in the dwellings fronting West Parade. A majority of the neighbouring dwellings have their primary outdoor area to the rear of the property, with a few being able to utilise the front setback as secondary courtyard areas. Most neighbouring homes have carports and large brick/panel fences with noticeably reduced setbacks.</i></p>
Officer technical comment:	<ul style="list-style-type: none"> <li>• <u>Whilst the first floor (balcony) is located in some degree, above the lower floor, the presence of a large expanse of open balconies in this area assists the reduction of bulk to the street and consistent with the properties to the north.</u></li> <li>• <u>The amended ground floor design now has the front walls of the building compliant with the required setback with the porch and minor side walls at 4.0 metres providing a development that meets the performance criteria, through ensuring daylight and sun to the adjoining front garden, allowing for soft landscaping to the two front courtyards and maintaining the street setback character.</u></li> </ul>

Issue/Design Element:	Building Setback
Requirement:	<p><b>Residential Design Codes Clause 7.1.4 A 4.1</b></p> <p><b>Lower Floor</b> Southern Wall – <del>(Balance) 1.5 metres</del> <u>1.0 -1.5 metres</u></p> <p><b>First Floor</b> Southern Wall (Balance) – <del>2.5 metres</del> <u>3.0 metres</u> Northern Wall <del>(Balcony – Balcony) – 6.0 metres</del></p> <p><b>Second Floor Loft</b> Southern Wall – <del>8.0 metres</del> Northern Wall – <del>(Bed 2 – Study) – 1.4 metres</del> <del>(Balance) – 7.2 metres</del> <u>- 2.3 metres</u></p>
Applicants Proposal:	<p><b>Lower Floor</b> Southern Wall – <del>(Balance) Nil – 1.2 metres</del> <u>Nil</u></p> <p><b>First Floor</b> Southern Wall – <del>(Balance) 1.82 metres</del> <u>2.6 metres (minimum)</u> Northern Wall <del>(Balcony to Balcony) – Nil</del></p> <p><b>Second Floor Loft</b> Southern Wall – <del>6.17- 6.77 metres</del> Northern Wall – <del>(Bed 2 to Study) – Nil</del> <del>- Balance) – 1.536 metres</del> <u>- 1.6 metres</u></p>
Performance Criteria:	<p><b>Residential Design Codes Clause 7.1.4 P4.1</b></p> <ul style="list-style-type: none"> <li>• ensure adequate daylight, direct sun and ventilation to the 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 in protecting privacy between adjoining properties.</li> </ul>
Applicant's Justification Summary:	<p><i>The side façade proposed is broken up further with the integration of blade walls, small parapet wall features and entry statements, lightweight balcony screening with varying roof cover, a mixed construction material, differing shades of render and sectional changes of use. As such the development provides not only articulation, but height, material and space articulation as well.</i></p>
Officer technical comment:	<ul style="list-style-type: none"> <li>• <u>The proposed amendments to the design of the dwelling have facilitated the provision of substantial buildings setback across the site on each floor allowing for maximum sunlight and ventilation to the dwelling as well as the adjoining property. Furthermore the staggering of setbacks to the southern façade reduces the provision of bulk and overshadowing. The proposed setback variations are minor and are deemed to comply with the performance criteria.</u></li> </ul>

<b>Issue/Design Element:</b>	<b>Boundary Wall</b>
Requirement:	<p><b>Residential Design Codes Clause 7.1.4 A 4.4</b> A wall built to one side boundary has a maximum height and average height as set out in Table 4 and a maximum length of two-thirds the length of the boundary (Average Height – 3.0 metres/Maximum – 3.5 metres).</p>
Applicants Proposal:	<p>Two (2) Boundary Walls.</p> <p><u>Northern boundary wall</u> Length: <del>33.5 metres</del> <u>28.00 metres.</u> Average height: <del>6.5 metres</del> <u>6.956 metres.</u> Maximum height: <del>8.7 metres</del> <u>6.956 metres.</u></p> <p><u>Wall abuts adjoining existing Two Storey building to northern boundary (Koorong Building)</u></p> <p><u>Southern boundary wall</u> Length: <del>8.7 metres</del> Average Height: <del>3.0 metres</del> Maximum height: <del>3.0 metres</del> <u>3.442 metres. (Compliant with Acceptable Development Provision)</u></p>
Performance Criteria:	<p><b>Residential Design Codes Clause 7.1.4 P4.1</b> Buildings setback from boundaries other than street boundaries so as to:</p> <ul style="list-style-type: none"> <li>• ensure adequate daylight, direct sun and ventilation to the 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 in protecting privacy between adjoining properties.</li> </ul>
Applicant's Justification Summary:	<p><i>The factory warehouse immediately adjacent to the proposed development is double storey in height, with a 6.0 metre high boundary wall to the northern boundary of the subject property.</i></p> <p><i>The boundary walls to the south of the development are inside the 3.0 metre average with a 3.5 metre maximum and are setback in line with the neighbouring street setback. These walls are finished with a limestone coloured face brick to avoid maintenance issues and provide a neutral tone for the neighbouring home.</i></p>
Officer Technical Comment	<p>The proposed development is considered to comply with the Performance Criteria provisions in this instance as the proposal makes effective use of space, with the proposed boundary wall being in keeping with the extent of the existing boundary walls for the adjacent commercial development on the northern side of the property.</p>



<b>Issue/Design Element:</b>	<b>Building Height</b>
Requirement:	<b>Residential Design Elements BDADC 5</b> Two storeys plus loft <u>Top of external wall (concealed roof) 7.0 metres</u> <u>Top of external wall (roof above) 6.0 metres.</u>
Applicants Proposal:	<u>Concealed Roof Height – 8.7 metres</u> <u>Top of external wall (roof above)</u> <u>Northern Elevation – 8.1 metres</u> <u>Southern Elevation - 6.15 metres</u>
Performance Criteria:	<b>Residential Design Elements BDPC 5</b> Building height is to be considered to: <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 private space of neighbouring properties; and</li> <li>• Maintain the character and integrity of the existing streetscape.</li> </ul>
Applicant's Justification Summary:	<i>The proposed development primarily takes into account its impact on the neighbouring streetscape as well as the design constraints of the narrow topography and neighbouring light industrial use.</i>
Officer technical comment:	<ul style="list-style-type: none"> <li>• <u>The proposed height is in response to an amended design which proposes a pitched roof design in comparison to the skillion roof design previously. The effect of this is the external wall height particularly on the northern side does not comply with the provisions of the Residential Design Elements, however in effect this additional height is derived from the loft, which will have minimal impact to the adjoining northern property given its two storey parapet wall.</u></li> <li>• <u>The amended design has an overall complying roof height and plot ratio and the amended roof design better reflects the existing residential character.</u></li> </ul>

<b>Issue/Design Element:</b>	<b>Roof Forms</b>
Requirement:	<b>Residential Design Elements Clause 7.4.3 BDADC 3</b> Roof Pitch to be 30 - 45 degrees
Applicants Proposal:	<del>3.0 degrees</del> 9 degrees (Front of Dwelling)- 30 degrees (Main Roof)
Performance Criteria:	<b>Residential Design Elements Clause 7.4.3 BDPC 3</b> The roof of a building is to be designed so that: <ul style="list-style-type: none"> <li>• <i>It does not unduly increase the bulk of the building;</i></li> <li>• <i>In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and</i></li> <li>• <i>It does not cause undue overshadowing of adjacent properties and open space.</i></li> </ul>
Applicant's Justification Summary:	<i>The development provides for a well articulated front elevation, with a uniform roof pitched roof to avoid excessive complication of the fluidity of the development from front to rear; and the side façade is broken up further with the integration of blade walls, small parapet features and entry statements.</i>
Officer technical comment:	<ul style="list-style-type: none"> <li>• <u>The proposed roofing is of a mainly pitched roof design with minor areas of differing roof pitches at the front of the development, which integrates well with the West Parade street frontages.</u></li> </ul>

**Amended Car Parking**

The car parking required is calculated as per the Residential Design Codes 2010.

<b>Car Parking</b>	
Small Multiple Dwelling based on size (<75 square meters or 1 bedroom) - 0.75 bays per dwelling ( 6 7 multiple dwellings) = 4.5 5.25 car bays	
<del>Medium Multiple Dwelling based on size (75 square metres - 110 square metres) 1.0 bays per dwelling (1 multiple dwelling) =1 car bays</del>	
Visitors = 0.25 per dwelling (7 multiple dwellings proposed) = 1.75 car bays	7.00 car bays
Total car bays required = 7.25 car bays – 7.00	
Total car bays provided	7.00 car bays
<b>Surplus</b>	<b>Nil car bays</b>

**AMENDED CONSULTATION/ADVERTISING:**

<b>Summary of Comments Received:</b>	<b>Officers Technical Comment:</b>
<p>Issue: Impact to Sunlight of Adjoining Properties</p> <ul style="list-style-type: none"> <li>Strong objection to the proposal in that it will impact adjoining properties provision of light, ability to install energy efficient solar devices and privacy.</li> </ul>	<p><u>Noted. The design has been amended to reduce overshadowing on the adjoining properties. The total overshadowing as per the definition of overshadowing in the Residential Design Codes 2010 complies with a maximum overshadowing of 33.39%. The diagrams in the Amended Elevations show that portions of northern roof has access to northern light for solar devices throughout all periods of the year.</u></p>
<p>Issue: Overshadowing</p> <ul style="list-style-type: none"> <li>Object to the provision of a three (3) storey dwellings, given the impact of the overshadowing from it as it will result in a loss of sunlight, and solar access to adjoining properties. Reducing the proposal to a two storey development with appropriate constraints to height would considerably decrease the overshadowing to the southern side.</li> </ul>	<p><u>Noted and Dismiss. The design has been amended to a height of two storeys plus a loft and reduced in scale to be compliant on plot ratio and overshadowing. It is considered that the scale of the development is now well articulated across the site, with the majority of the height being located along the northern boundary. The amended design will allow for significantly more sunlight to be maintained to the adjoining properties throughout the year than previous proposals for the site.</u></p>
<p>Issue: Height and Scale of Development</p> <ul style="list-style-type: none"> <li>Object to the provision of a three (3) storey dwellings, given the impact of the overshadowing from it as it will result in a loss of sunlight, and solar access to adjoining properties. Reducing the proposal to a two storey development with appropriate constraints to height would considerably decrease the overshadowing to the southern side.</li> </ul>	<p><u>Noted and Dismiss. The proposal has been amended to a height of two storeys plus loft. It is therefore considered the development is compliant with the height provisions of the Banks Precinct Policy.</u></p>

**AMENDED COMMENTS:**

Based on the above and together with the further amended aspects to the proposal that have been included in the present plans, 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. The reworking of the design to allow additional northern light and significantly less overshadowing to the adjoining properties and increased front setbacks and increased open space enhances its placement in the streetscape.

In light of the above the development is considered to be supportable and the recommendation unchanged subject to the underlined additional conditions.

The Minutes of Item 9.1.5 from the Ordinary Meeting of Council held on 28 August 2012, relating to this Report is available on the City's website at the following link: [http://www.vincent.wa.gov.au/Your\\_Council/Agenda\\_Minutes](http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes).

**9.1.2 FURTHER REPORT: No. 10 (Lot 2545) Farmer Street, North Perth (Woodville Reserve) – Proposed Alterations and Additions (Wellness Centre) to Existing Recreational Facilities (Community Services Building – Multicultural Services Centre of Western Australia Inc.)**

<b>Ward:</b>	North	<b>Date:</b>	14 September 2012
<b>Precinct:</b>	North Perth; P8	<b>File Ref:</b>	PRO0079; 5.2011.552.2
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans <a href="#">002</a> – Letter from Applicant <a href="#">003</a> – Business Case Application <a href="#">004</a> – Further applicant submission <a href="#">005</a> – Further Information		
<b>Tabled Items</b>	Nil		
<b>Reporting Officer:</b>	G O'Brien, Planning Officer (Statutory)		
<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, **APPROVES** the application 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, and as shown on plans date stamped 3 November 2011, subject to the following conditions:

1. No street verge tree(s) shall be removed. The street verge trees to be retained and protected from any damage including unauthorised pruning;
2. The existing Community Services Building and proposed Wellness Centre shall be used exclusively for the delivery of Multicultural Services Centre of Western Australia Home and Community Care Services and not be hired out to external organisations or groups;
3. The proposed Wellness Centre shall operate its services from 8:30am to 4:30pm Monday to Friday; and
4. 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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**Moved Cr Buckels, Seconded Cr McGrath**

That the recommendation be adopted.

Debate ensued.

**MOTION PUT AND LOST (0-8)**

**For:** Nil

**Against:** Mayor Hon. Alannah MacTiernan, Cr Buckels, Cr Carey, Cr Harley, Cr Maier, Cr McGrath, Cr Pintabona, Cr Wilcox

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

**REASON FOR REFUSAL:**

The Council considers the Proposed Alternative Recommendation to be more appropriate and beneficial – which would result in a better outcome for the use of Woodville Reserve.

**ALTERNATIVE RECOMMENDATION**

**Moved Cr Buckels, Seconded Cr McGrath**

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 Forrest Park; and**
  - 2.5 **Limited provision for Carparking; and**
3. **REQUESTS** that a report be submitted to the Council no later than 23 October 2012.

Debate ensued.

**AMENDMENT 1**

**Moved Cr Maier, Seconded Cr Harley**

“That Clause 2.5 be amended to read as follows:

- 2.5 ~~Limited provision for Carparking.~~ Alternative mechanisms for providing parking

**AMENDMENT 1 PUT AND CARRIED (7-1)**

**For:** Mayor Hon. Alannah MacTiernan, Cr Carey, Cr Harley, Cr Maier, Cr McGrath,  
Cr Pintabona, Cr Wilcox

**Against:** Cr Buckels

(Cr Topelberg was an apology for the Meeting.)

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

(Cr Topelberg was an apology for the Meeting.)

**COUNCIL DECISION ITEM 9.1.2**

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 Forrest Park; 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.**

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**FURTHER REPORT:**

The Council at its Ordinary Meeting held on 24 July 2012, resolved as follows:

*"That the Item be DEFERRED for further information."*

The applicant has submitted the following additional information:

**"1. Wellbeing of Residents of City of Vincent (COV)**

*Clients using the HACC Centre at 10 Farmer Street are long term rate paying residents of COV. As previously advised, the existing Centre is woefully inadequate to meet the service standards that we are required to meet from health and safety perspectives or indeed the service objectives from a Wellness service-delivery perspective.*

*Regrettably they have had to endure less than satisfactory service conditions as several years of efforts to upgrade the building have yet to be successful. COV does not provide HACC services but have supported HACC providers within the City such as MSCWA by providing it accommodation at less than commercial rates. MSCWA greatly appreciates it. However this facility clearly no longer meets what is required of HACC service providers in particular with regard to providing "active recreation" opportunities to enhance their wellness. It is therefore crucial that COV supports our proposal from this perspective.*

**2. Impact of proposed Wellness Centre on surrounding residential properties**

*The proposed Wellness Centre (extension to the current Centre at 10 Farmer St) will be used for providing HACC funded Centre-Based Day Care (CBDC) services to HACC eligible clients residing in the East Metropolitan Region of the Health Department. This is what the current Centre has been used for since inception. Hence there will be no change to it. Furthermore, until a few months ago we operated a service on Saturdays which we discontinued temporarily. We have now assured COV in writing that we will not recommence this service and hence the impact of the proposed extension on surrounding residential properties will arguably be less than what it was until a few months ago.*

**3. Complimentarily of proposed Wellness Centre with Proposed Men's Shed and Community Garden**

*All three are facilities that promote active recreation and clearly complement each other. We have not sought to restrict the use of our proposed Wellness Centre just to HACC and it is entirely up to the City of Vincent if it wants us to consider extending its use beyond what we have requested. I cannot see any material difference between our proposed wellness centre and the other two in terms of zoning use i.e. recreation.*

**4. Community Asset**

*COV approval of our proposal will result in the City obtaining a valuable asset as the building will be paid for by HACC and Lotterywest funding.*

**5. 81 Angove Street**

*It is true that COV purchased the above property at our request/recommendation and we did respond to the EOI that COV called for subsequent to its purchase of the same. Our proposal did not materialise because that property was not able to accommodate the parking requirements of COV."*

**FURTHER OFFICER COMMENTS:**

The additional information submitted by the applicant further substantiates the reasoning for the proposal and as to why application has been made for alterations and additions to the existing community services building at No. 10 Farmer Street, North Perth.

It is recognised that there is concern as to the appropriateness and suitability of the application given the location of the subject site being a Parks and Recreation Reserve. Woodville Reserve is located on 31,503 square metres of land over nine lots, catering for a variety of different uses including the North Perth Multicultural Day Centre, North Perth Bowling Club, North Perth Tennis Club, Asgard Football Club and North Perth United Soccer/Football Club.

The site is situated in close proximity to a variety of other Recreation Reserves, including Charles Veryard Reserve, approximately 550 metres to the south-west and 49,847 square metres in area. There are also a number of other public open green spaces within 800 metres to the north-east within the locality of the City of Stirling. Woodville Reserve is also well located in close proximity to high capacity public transport services along major arterial roads with Fitzgerald and Walcott Street to the east and Charles Street to the west.

The proposal involves a 169 square metre extension to the existing community services building (approximately 500m<sup>2</sup>) that is leased from the City on a five year basis, the next renewal for which will be due to be put forward to the Council in 2013/14 financial year. The proposed additions represent an increase in area of 33 per cent of the existing building footprint that will take the proportion of the Reserve that the building occupies from 1.5 per cent to 2.1 per cent. The proposed increase is not considered to represent a significant encroachment into the Parks and Recreation Reserve, and is provided with an adequate buffer from the residential properties to the north achieved through a 14 metres setback from the northern boundary of the lot that borders Namur Street.

The Multicultural Services Centre of Western Australia (referred herein as the MSCWA), is a community services organisation established to help meet the basic needs of culturally and linguistically diverse Western Australians. The Home and Community Care (HACC) program that is delivered from the North Perth Multicultural Day Care Centre has been operating from the location for what will be 23 years in October. Whilst this by no means guarantees certainty as to the continued provision of this service by the MSCWA from this location, it is considered that the City of Vincent has, by the virtue of providing the continued renewal of the lease agreement upon which the building is occupied by the MSCWA, indicated ongoing and in principle support for the use of the building for this purpose.

The service provided is the provision of basic support services to older people and people with a disability and their carers, to assist them to continue living independently at home. The provision of this service is considered to be an invaluable and important service to what is a growing proportion of the population. The demand for aged care services is becoming an increasingly significant factor in accommodating the needs of an ageing population. In this respect it is noted that there are currently 1 million people in Australia that receive aged care services. This figure will increase to 3.5 million people by 2050. Further to this, in 2050, every Australian over 65 will be supported by just 2.7 people of working age. This figure is currently 5 (Australian Government, 'Caring for Older Australians', Productivity Commission Report June 2011). These statistics represent what is a fundamental need to recognise the importance of facilitating the provision of aged care services in a local context.

The extension to the existing community services building operated from No. 10 Farmer Street, North Perth, will assist in enabling the City to provide a meaningful contribution to basic support services for the elderly and those with a disability. It should also be noted that residents within the City of Vincent, those which are eligible for the support services provided by the HACC program, will in turn be able to utilise the services provided by the MSCWA as the need arises. This assists in providing a localised solution to aged care service provision whereby local residents are in a better position to be able to age in place through access to essential services needed to do so.

The proposal involves the use of a mechanism that will harness joint (HACC and Lotterywest) funding to refurbish the premises, bringing basic facilities of the building to a higher standard, in doing so enable the building to be more functional into the future with a greater ability to cater for a wider variety of applications, that which will provide a greater level of service to the community.

Although the use of a Reserve for this purpose may not be considered to be viewed in what is a strict interpretation of the intended use of a Parks and Recreation Reserve, it represents an adaptive use of the existing building located within what is a considerably large reserve.

Reserves throughout the Perth metropolitan region will need to become more efficient in the future, particularly with respect to increasing challenges associated with a shrinking water supply, that which is needed to maintain recreational reserves and public open spaces. This represents the increasing importance to become more efficient in resource sharing across a wider range of applications and community uses.

Support for the application will also better enable the organisation to meet its service objectives with minimal impact on adjoining land owners. Support for the Woodville Reserve Masterplan indicates in principle support for the continued provision of HACC services by the MSCWA and is considered to be a complementary use to the City of Vincent Men's Shed and Community Garden project that have received development application approval at the Ordinary Meeting of Council that was held on 24 July 2012. The MSCWA currently operates a small scale community garden in a plot of land directly adjoining the existing community services building. It is considered that the integration of the Men's Shed, City of Vincent Community Gardens project and North Perth Multicultural Day Centre will achieve a diverse mix of people from a variety of different cultural backgrounds providing the opportunity to foster community relationships through facilitating interaction between different community organisations.

The City of Vincent is considered to be a suitable location to support the provision of the service provider given the culturally diverse range of its residents. There is also the potential, subject to the renewal of the lease in 2013/14, to allow greater utilisation of the facilities on weekends when the centre is not in operation.

Given the abovementioned information, the Officer Recommendation remains unchanged with the exception of the Council's deletion of the previous condition relating to paving and line marking of the existing parking areas.

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

The Minutes of Item 9.1.6 from the Ordinary Meeting of Council held on 24 July 2012, relating to this Report is available on the City's website at the following link: [http://www.vincent.wa.gov.au/Your\\_Council/Agenda\\_Minutes](http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes).



**9.1.3 No. 165 (Lot 4; STR 4370) Brisbane Street, Perth – Proposed Home Occupation – Bed and Breakfast (Retrospective Application)**

<b>Ward:</b>	South	<b>Date:</b>	14 September 2012
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PRO1008; 5.2012.275.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans; <a href="#">002</a> – Applicant’s Justification of Proposal (In Full); <a href="#">003</a> – Applicant’s Response to Comments Received (In Full)		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	S De Piazzi, Planning Officer (Statutory)		
<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 A Jackson on behalf of the owner, R T Hays for Proposed Home Occupation – Bed and Breakfast (Retrospective Application) at No. 165 (Lot 4; D/P 4370) Brisbane Street, Perth, as shown on plans stamp-dated 21 June 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 Brisbane Street;
2. any new street/front wall, fence and gate within the Brisbane 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. any signage that does not comply with the City’s Policy relating to Signs and Advertising (signage exceeding 0.2 square metres in area in the case of home occupations) shall be subject to a separate Planning Application and all signage shall be subject to a separate Building Permit application, being submitted to and approved by the City prior to the erection of the signage;
4. There are to be no more than six people (including the housekeeper) staying at the premises at any time overnight;
5. the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential unit/dwelling; ~~This is because at the time the planning application for the home occupation was submitted to the City, the applicant claimed that the on-site parking provided would adequately meet the current and future parking demands of the development;~~
6. WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS ‘APPROVAL TO COMMENCE DEVELOPMENT’, the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:
  - 6.1 ~~Architectural drawings compliant with the Building Code of Australia (BCA) for the correct classification and an Application for a Building Permit, shall be submitted to and approved by the City of Vincent Building Services, with all costs of this service to be borne by the applicant/owner~~ A building permit and Occupancy permit for the correct classification may be required, applicant/owner to seek advice from a qualified certified Building Surveyor for further information, to ensure that the building complies with the Building Act 2011 and the Building regulations 2012; 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.

*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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**Moved Cr Carey, Seconded Cr Maier**

That the recommendation be adopted.

Debate ensued.

**AMENDMENT 1**

**Moved Cr Maier, Seconded Cr McGrath**

“That Clause 5 be deleted and an Advice Note be added as follows:

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

**“ADVICE NOTE:**

**In accordance with the City’s Parking Permit Policy No. 3.9.8 Visitor Parking Permits, may not be used for Bed and Breakfast guests.”**

Debate ensued.

**AMENDMENT 1 PUT AND CARRIED (6-2)**

**For:** Cr Buckels, Cr Carey, Cr Harley, Cr Maier, Cr McGrath, Cr Wilcox

**Against:** Mayor Hon. Alannah MacTiernan, Cr Pintabona

(Cr Topelberg was an apology for the Meeting.)

Debate ensued.

**MOTION AS AMENDED PUT AND CARRIED (7-1)**

**For:** Mayor Hon. Alannah MacTiernan, Cr Buckels Cr Carey, Cr Maier, Cr McGrath, Cr Pintabona, Cr Wilcox

**Against:** Cr Harley

(Cr Topelberg was an apology for the Meeting.)

**COUNCIL DECISION ITEM 9.1.3**

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 A Jackson on behalf of the owner, R T Haye for Proposed Home Occupation – Bed and Breakfast (Retrospective Application) at No. 165 (Lot 4; D/P 4370) Brisbane Street, Perth, as shown on plans stamp-dated 21 June 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 Brisbane Street;
2. any new street/front wall, fence and gate within the Brisbane 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. any signage that does not comply with the City's Policy relating to Signs and Advertising (signage exceeding 0.2 square metres in area in the case of home occupations) shall be subject to a separate Planning Application and all signage shall be subject to a separate Building Permit application, being submitted to and approved by the City prior to the erection of the signage;
4. There are to be no more than six people (including the housekeeper) staying at the premises at any time overnight;
5. **WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS 'APPROVAL TO COMMENCE DEVELOPMENT'**, the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:
  - 5.1 A building permit and Occupancy permit for the correct classification may be required, applicant/owner to seek advice from a qualified certified Building Surveyor for further information, to ensure that the building complies with the Building Act 2011 and the Building regulations 2012; and
6. The development is to comply with all Building, Health, Engineering and Parks Services conditions and requirements to the satisfaction of the City's Chief Executive Officer.

**ADVICE NOTE:**

In accordance with the City's Parking Permit Policy No.3.9.8 Visitor Parking Permits, may not be used for Bed and Breakfast guests.

**PURPOSE OF REPORT:**

This proposal requires referral to the Council for determination given that during the advertising period more than five objections were received.

**BACKGROUND:**

**History:**

Date	Comment
28 July 1998	Approval to commence development for the partial demolition of the rear bathroom and utility/laundry provisions of Nos. 165 and 167 was issued by the then Town under Delegated Authority.
26 July 1999	Approval to commence development for Alterations and Second Storey Additions to the Existing Grouped Dwellings at Nos. 165 and 167 Brisbane Street was approved by Council at its Ordinary Meeting.

**DETAILS:**

The application is for a Retrospective Home Occupation (Bed and Breakfast) which has been allegedly operating for over five years. The matter was brought to the City's attention through a complaint made regarding the unauthorised business. The subject site is part of a strata lot and is surrounded on all sides by residential uses.

<b>Landowner:</b>	R T Haye
<b>Applicant:</b>	A Jackson
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
<b>Existing Land Use:</b>	Grouped Dwelling
<b>Use Class:</b>	Home Occupation
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	148 square metres
<b>Right of Way:</b>	N/A

**ASSESSMENT:**

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

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

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

<b>Car Parking</b>	
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> <li>Home Occupation – As prescribed for the dwelling type defined by the Residential Planning Codes (two spaces per dwelling; and at least one space provided for the exclusive use of each dwelling and where two spaces are so allocated they may be in tandem) – 2 car bays</li> </ul> <b>Total car bays required = 2 car bays</b>	2 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> <li>N/A</li> </ul>	2 car bays
Minus the car parking provided on-site	Nil
Minus the most recently approved on-site car parking shortfall <ul style="list-style-type: none"> <li>All approvals on the subject property have referred to nil.</li> </ul>	2 car bays
Resultant shortfall	0 Car Bays

Minor Nature Policy 3.5.1 Home Occupation Criteria	Complies 'Acceptable Development' or TPS Clause	OR	'Performance Criteria' Assessment or TPS Discretionary Clause
Does not entail the retail sale, display or hire of goods of any nature	✓		
Does not cause injury to or prejudicially affect the amenity of the immediate area			✓
Does not detract from the residential appearance of the dwelling house or domestic outbuilding	✓		
Does not entail employment of any other person	✓		
Does not occupy an area greater than 20 square metres			✓
Does not display a sign exceeding 0.2 square metre in area	✓		
Does not attract customers or regular and frequent deliveries of goods or equipment to the site			✓
Will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity			✓
Does not entail the presence, parking and garaging of a vehicle of more than one (1) tonne tare weight	✓		
Does not involve the servicing or repair for gain of motor vehicles	✓		
In the opinion of the City is compatible with the principal uses to which land in the zone in which it is located may be put			✓

Minor Nature Policy	Home Occupation
Requirement:	<b>Does not cause injury to or prejudicially affect the amenity of the immediate area</b>
Applicants Proposal:	Operate a Bed and Breakfast Home Occupation from a grouped dwelling within a residential area.
Applicant and owner justification summary:	The residence functions firstly as Mr Haye's home and secondly as occasional holiday accommodation and is wholly domestic in its use, which is low-key and unnoticeable. Often Mr Haye is the only occupant, and with guests it is simply like a small family occupying the dwelling. For example, movements, noise, waste and vehicles are all of domestic degrees so as to be imperceptible.

Minor Nature Policy	Home Occupation
Officer technical comment:	Support – The use of 'Home Occupation' is a permitted use within residential areas, and as the dwelling in question retains the appearance of and a similar use to a regular residential dwelling (being a small number of people residing at the dwelling over a period of time) it is considered complimentary to the surrounding area.
Requirement:	<b>Does not occupy an area greater than 20 square metres</b>
Applicants Proposal:	Total floor area potentially useable for the exclusive use of the Bed and Breakfast 44.35 square metres.
Applicant and owner justification summary:	<p>The rear bedrooms sometimes used by guests have areas of (slightly less than) 19.5sqm upstairs and 18.5sqm downstairs respectively, which are each good sized rooms yet hardly excessive. Their comfortable size was achieved by virtue of the addition to the dwelling and compensates for the comparatively cramped rooms in the remainder of the traditional terrace house. Often only one of the rear bedrooms at a time is being used.</p> <p>When not in use by guests they become Mr Haye's own spaces again, such as for napping, reading and writing (he is a published novelist), which he enjoys due to the light, ventilation and views available. The bedrooms are also utilised in the normal manner whenever Mr Haye's relatives or friends visit.</p> <p>The size of the bedrooms in itself is not of any significance to the matter and does not generate any external affect on amenity. Two smaller rooms could exist with exactly the same pattern of usage.</p> <p>Given that the dwelling is designed and used first and foremost as Mr Haye's residence; is a typical inner-city renovated terrace house; is capable of ordinary family accommodation in the future; and the B&amp;B component is effectively subsidiary; then it would be unreasonable to penalise the home occupation solely on the basis of this space criterion. That would be very pedantic, particularly as it is only one of eleven criteria all the others of which are either satisfied or not applicable.</p> <p>Planning policy is inherently discretionary in order to deal with variations that inevitably arise and this is a credible instance where that is appropriate.</p>

Minor Nature Policy	Home Occupation
Officer technical comment:	<p>Supported – As pointed out by the applicant, with regard to a Bed and Breakfast it is not the size of the area allocated to the customers, but rather the number of bedrooms/beds provided which will contribute to the potential impact. As such the total of three bedrooms is standard amongst many residential dwellings and the additional space is considered to improve the quality of the service provided rather than increase the intensity of the use and impact on neighbours.</p> <p>A condition is recommended that the maximum number of people allowed to be staying within the premise at any one time (including the house keeper) should be limited to no more than that of a standard dwelling, being six people.</p>
Requirement:	<b>Does not attract customers or regular and frequent deliveries of goods or equipment to the site</b>
Applicants Proposal:	Customers using the service provided will be attracted to the site.
Applicant and owner justification summary:	<p>Only occasional pre-arranged guests come and go to the house and persons are not attracted off the street. No deliveries or services occur at all and Mr Haye does his own shopping, cleaning, etc.</p> <p>As advised, while Mr Haye's B&amp;B caters to occasional guests it does not attract customers in the commercial sense of say home occupation professional businesses or other activities. These customer movements are essentially the equivalent of or less than those of regular family members or visitors, particularly as Mr Haye is otherwise the sole resident, and as most B&amp;B are operated by small households comprising only a single person or a couple.</p> <p>In this regard it is emphasised that the Scheme definition of home occupation, does not contain the criterion about customers/deliveries from the Minor Nature Development Policy quoted in the City's letter.</p> <p>The Scheme in clause 47(9) provides that: A planning policy made under this part of the Scheme shall be consistent with the Scheme text and where any inconsistencies arise the provisions of the Scheme text shall prevail.</p> <p>This means that as the Scheme prevails over the Policy, the customers/deliveries criterion does not properly feature in the consideration of home occupations; and in any case as articulated home occupations are permitted uses based on being compatible with residential environments and are exempt from planning approval.</p> <p>Hence the Policy does not accord with the Scheme for the purpose of managing minor developments, when by definition home occupations include businesses or activities which naturally may involve a low-key level of visitors other than in a commercial trading capacity. As the Policy is not consistent with the Scheme text as required it should be corrected in this respect.</p>

Minor Nature Policy	Home Occupation
	<p>Moreover, common sense supports B&amp;B guests as intrinsically residential visitors rather than mainstream business customers. This is consistent with criterion (g) in the Scheme definition of home occupation: in the opinion of the Council is compatible with the principal uses to which land in the zone in which it is located may be put; which is the pivotal overall aspect for consideration by the City, and which Mr Haye's B&amp;B demonstrably satisfies.</p>
<p>Officer technical comment:</p>	<p>Supported – The customers attracted to the Bed and Breakfast will not resemble that of a regular business with numerous different customers entering the property on a day to day basis. Rather the customer base is considered to show patterns similar to that of residents within the area, being there for residing purposes and staying over longer periods of time.</p> <p>As a result the customers entering the site are thought of having minimal additional impact in their passing.</p>
<p>Requirement:</p>	<p><b>Will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity</b></p>
<p>Applicants Proposal:</p>	<p>Customers will be attracted to the site which may increase vehicle traffic in the vicinity.</p>
<p>Applicant and owner justification summary:</p>	<p>Mr Haye parks his mini car in the front courtyard off the street. Ample personal visitor or guest parking is available in this section of Brisbane street with developed on-street parking bays. However most of Mr Haye's occasional guests being short-term have no need for parking as they tend to not hire cars and find the location excellent for walking or catching the (including the Perth Cat) into the city, where there's the train, too.</p> <p>Further factors fostering the availability of parking in relation to Mr Haye's residence are as follows:</p> <ul style="list-style-type: none"> <li>• The row of four terrace houses of which Mr Haye's is one, like many other traditional inner-city dwellings, including in Brisbane Street, were built without on-site parking or a rear lane.</li> <li>• On-street parking has been the norm for residents and all types of visitors;</li> <li>• while the City has developed this section of Brisbane Street with some paved verges to accommodate resident parking as well as ample street parking bays.</li> <li>• Mr Haye has adapted his front courtyard to park his small car on-site, as have some other dwellings in the street, freeing-up his crossover verge parking space.</li> <li>• Guests usually arrive by taxi with no parking requirement and Mr Haye often drives them to the airport as a courtesy at the end of a stay.</li> <li>• Occasionally guests may hire a car to travel down south during a stay, which generates only a brief period of parking. In that instance both Mr Haye's and a guest hire car can be parked off the street.</li> </ul>



Minor Nature Policy	Home Occupation
	<ul style="list-style-type: none"> <li>• While two parking spaces are ordinarily associated with a single dwelling, the Residential Design Codes, planning schemes and local governments today recognise that denser inner-city housing areas may have lesser parking requirements; and in actuality numerous dwellings along all of Brisbane Street have no or little on-site parking and are allowed to use the street parking provided.</li> <li>• As noted, Brisbane Street is well-served with public parking for all sorts of needs, which is readily available.</li> </ul> <p>In summary, the parking arrangement for Mr Haye's dwelling and the scale of the B&amp;B operation does not cause a significant parking demand or a substantial traffic increase. To penalise Mr Haye in this connection would be unsound and inequitable when he has proactively assisted parking.</p>
Officer technical comment:	<p>Supported – As the home occupation will not be permitted to host any more people than that of a standard grouped dwelling, it is considered that the standard parking requirement (which through virtue of a previously approved shortfall, the dwelling is compliant with) should be adequate to accommodate this need.</p> <p>Further section 20 (e)(ii) of the Town Planning Scheme No. 1 states “The Council will consider any variation to the Residential Planning Codes where it is necessary to maintain the prevailing historic character of the precinct, particularly with regard to the redevelopment of small lots.” as it would require some development on the lot to provide any additional car bays it is considered that the benefits of an additional of a car bay would outweigh the negatives of having to modify a heritage listed dwelling to accommodate it.</p>
Requirement:	<p><b>In the opinion of the City is compatible with the principal uses to which land in the zone in which it is located may be put</b></p>
Applicants Proposal:	<p>Home Occupation (Bed and Breakfast) within a Residentially Zoned area</p>
Applicant and owner justification summary:	<p>Land in the street, precinct and subject Residential zone as well as adjacent Local Centre zones may be put to a range and mix of uses characteristic of the locality and inner-city areas, as set out in the Scheme and associated documents. This is manifest in the residential, commercial, entertainment and accommodation activities coexisting side-by-side in the street and vicinity, comprising dwellings, cafes, restaurants, shops, offices, art gallery, backpacker hostels and tourist hotel.</p> <p>For example, at 210 Lake Street corner of Brisbane Street is the Hotel Northbridge. This is a four-star hotel and multi-storey building with 50 hotel rooms and 16 lodge (budget) rooms, as well as bar, bottle-shop, restaurant and function facilities. Due to the large size of the site and development some off street parking is available.</p>

Minor Nature Policy	Home Occupation
	<p>Next door to the hotel at 194 Brisbane Street is Coolibah Lodge, a converted period dwelling backpacker business with approximately 90 beds in different sized rooms/dorms. On-street parking only is available.</p> <p>Both of these commercial accommodation establishments are positioned diagonally across the road from Mr Haye's dwelling in the same section of Brisbane Street between William and Lake Streets. They have been in existence for many years, located amongst a primarily residential area together with other compatible mixed uses and are apparently well-managed with minimal amenity concerns (even though the hotel has functions and night time/weekend entertainment and the backpackers is for a substantial number of usually young travellers).</p> <p>Near the western end of Brisbane Street at 148 Palmerston Street is the Witch's Hat, another large backpacker hostel, again in a converted period dwelling with numerous beds/rooms and many facilities. As the City is aware, there are many other home occupation B&amp;Bs, hostels, serviced apartments and accommodation hotels operating within the inner city areas comfortably in conjunction with residences, cafes, shops and so on making up these localities.</p> <p>In comparison to the abovementioned establishments, it is clear that the domestic-based, small-scale and low-key nature of the home occupation B&amp;B operated by Mr Haye is of no consequence and could not reasonably be discerned as an amenity concern.</p> <p>A B&amp;B within an owner-occupied residence, therefore, is ideally compatible with both the existing and planned land use composition of the locality, and one of the least obtrusive activities permissible - in terms of amenity a home occupation is insignificant compared to mainstream businesses and other non-residential uses.</p>
Officer technical comment:	Supported – The home occupation is considered a positive outcome for this location, being in an inner city residential area, having good access to transport services while fully complying with the use classes permitted in its zoning. As it is considered that there is currently a shortage of this type of accommodation it provides to alleviate a small portion of the pressure from the existing demand.

**CONSULTATION/ADVERTISING:**

Required by legislation:	No	Required by City of Vincent Policy:	Yes
<b>Comments Period:</b>	16 August 2012 to 29 August 2012		
<b>Comments Received:</b>	Forty six (46) - Majority of these in the form of a petition against the proposal, presented to the Ordinary Meeting of Council on 11 September 2012. In total, forty five (45) of the comments received were objections to the proposal, while one (1) letter of support was received.		

<b>Consultation</b>		
<b>In Support:</b>		<b>Nil</b>
<b>Comments Received</b>	<b>Officer Comments</b>	
The letter notes no issues with the business over its time of operation and that they consider the business an asset to the Local Community.	Nil	
<b>Objections:</b>	<b>Forty Five (45)</b>	
<b>Comments Received</b>	<b>Applicant Justification</b>	<b>Officer Comments</b>
Do owners have any qualifications to provide such a service; such as food safety when cooking for guests	<p>Operating a B&amp;B doesn't require a formal qualification or any certification, as it is a home-based residential activity involving everyday domestic duties such as cooking and cleaning by the owner-occupier/s. Intrinsicly it is a home-stay where guests live comfortably as if in their own dwelling, including eating a provided breakfast if desired. They are otherwise left alone to look after themselves in the privacy of their own rooms.</p> <p>In any case, Mr Haye has an extensive working background in travel, tourism and hospitality, including hotels, which means that he is experienced and well-equipped to run a small B&amp;B.</p>	Noted – The Bed and Breakfast will be required to undergo checks by the City's Health Department to ensure it complies with the requirements of the Food Act 2008.
There is a lack of parking on the site and guests use up on street parking which is already an issue in the area	<p>The original justifications have thoroughly demonstrated that parking associated with the B&amp;B is minimal, intermittent and insignificant in the context of the mixed land usage and on-street parking in the locality.</p> <p>For example, none of the three adjoining terrace houses has on-site parking, various commercial businesses rely on the public parking along the whole street to a greater degree, and there is no evidence of undue parking consumption by the B&amp;B.</p> <p>The B&amp;B does not create a detectable parking problem, notably in comparison with larger and busier mainstream businesses in the street.</p>	<p>Not Supported – As the home occupation will not be permitted to host any more people than that of a standard grouped dwelling, it is considered that the standard parking requirement (which through virtue of a previously approved shortfall, the dwelling is compliant with) should be adequate to accommodate this need.</p> <p>Further section 20 (e)(ii) of the Town Planning Scheme No. 1 states "The Council will consider any variation to the Residential Planning Codes where it is necessary to maintain the prevailing historic character of the precinct, particularly with regard to the redevelopment of small lots." as it would require some development on the lot to provide any additional car bays it is considered that the benefits of an additional of a car bay would outweigh the negatives of having to modify a heritage listed dwelling to accommodate it.</p>

<b>Consultation</b>		
<b>In Support:</b>	<b>Nil</b>	
<p>The Bed and Breakfast discriminates against heterosexuals and disabled people. No disabled facilities are available on location and the Bed and Breakfast should be open to people of all sexual orientations</p>	<p>This claim is misguided and inadmissible as a relevant planning consideration. To cite this is in fact itself discriminatory. There is no place for such in the planning process.</p> <p>In Australia citizens or organisations are free to advertise the market sector they cater for and anybody can request a booking to stay in gay/lesbian friendly accommodation. It is entirely appropriate for a range of businesses to serve a niche market segment, such as a dating agency for the over-40s, a beauty spa for women, a travel service for retirees, and so on.</p> <p>Private dwellings and B&amp;Bs are exempt from disability requirements. In any case, the rear ground floor facilities of this dwelling have grab/guide rails suitable for the disabled and wheelchair guests are welcome.</p>	<p>Not Supported – As the applicant has stated, anyone is welcome to request a booking to stay at the Bed and Breakfast, and as such this complaint is considered invalid.</p>
<p>Concern regarding the compatibility of the use within the residential area</p>	<p>This aspect has already been responded to at length in the original justifications.</p>	<p>Not Supported – The use of ‘Home Occupation’ is a permitted use within residential areas, and as the dwelling in question retains the appearance of and a similar use to a regular residential dwelling (being a small number of people residing at the dwelling over a period of time) it is considered complimentary to the surrounding area.</p>
<p>Inadequate facilities are provided on site for such a business</p>	<p>A B&amp;B is essentially a dwelling lived in by the owner-occupier/s and partially inhabited by occasional short-term guests. This is the same as sharing a house, having relatives stay or accommodating a student boarder; whereby an ordinary dwelling comprising living rooms, bedrooms, bathrooms, etc is utilised by the residents. The experience sought by B&amp;B guests is to stay in a warm and friendly low-key home environment and no special facilities are required.</p>	<p>Noted – If approved, the dwelling will be required to undergo a change of classification through the City’s Building Department to bring it up to the required standards for its new classification.</p>

<b>Consultation</b>		
<b>In Support:</b>	<b>Nil</b>	
	<p>In this instance the two bedrooms, bathrooms and WCs plus the supplementary available living spaces are ample for the purpose. Also, these rear bedrooms, bathrooms and WCs are part of the newer additions so are modern, well-appointed, in good condition and easy to maintain.</p>	
<p>Short term guests cause excessive noise and in some cases litter neighbouring properties</p>	<p>This claim is clearly incorrect, as B&amp;Bs are inherently consistent with residential quietude and tidiness, which is precisely what guests are seeking and the standards maintained by operators. As previously emphasised, B&amp;Bs equate to typical families in terms of number of persons present and residing in harmony.</p> <p>Hence B&amp;B operators strive to maintain quiet and tidy premises for their own enjoyment, that of guests and for the neighbourhood. This proponent actually takes pride in keeping the footpath/verge clean, with any litter being attributable to passers-by. Local businesses have good practices and the street is usually clean.</p> <p>As the front courtyard comprises the owner's on-site parking it is not used for outdoor living so generates no noise, which in any case would be residential in nature. A small, secluded rear courtyard is accessible only from a bedroom so is a quiet retreat rather than an entertaining area; and in any case it is normal for a dwelling to have a backyard. The second storey does not have a balcony.</p> <p>Customers tend to be educated, established and mature-aged, often here to attend conferences or cultural events, while staying in a personalised, relaxed and</p>	<p>Not supported – the City has not received any complaints other than the most recent one which triggered this application over its period of operation which spans a number of years. Therefore this claim is unsubstantiated and can at the very most be attributed to a single one off event which does not represent the general nature of the business.</p>

<b>Consultation</b>		
<b>In Support:</b>	<b>Nil</b>	
	<p>quiet setting rather than at a busy hotel. As B&amp;B guests they are not allowed to do any entertaining on the premises, which is the preserve of the owner.</p> <p>Moreover, it is pointed-out that this inner-city street with offices, shops, cafes, restaurants, a hotel and backpackers attracts quite a lot of pedestrians who, together with traffic movements, obviously make some ambient noise walking and talking, including in the evenings and on weekends, which is certainly more than the residential level of activity at this dwelling or others.</p>	
Vincent should impose heavy fines against the illegal business	<p>Planning functions to positively regulate rather than penalize land use, whereby the application process, including retrospectively, enables proper assessment to facilitate approvals and compliance, rather than to impose penalties. This is a sound and sophisticated system that encourages successful outcomes, the exercise of discretion, equity and tolerance.</p>	Supported – As with all retrospective applications the City has charged triple the fees for dealings with such matters.
<b>General Comments:</b>	<b>Nil</b>	
<b>Comments Received</b>	<b>Officer Comments</b>	
Nil	Nil	
<b>Advertising</b>	The advertising was carried out over 21 days as per the City's Policy No. 4.1.5 relating to Community Consultation.	

**Design Advisory Committee:**

Referred to Design Advisory Committee: No

**LEGAL/POLICY:**

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

**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:

*"Economic Development*

2.1 *Progress economic development with adequate financial resources*

2.1.1 *Promote business development and the City of Vincent as a place for investment appropriate to the vision for the City."*

**SUSTAINABILITY IMPLICATIONS:**

The City's Strategic Plan 2011-2016 states:

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

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

ENVIRONMENTAL	
Issue	Comment
Not applicable.	

SOCIAL	
Issue	Comment
The proposal provides for additional accommodation within the City in small scale, low impact manner.	

ECONOMIC	
Issue	Comment
The proposed home business provides both employment for the owner while providing a service within the community.	

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS & CONCLUSION:**

The Bed and Breakfast has allegedly been in operation for a number of years at 165 Brisbane Street, and provides a valuable service in line with the City's objectives of incorporating additional uses within existing buildings (heritage listed in this case), and promoting the development of businesses and investment.

Variations proposed to the Minor Nature Policy are considered to be of minimal impact due to the nature of the business. One example being that the number of beds as opposed to floor area is proportional to the intensity of the use, yet floor area is the means used to limit intensity by the Minor Nature Policy. Further as the business operates in a similar fashion to that of a regular dwelling, the impacts resulting from such a use are similar to that of any adjoining residential dwelling, and not excessive within an inner city residential area.

As such it is considered that the proposed Bed and Breakfast is an appropriate use for the subject site, and in keeping with the nature of the residentially zoned surrounding area. Accordingly, it is recommended that the application be approved subject to the standard and appropriate conditions.

**9.1.8 No. 115 (Lot 154 D/P: 2790) Shakespeare Street, Mount Hawthorn - Proposed Demolition of Existing Single House Construction of Two Storey Single House**

<b>Ward:</b>	North	<b>Date:</b>	14 September 2012
<b>Precinct:</b>	Mount Hawthorn, P1	<b>File Ref:</b>	PRO5747; 5.2012.207.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans		
<b>Tabled Items</b>	Nil		
<b>Reporting Officer:</b>	A Dyson, Planning Officer (Statutory)		
<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, REFUSES the application submitted by Lyons Architects on 21 May 2012 on behalf of the owner S A Martella for proposed Demolition of Existing Single House and Construction of Two Storey Single House, at No. 115 (Lot 154 D/P: 2790) Shakespeare Street, Mount Hawthorn, and as shown on plans stamp-dated 22 August 2012, for the following reasons:

1. Non-compliance with the Acceptable Development and Performance Criteria provisions of the Residential Design Codes, with regard to the following Clause:
  - 1.1 Clause 6.9.1 *Solar Access for Adjoining Sites*;
2. The proposed development does not comply with the following objectives of the City of Vincent Town Planning Scheme No. 1:
  - 2.1 to protect and enhance the health, safety and physical welfare of the City's inhabitants and the social, physical and cultural environment; and
  - 2.2 to ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which –
    - 2.2.1 recognises the individual character and need of localities within the Scheme zone area; and
3. The proposed two storey single house would create an undesirable precedent for the development of surrounding lots, which is not in the interests of orderly and proper planning for the locality. In addition the development will impact the amenity of the adjoining residential lot given the non compliance with the Acceptable Development Provisions and Performance Criteria of Clause 6.9.1 *Solar Access for Adjoining Sites* of the Residential Design Codes.

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**Moved Cr Harley, Seconded Cr McGrath**

That the recommendation be adopted.

Cr Carey departed the Chamber at 7.20pm.

Debate ensued.

Cr Carey returned to the Chamber at 7.21pm.



Debate ensued.

**MOTION PUT AND LOST (0-8)**

**For:** Nil

**Against:** Mayor Hon. Alannah MacTiernan, Cr Buckels, Cr Carey, Cr Harley, Cr Maier,  
Cr McGrath, Cr Pintabona, Cr Wilcox

(Cr Topelberg was an apology for the Meeting.)

**REASON FOR REFUSAL:**

There was minimal overshadowing, the overshadowing did not compromise the amenity of the neighbour and the neighbour supported the application.

**ALTERNATIVE RECOMMENDATION**

**COUNCIL DECISION ITEM 9.1.8**

**Moved Cr Maier, Seconded Cr Buckels**

“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 Lyons Architects on behalf of the owner S A Martella for proposed Demolition of Existing Single House and Construction of Two (2) Storey Single House, at No. 115 (Lot 154; D/P: 2790) Shakespeare Street, Mount Hawthorn, and as shown on plans stamp-dated 22 August 2012, subject to the following conditions:

1. A Demolition Licence shall be obtained from the City prior to commencement of any demolition works on the site;
2. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Shakespeare Street;
3. Any new street/front wall, fence and gate within the Shakespeare 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;
4. No street verge tree shall be removed. All street verge trees are to be retained and protected from any damage including unauthorized pruning;
5. The proposed swimming pool does not form part of this approval and is subject to a separate Swimming Pool Permit being applied to and obtained from the City;
6. The owners shall make application to obtain the consent of the owners of No. 113 Shakespeare Street for entry of their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 113 Shakespeare Street in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork;
7. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION**, the following shall be submitted to and approved by the City:

**7.1 Privacy Screening**

The upper northern elevations of the front terrace and the upper eastern facing window of bedroom 2 shall be screened with a permanent obscure material to a minimum height of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Prior to the issue of a Building Permit, revised plans shall be submitted demonstrating the above major openings being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes 2010; and

8. 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."

Debate ensued.

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

(Cr Topelberg was an apology for the Meeting.)

<b>Landowner:</b>	S A Martella
<b>Applicant:</b>	Lyons Architects
<b>Zoning:</b>	Metropolitan Region Scheme: (MRS): Urban Town Planning Scheme No.1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	445 square metres
<b>Access to Right of Way</b>	Western side, 5.0 metres wide, sealed, City owned

**PURPOSE OF REPORT:**

The report is referred to a meeting of the Council as the development application proposes a significant variation to overshadowing of an adjoining property which is not supported by the City's Officers.

**BACKGROUND:**

No specific background relates to this report.

**Previous Reports to Council:**

Nil.

**DETAILS:**

The proposal involves the demolition of the existing single dwelling and the construction of a two-storey residential dwelling with garage to the rear, accessed by the Right of Way. The proposal also includes an undercroft cellar which is accessed internally. The dwelling is located along the western side of Shakespeare Street, which is characterised by its predominately intact single storey streetscape.

**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
Streetscape	✓		
Front Fence	✓		
Front Setback	✓		
Building Setbacks			✓
Boundary Wall	✓		
Building Height	✓		
Building Storeys	✓		
Open Space	✓		
Access & Parking	✓		
Privacy	✓		
Roof Forms			✓
Solar Access			✓
Site Works			✓
Essential Facilities	✓		

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

<b>Issue/Design Element:</b>	<b>Building Setbacks</b>
Requirement:	<b>Residential Design Codes Clause 6.3.1 A1</b> <b>First Floor</b> <u>Southern</u> Balance - 5.7 metres <u>Northern</u> Balance - 4.9 metres Note: If the front upper floor terrace had compliant privacy screens on the northern and southern sides this would result in the side setbacks being compliant.
Applicants Proposal:	<b>First Floor</b> <u>Southern</u> 2.805 metres <u>Northern</u> 3.3 metres
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 the applicant.</i>
Officer technical comment:	The proposed setbacks are not considered to comply with the performance criteria in this instance for the following reasons: <ul style="list-style-type: none"> <li>• Whilst the proposed northern and southern (balance) upper floor side setbacks are not considered to be inconsistent with other contemporary two storey developments, the overall impact of a reduced upper floor setback, increases the built area and attributes to the significant overshadowing proposed to the adjoining lot.</li> </ul>

<b>Issue/Design Element:</b>	<b>Roof Forms</b>
Requirement:	<b>Residential Design Elements Clause BDADC 3.</b> Roof Pitch to be 30 - 45 degrees
Applicants Proposal:	25 degrees
Performance Criteria:	<b>Residential Design Elements Clause 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's Justification Summary:	<i>No specific justification provided by the applicant</i>

Issue/Design Element:	Roof Forms
Officer technical comment:	<p>The proposed roofing is considered to comply with the Performance Criteria of Residential Design Elements Policy as:</p> <ul style="list-style-type: none"> <li>The proposed roof pitch maintains the standard pitched roof design prevalent along Shakespeare Street and is not considered to be detrimental to the existing streetscape.</li> </ul>

Issue/Design Element:	Cut and Fill
Requirement:	<b>Residential Design Elements Clause BDADC 7.</b> Maximum – Fill (0.5 metres)
Applicants Proposal:	0.525 metres
Performance Criteria:	<b>Residential Design Elements Clause BDPC 7.</b> Minimise changes to natural ground level of the development lot.
Applicant's Justification Summary:	<i>No specific justification provided by the applicant.</i>
Officer technical comment:	<p>The proposed development is considered to comply with the Performance Criteria of the Residential Design Elements Policy as:</p> <ul style="list-style-type: none"> <li>The proposed <del>maximum amount of fill at 0.25 metres is considered minimal</del> concession of 0.025 metres is <u>considered minimal</u> and will not unduly impact the adjoining property or the levels proposed by it.</li> </ul>

Issue/Design Element:	Design for Climate
Requirement:	<b>R-Codes Clause 6.9.1 A1</b> Residential R30- R40 – Maximum of 35% (Overshadowing – 155.75m <sup>2</sup> )
Applicants Proposal:	Overshadowing – 164.65 m <sup>2</sup> or 37%
Performance Criteria:	<b>R-Codes Clause 6.9.1 P1</b> Development designed to protect 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's Justification Summary:	<i>We have previously reduced the extent of overshadowing of the proposed development to 37%. As mentioned in the Residential Design Codes report, given the proposal is of a double volume and on a north/south axis we believe that 37% overshadowing onto the southern property is a good result. The proposed development has the potential to overshadow openings to habitable rooms on the adjoining southern property; however this already occurs with the current structure on site. It should also be noted that we are not overshadowing any existing outdoor living areas. The proposal has also been viewed by the southern neighbours and signed, indicating that they understand and are happy with the extent of the proposal.</i>

Issue/Design Element:	Design for Climate
Officer technical comment:	<p>The proposed overshadowing is not considered to comply with the performance criteria due to the following:</p> <ul style="list-style-type: none"> <li>• The proposed overshadowing impacts the provision of solar access being obtained by the adjoining property along the habitable rooms along the northern elevation as well as the front porch area.</li> <li>• Whilst no solar collectors are currently placed along the northern roof face of the adjoining property, the proposed dwelling will reduce the available area for solar devices to be located in the future.</li> <li>• It is noted however, the proposed development does not overshadow the existing outdoor living area at the south western corner of the dwelling. In addition the existing single storey dwelling already overshadows the northern elevation of the adjoining property to the south according to the provisions of the Residential Design Codes. This also includes the porch at the front of the property.</li> <li>• It is also noted that whilst the current affected landowners have consented, the City is obliged to protect future landowners also.</li> </ul>

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

**CONSULTATION/ADVERTISING:**

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
<b>Comments Period:</b>	7 June 2012 to 20 June 2012.		
<b>Comments Received:</b>	Neighbour consultation was undertaken in relation to the proposed street setback, upper floor setbacks, overshadowing, building height, roof forms, cut and fill and visual privacy variations. One (1) comment was received objecting to the development, whilst two comments were received supporting the development prior to the Neighbour Consultation Period.		

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Building Setbacks</p> <ul style="list-style-type: none"> <li>• Object to the side setbacks proposed on the northern and southern elevations, given they are significant variations to the provisions of the Residential Design Codes.</li> </ul>	<p>Noted and Supported. Whilst the proposed northern and southern (balance) upper floor side setbacks are not considered to be inconsistent with other contemporary two storey developments, the overall impact of a reduced upper floor setback, increases the built area and attributes to the significant overshadowing proposed to the adjoining lot.</p>
<p>Issue: Front Setbacks</p> <ul style="list-style-type: none"> <li>• Concern in relation to the proposed front setback, which does not allow for the adequate provision for maintaining streetscape character, landscaping and space for additional tree planting. Adjoining properties vegetation will be affected by the lack of sufficient access to direct sunlight.</li> </ul>	<p>Noted and Addressed. The applicant has amended the front setback for compliance with the setback requirements of the Residential Design Elements Policy with a required front setback, based on the average of five (5) properties either side of the subject property, to be 7.375 metres. The upper storey is to be at 9.375 metres, two (2) metres behind the lower floor, whilst the balcony is to be at 8.375 metres or one (1.0 metre) behind the lower floor. The application is now consistent with the RDE's requirement.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Overshadowing</p> <ul style="list-style-type: none"> <li>Concern that the proposed development does not allow for adequate solar power opportunities for neighbouring properties and impacts on backyard outdoor living areas.</li> </ul>	<p>Noted and Supported. Whilst the proposed development provides for no overshadowing over the principal outdoor living area, the development does propose a 2% variation to the acceptable amount of overshadowing proposed by a development. The overshadowing clearly impacts the provision of solar access to the adjoining property as well as reducing the available location of solar devices on site.</p>
<p>Issue: Building Height</p> <ul style="list-style-type: none"> <li>Object to the proposed building height impacting on the street and neighbouring properties and creating maximum visual intrusion.</li> </ul>	<p>Noted and Addressed. The proposed building is compliant with the requirements of the City's Policy 3.2.1 relating to Residential Design Elements.</p>
<p>Issue: Roof Pitch</p> <ul style="list-style-type: none"> <li>Concern the proposed roof pitch will detract from the existing streetscape.</li> </ul>	<p>Dismiss. The proposed roof pitch at 25 degrees will maintain the existing pitched roof design of the Shakespeare Street precinct and not be detrimental to the adjoining land owners.</p>
<p>Issue: Privacy</p> <ul style="list-style-type: none"> <li>Concern where any privacy intrusions are provided, that it will impact the adjoining properties. Would request screening be provided where necessary.</li> </ul>	<p>Dismiss. The proposed dwelling is compliant with the privacy provisions of the Residential Design Codes.</p>

**Design Advisory Committee:**

Referred to Design Advisory Committee: No.

**LEGAL/POLICY:**

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

**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 design adequately responds to the northern aspect of the site, allowing for sunlight and ventilation to permeate the dwelling, reducing the need for additional heating and cooling. However in proposing the design of a substantial two-storey dwelling with an east-west orientation, it effectively reduces the provision of the adjoining property to be afforded with sufficient sunlight to habitable rooms on its northern elevation.

SOCIAL	
Issue	Comment
	The proposed dwelling is of a size and scale capable of meeting the housing need of a family in Mount Hawthorn.

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

In view of the assessment as outlined above, the proposal does not meet the acceptable development provisions or the performance criteria requirements of Clause 6.9.1 *Solar Access for Adjoining Sites*; whereby the development will impact the solar access to the adjoining property to the south and impact the future provision of solar devices to the dwelling.

The applicant has been given the opportunity to make minor design amendments that would reduce the overshadowing by 2% to be compliant but the applicant has advised the owner does not wish to amend the design and has requested the matter be considered and determined by the Council.

In light of the above, the proposed residential dwelling is recommended for refusal due to the aforementioned reasons.

**9.1.9 Proposed Scheme Amendment No. 34 relating to land coded Residential R20 in the Mount Hawthorn and North Perth Precincts – Precinct Plans 1 and 8**

<b>Ward:</b>	North Ward	<b>Date:</b>	14 September 2012
<b>Precinct:</b>	Mount Hawthorn (P1); North Perth (P8)	<b>File Ref:</b>	PLA0202
<b>Attachments:</b>	<a href="#">001</a> – Scheme Amendment Report		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Marie, Planning Officer (Strategic)		
<b>Responsible Officer:</b>	C Eldridge, Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. Pursuant to section 75 of the Planning and Development Act 2005, **RESOLVES** to **INITIATE** Scheme Amendment No. 34 to the City's Town Planning Scheme No. 1 to:
  - 1.1 Amend the dates referred to in clauses 20(4)(c)(ii) and 20(4)(h)(i) of the City of Vincent Town Planning Scheme No. 1 from '29 March 2013' to '29 March 2015';
2. **ENDORSES** the Scheme Amendment No. 34 Report as shown in Appendix 9.1.9;
3. **REQUESTS** the Western Australian Planning Commission to grant a reduced advertising period of 21 days under Regulation 25(2)(j)(v) of the Town Planning Regulations 1967 for the following reasons:
  - 3.1 Scheme Amendment No. 31 relating to this area was only recently Gazette on 7 August 2012;
  - 3.2 The timeframe approved by the Western Australian Planning Commission and Minister for Planning under Scheme Amendment No. 31, that being '29 March 2013', was unrealistic for the consideration and finalisation of City of Vincent's Town Planning Scheme No. 2;
  - 3.3 A 21 day advertising will ensure there is a greater probability that the Scheme Amendment will be completed prior to 29 March 2013 so that there is no 'gap' period where the land returns to the higher zoning; and
  - 3.4 The Amendment allows the Western Australian Planning Commission sufficient time to consider the City of Vincent's Town Planning Scheme No. 2; and
4. **FORWARDS** the City's decision to the Western Australian Planning Commission for their consideration.

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**COUNCIL DECISION ITEM 9.1.9**

**Moved Cr Buckels, Seconded Cr Pintabona**

That the recommendation be adopted.

Debate ensued.

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

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

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**PURPOSE OF REPORT:**

The purpose of this report is to modify the dates listed in clauses 20(4)(c)(ii) and 20(4)(h)(i) from '29 March 2013' to '29 March 2015'. This ensures the land within the North Perth and Mount Hawthorn Precincts to remain at the Residential R20 zoning until 29 March 2015.

**BACKGROUND:**

Scheme Amendment No. 11 originally proposed to down code areas of North Perth and Mount Hawthorn from R30/40 and R30 to R20, respectively. This amendment was modified and two sunset clauses (clauses 20(4)(c)(ii) and 20(4)(h)(i)) were imposed in the Town Planning Scheme No.1 by the former Minister for Planning and Infrastructure. These sunset clauses would only allow the area to be zoned at R20 for a certain period of time. This interim measure was imposed to enable the City time to conduct a review on housing and density across the entire City to form a more holistic approach to density in the City.

**History:**

Date	Comment
7 October 2003	Scheme Amendment No. 11 was gazetted which down coded an area in the Mount Hawthorn Precinct from R30 to R20 and the North Perth Precinct from R30/40 to R20, and imposed a sunset clause in the Town Planning Scheme No. 1 to limit the time the land would remain at R20.
14 July 2006	Scheme Amendment No. 22 was gazetted which modified the dates listed in the sunset clauses.
9 May 2008	Scheme Amendment No. 24 was gazetted which modified the dates listed in the sunset clauses.
3 March 2009	Scheme Amendment No. 27 was gazetted which modified the dates listed in the sunset clauses.
27 August 2010	Scheme Amendment No. 28 was gazetted which modified the dates listed in the sunset clauses.
7 August 2012	Scheme Amendment No. 31 was gazetted which modified the dates listed in the sunset clauses.
6 September 2012	The City received a request from a member of the North Perth Precinct Group requesting the City initiate an amendment to delete the sunset clauses, relating to density in the Eton Locality, from the City of Vincent Town Planning Scheme No. 1.

**Previous Reports to Council:**

This matter was previously reported to the Council on 13 March 2012.

The Minutes of Item 9.1.4 from the Ordinary Meeting of Council held on 13 March 2012 relating to this report is available on the City's website at the following link:

[http://www.vincent.wa.gov.au/Your\\_Council/Agenda\\_Minutes](http://www.vincent.wa.gov.au/Your_Council/Agenda_Minutes)

**DETAILS:**

On 6 September 2012 the City received a request from a member of the North Perth Precinct Group requesting the City initiate an amendment to delete the sunset clauses, relating to density in the Eton Locality, from the City of Vincent Town Planning Scheme No. 1. The clauses are as follows:

- 20(4)(c)(ii) *'After 29 March 2013 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct.'*
- 20(4)(h)(i) *'After 29 March 2013 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct.'*

### **Town Planning Scheme Review**

The review of zonings and housing densities has been undertaken as part of the Town Planning Scheme review. The City acknowledges that the State Government direction is to allow for increased inner city densities. As part of the Town Planning Scheme Review, the City has taken the approach of targeted growth in areas where there is good access to services, amenities and public transport, whilst retaining areas of character and low to medium density, to provide a diverse range of housing choice within the City. The Draft Town Planning Scheme No. 2 is currently with the Western Australian Planning Commission (WAPC) for consideration and consent to advertise. Whilst no confirmed dates have been provided by the WAPC, it has been indicated that consent to advertise will be granted by the end of 2012.

### **Previous Amendments**

In the past the City has requested that clauses 20(4)(c)(ii) and 20(4)(h)(i) be deleted as per scheme amendments Nos. 22, 24, 27, 28 and 31. In all these instances the Minister for Planning has requested modifications to the dates listed in the clauses rather than deleting the clauses as the City has requested.

It is noted that in the past the City has received more support for the clauses to be deleted in order to maintain the R20 zoning in the area. In the most recent scheme amendment relating to this area, Scheme Amendment No. 31, of the 110 submissions received, 84.54% was in support of the scheme amendment to delete clauses 20(4)(c)(ii) and 20(4)(h)(i) to maintain the R20 zoning.

### **Sunset Clause Dates**

It is noted that the City recently undertook Scheme Amendment No. 31 which proposed to delete clauses 20(4)(c)(ii) and 20(4)(h)(i) from the City of Vincent Town Planning Scheme No.1. Rather than approve the amendment as requested, the Minister for Planning requested modifications to the scheme amendment to retain the clauses and modify the dates from '1 May 2012' to '29 March 2013'.

The dates in clauses 20(4)(c)(ii) and 20(4)(h)(i) were modified by the WAPC and Minister for Planning as the City's Draft Town Planning Scheme No. 2 is currently with the WAPC for consideration and consent to advertise. Whilst the Draft Town Planning Scheme No. 2 may receive consent to advertise prior to 29 March 2013, Town Planning Scheme No. 2 will still be in draft format and will not be the active scheme in place at that time. It was unrealistic for the WAPC to only extend the dates to 29 March 2013 as this does not allow sufficient time for the new Town Planning Scheme No. 2 to be implemented.

Scheme Amendment No. 34 proposes to modify the dates listed in clauses 20(4)(c)(ii) and 20(4)(h)(i) similar the Minister's previous decisions. Extending the dates will ensure that the land remains as Residential R20 in the North Perth and Mount Hawthorn Precincts for a longer period of time and allows the Draft Town Planning Scheme No. 2 to be considered, advertised for three (3) months and gazetted.

If the City were to propose a deletion of clauses 20(4)(c)(ii) and 20(4)(h)(i), it is likely that the Minister for Planning would request the dates be modified similar to previous amendments. This modification prolongs the scheme amendment process. The City has pre-empted the Minister's decision and has proposed a modification to the dates listed in clauses 20(4)(c)(ii) and 20(4)(h)(i) rather than deleting them all together.

The City has proposed that the dates be extended for two (2) years to allow sufficient time for the WAPC to consider the Draft Town Planning Scheme, for the City to undertake the three (3) month consultation, and for the Scheme to be finalised and gazetted.

**CONSULTATION/ADVERTISING:**

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Scheme Amendments are to be advertised for a period of 42 days in accordance with the *Town Planning Regulations 1967*, following endorsement from the WAPC (where required).

The City is requesting a reduced advertising period of 21 days given that an amendment was recently undertaken and gazetted in this area. This also provides greater certainty that the amendment is complete prior to 29 March 2013 and there is no 'gap' period where the clauses lapse and the land returns to the higher zoning.

**LEGAL/POLICY:**

- Planning and Development Act 2005; and
- Town Planning Regulations 1967.

The Minister for Planning is the determining authority on Scheme Amendments.

**RISK MANAGEMENT IMPLICATIONS:**

If this scheme amendment is not initiated, there is a risk that clauses 20(4)(c)(ii) and 20(4)(h)(i) will lapse and the land will return to the higher zoning. This is inconsistent with the City's original scheme amendment and subsequent amendments.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2011-2016 states:

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

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

**SUSTAINABILITY IMPLICATIONS:**

The following tables outline the applicable sustainability issues for this Scheme Amendment:

ENVIRONMENTAL	
Issue	Comment
Lower density housing may reduce the likelihood of established trees being removed from private gardens.	

SOCIAL	
Issue	Comment
This amendment has been driven by the community to maintain a lower residential density for the area of Residential R20. Extending the dates listed in clauses 20(4)(c)(ii) and 20(4)(h)(i) allows the continuation of the R20 zoning until 29 March 2015.	

ECONOMIC	
Issue	Comment
Nil.	

**FINANCIAL/BUDGET IMPLICATIONS:**

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

Budget Amount:	\$ 80,000
Spent to Date:	\$ <u>871.78</u>
Balance:	<u>\$79,128.22</u>

Note: Scheme Amendments requested on an individual basis are generally required to pay a fee to cover the costs associated with a scheme amendment. Given that this is an ongoing amendment and covers a wide area, the City will not require a fee payment.

**COMMENTS & CONCLUSION:**

Amendments in this area have been ongoing for a number of years since the sunset clauses were introduced under Scheme Amendment No. 11 in 2003. Whilst in the past the City has requested a deletion of the clauses, this scheme amendment pre-empts the Minister for Planning's request to modify the amendment, consistent with previous amendments, and proposes an extension to the dates listed in clauses 20(4)(c)(ii) and 20(4)(h)(i). This time extension will allow sufficient time for the Town Planning Scheme review to be completed. The time extension will ensure that the land remains at Residential R20 for the period of the Town Planning Scheme review. Upon completion of the Town Planning Scheme review, the City will have applied zonings to this area without the need for the sunset clauses.

**9.1.11 Proposal for New Areas of Paid Parking – Consideration of Submissions and Approval of Amended Days, Times and Purchase of Additional Ticket Machines**

<b>Ward:</b>	South	<b>Date:</b>	14 September 2012
<b>Precinct:</b>	Beaufort (13)	<b>File Ref:</b>	PGK0168
<b>Attachments:</b>	<a href="#">001</a> – Summary of Submissions <a href="#">002</a> – Amended Ticket Machine Zones <a href="#">003</a> – New Paid Parking Map <a href="#">004</a> – Consultation Map		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	T Young, Manager Strategic Planning, Sustainability and Heritage Services		
<b>Responsible Officers:</b>	C Eldridge, Director Planning Services – Consultation R. Boardman, Director Community Services – Parking Enforcement and Implementation		

**OFFICER RECOMMENDATION:**

That the Council;

1. **CONSIDERS** the one hundred thirty-three (133) submissions received during the public consultation period concerning the proposed introduction of paid parking, as summarised in Appendix 9.1.11A (001);
2. **APPROVES BY AN ABSOLUTE MAJORITY;**
  - 2.1. To amend pursuant to Clause 6.1 of the City of Vincent Parking and Parking Facilities Local Law 2007 – the Ticket Machine Zones (location, times and days), as shown in Appendix 9.1.11B;
  - 2.2. The purchase of an additional eighteen (18) ticket machines at an estimated cost of \$189,000, to be funded from the City of Vincent Parking Facility Reserve Fund;
  - 2.3. That a fee of \$2.10 per hour be charged for new areas of paid parking where time restrictions apply and \$1.10 per hour for the all day parking areas; and
3. **APPROVES** the installation of Ticket Machines in the locations shown in Appendix 9.1.11C (003).

Mayor Hon. Alannah MacTiernan stated that she had declared a Proximity interest in the item. As the Council had approved of her request to participate in debate and vote on the item, she would therefore vacate the Chair and assume her position in Cr McGrath's seat.

Deputy Mayor Warren McGrath assumed the Chair at 7.29pm.

Moved Cr Carey, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

**COUNCIL DECISION ITEM 9.1.11**

**PROCEDURAL MOTION**

Moved Cr Carey, Seconded Mayor Hon. Alannah MacTiernan

That the item be DEFERRED to the Ordinary Meeting of Council to be held on 9 October 2012 and the City's administration review the matter and consider the matters raised during public speaking time.

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

(Cr Topelberg was an apology for the Meeting.)

Mayor Hon. Alannah MacTiernan assumed the Chair at 7.40pm.

**PURPOSE OF REPORT:**

The purpose of this report is to address the following matters:

- To provide an overview to the Council on the recent community consultation that was undertaken relating to the proposal for the introduction of new areas of paid parking in the area denoted in purple in Appendix 9.1.11D (004) bounded generally by William Street, Brisbane Street, Newcastle Street and Lord Street, Loftus Street, Charles Street and the Graham Farmer Freeway;
- To seek approval from the Council to amend the Days and Operating Hours of the City Machine zones as shown in Appendix 9.1.11B (002);
- To seek approval from the Council to install additional areas of paid parking in the streets identified in Appendix 9.1.11B (002) of this report and denoted in purple in the map shown in Appendix 9.1.11C (003) of this report;
- To seek approval from the Council to purchase an additional 18 ticket machines to be funded from the City's Parking Facility Reserve Fund; and
- To seek approval from the Council to introduce a new fee.

**BACKGROUND:**

The City adopted its Car Parking Strategy and associated Precinct Parking Management Plans in March 2010 as a guiding document to implement changes to the City's approach to car parking management. The introduction of new areas of paid parking was a key recommendation of the Car Parking Strategy to assist in ensuring that the City enables the 'churn' of parking spaces to be available to all user groups. In September 2011, the City installed a number of new areas of paid parking in accordance with recommended locations outlined in the Precinct Parking Management Plans.

In addition to the above, in 2007 the City acquired areas of the City of Perth, which resulted in the City being subject to the Perth Parking Management Act 1999. One of these areas is bounded by Lord Street, Parry Street, Lindsay Street and Newcastle Street, which has been included in this recent consultation on new areas of paid parking. Currently in this area there are approximately 131 on-street bays, that in 2012/2013 the City is required to pay a fee of \$600.70 per bay to the State Government, totalling \$78,690 per annum.

The City of Vincent Council recommended for the City's Administration to investigate and consult on the proposal to introduce paid parking in the abovementioned streets to recoup the fees and directly invest them in the Vincent community. It was also recommended that the consultation and proposed areas of paid parking be extended north to Brisbane Street to ensure a consolidated approach to managing parking in the area.

**History:**

Date	Comment
1 July 2007	Following a local government boundary change, the City acquired land from the City of Perth and the City of Stirling. The land in East Perth, Perth and West Perth within the City of Perth was subject to the Perth Parking Management Act 1999.
5 July 2011	The City at its Special Meeting approved the introduction of paid parking into various streets as recommended by the City's Car Parking Strategy and associated Precinct Parking Management Plans. At this meeting, the Council also approved for advertising of additional ticket machines in the areas in Perth and East Perth that were acquired from the City of Perth in the 2007 boundary changes that were not surveyed as part of the preparation of the City's Car Parking Strategy.
August 2011	Community consultation was undertaken with land owners and businesses on the proposal for paid parking being introduced in the areas in Perth and East Perth that were acquired from the City of Perth in the 2007 boundary changes that were not surveyed as part of the preparation of the City's Car Parking Strategy.

Date	Comment
11 October 2011	A summary of the community consultation undertaken in August 2011 was presented to the Council for its consideration. At this meeting the Council resolved to defer making a decision on where to install new ticket machines to a Council Member Forum.
21 February 2012	A presentation with a summary of comments received during the community advertising held in August 2011 was provided at a Council Member Forum.
20 March 2012	The City of Vincent Officers provided an overview on the Perth Parking Management Act 1999 and its implications for the City at a Council Member Forum.
5 June 2012	A letter was received from the Department of Transport advising that the City has a total of 387 Public short stay bays in the Perth Parking Management Area and therefore at a rate of \$600.70 per annum owes a total of \$232,470 for the period 1 July 2012 – 30 June 2013.
10 July 2012	The Council at its Ordinary Meeting resolved to further consult with land owners and businesses on the proposal to introduce additional paid parking within the area bounded by William Street, Newcastle Street and Brisbane Street.

**Previous Reports to Council:**

This matter was previously reported to the Council on the 10 July 2012.

The Minutes of Item 9.1.7 from the Ordinary Meeting of Council held on 10 July 2012 relating to this report is available on the City's website at the following link:

<http://www.vincent.wa.gov.au/files/70a3bf93-1075-4f2e-a7a1-a08400de54b6/20120710.pdf>

**DETAILS:**

**Overview of the situation**

The area subject to the recent community consultation partly comprises streets which fall within the Perth Parking Management Area, namely the area bounded by Lindsay, Parry, Lord and Newcastle Streets. For the approximate 131 on-street bays in this area, the City pays a fee of \$600.70 per bay to the State Government, totalling \$78,690 per annum.

As part of this recent community consultation, the area proposed for consideration for paid parking has been extended north of the area affected by the Perth Parking Management Area, to provide a more streamlined approach to managing parking in this area.

The whole area surveyed and consulted for paid parking as shown in the map in Appendix 9.1.11D (004) attached to this report, is currently subject to parking restrictions ranging from 1/4P, 1P, 2P and 3P, no parking and all day parking in some of the existing ticket machine areas. The survey undertaken on a Tuesday morning indicated that most streets all revealed at least an 85 per cent occupancy rate. It is also noted that ticket machines were recently installed in September 2011, in Money Street, Monger Street, part of Lindsay Street and Newcastle Street. The ticket machines in William Street, the median strip of Stirling Street and Pier and Brewer Streets have been in place for a number of years.

**The City's proposal**

Following the community consultation and a survey and site visit undertaken on 11 September 2012 by the City's staff, the following proposal is presented.

Street	Current Occupancy	No. of Machines Proposed	Proposed Operating Hours
Beaufort Street, between Newcastle & Brisbane Street	95 %	5	8am to Midnight Monday – Sunday 8.00am to 7.00pm – 2P, 1/4P No time restrictions after 7.00pm
Braid Street, between Newcastle & Parry Street	95%	1	8am to Midnight Monday – Sunday 8.00am to 7.00pm – 2P, 1/4P No time restrictions after 7.00pm

Street	Current Occupancy	No. of Machines Proposed	Proposed Operating Hours
Brewer Street, between Stirling and Lord Street	90%	7	8am to Midnight Monday – Sunday 8.00am to 7.00pm – 2P, 1/4P No time restrictions after 7.00pm *North Side from Lord to Pier Street to be all day ticket parking 8am to Midnight - Monday – Sunday
Dalmeny Street, between Lord & Maston	95%	2	8am to Midnight Monday to Sunday No time restrictions apply
Edward Street, between Stirling and Lord Street	85%	8	8am to Midnight Monday – Sunday 8.00am to 7.00pm – 2P, 1/4P No time restrictions after 7.00pm
Grasso Street, between Gregson and Pier Street	No Parking	0	Existing No Parking restrictions to remain
Gregson Street, between Newcastle & Parry Street	85%	0	Existing time restrictions to remain. Nominal marked bays to warrant installation of a Ticket Machine
Lindsay Street, between Monger and Brisbane Street	80%	3	8am to Midnight Monday – Sunday 8.00am to 7.00pm – 2P No time restrictions after 7.00pm
Masque Place, between Braid & Lord Street	No Parking	0	Existing No Parking restrictions to remain
Parry Street, between Beaufort & Lord Street	85%	7	8am to Midnight Monday – Sunday 8.00am to 7.00pm – 2P No time restrictions after 7.00pm
Pier Street, between Newcastle & Bulwer Street	80%	7	8am to Midnight Monday – Sunday 8.00am to 7.00pm – 2P, 1/4P No time restrictions after 7.00pm *Northern portion from Brewer to Bulwer Street to be all day ticket parking 8am to Midnight - Monday – Sunday
Pisconeri Street, between Newcastle & Lord Street	95%	0	Existing time restrictions to remain. Nominal marked bays to warrant installation of a Ticket Machine.
Stirling Street, between Parry & Brisbane Street	90%	10	8am to Midnight Monday – Sunday 8.00am to 7.00pm – 2P, 1/4P No time restrictions after 7.00pm
Thornley Street, between Edward & Brewer Street	85%	2	8am to Midnight Monday – Sunday 8.00am to 7.00pm – 2P No time restrictions after 7.00pm
Tudori Street, between Braid & Pisconeri Street	No Parking	0	Existing No Parking restrictions to remain
Washing Lane, between Money & Lindsay Street	90%	1	8am to Midnight Monday – Sunday 8.00am to 7.00pm – 2P No time restrictions after 7.00pm
<b>TOTAL TICKET MACHINES = 53</b>			
<b>TOTAL TICKET MACHINES IN STOCK = 35</b>			
<b>TOTAL TICKET MACHINES SHORTFALL = 18</b>			

Where ticket machines are not proposed are the streets where there are currently either no marked bays, or very few marked bays available to warrant the installation of a ticket machine.

The operating hours proposed are those consistent with the majority of streets where ticket machines apply across the City, which was a recommendation of the City's Car Parking Street to streamline operating hours.



**Car parking strategy working group**

This report was discussed at the City's internal Car Parking Strategy Working Group on 4 September 2012, where it was agreed that:

- Where practical, support the proposal for the installation of ticket machines to provide a more holistic approach to managing car parking in the area;
- The response rate received during the consultation period, revealed that a considerable proportion of residents and business owners did not have a strong opinion on the proposal; and
- The operating hours should be consistent with the majority of existing areas of paid parking across the City to streamline the requirements and provide greater clarity to users.

**CONSULTATION/ADVERTISING:**

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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Consultation Period: August 2012

Consultation Type: Notice was placed on the City's website, copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre, written notification to all owner(s) and occupier(s) within the area bounded by Lord Street, Lincoln Street, William Street and Newcastle Street, Perth. Letters were also distributed to relevant State Government Departments.

**Summary of Consultation**

A total of 2,724 letters were distributed to all owners and occupiers within the area bounded Lord Street, Lincoln Street, William Street and Newcastle Street, Perth and relevant State Government agencies. A total of 136 submissions were received, resulting in a 5 percent response rate.

A breakdown of submissions is provided below and a full summary of submissions, with corresponding Officer Comments is provided in Appendix 9.1.11A (001) of this report.

- Support: 30 responses = (22%).
- Object: 91 responses = (67%).
- No Position: 15 responses = (11%).

**Responses Received by Street**

In the table below is a breakdown of the comments received from each of the streets consulted. As shown in the figures, there is generally a mix of responses from each of the streets surveyed, some of which no responses were received at all.

1. Streets Where Paid Parking Was Proposed

Affected Street	No. of Responses from Residential Owner/Occupier	No. of Responses from Business Owner/Occupier	Response
Beaufort Street	13	12	<ul style="list-style-type: none"> <li>• 19 Object</li> <li>• 4 Support</li> <li>• 2 No Position</li> </ul>
Braid Street	0	0	N/A
Brewer Street	2	5	<ul style="list-style-type: none"> <li>• 5 Object</li> <li>• 2 Support</li> </ul>
Dalmeny Street	0	0	N/A

Affected Street	No. of Responses from Residential Owner/Occupier	No. of Responses from Business Owner/Occupier	Response
Edward Street	0	7	<ul style="list-style-type: none"> <li>• 6 Object</li> <li>• 1 Support</li> </ul>
Grasso Street	0	0	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
Gregson Street	0	0	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
Lindsay Street	5	7	<ul style="list-style-type: none"> <li>• 4 Object</li> <li>• 8 Support</li> </ul>
Masque Place	0	0	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
Parry Street	3	4	<ul style="list-style-type: none"> <li>• 5 Object</li> <li>• 1 Support</li> <li>• 1 No Position</li> </ul>
Pier Street	0	0	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
Pisconeri Street	1	0	<ul style="list-style-type: none"> <li>• 1 Object</li> <li>• 0 Support</li> </ul>
Stirling Street	8	6	<ul style="list-style-type: none"> <li>• 11 Object</li> <li>• 3 Support</li> </ul>
Thornley Street	0	0	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
Tudori Street			<ul style="list-style-type: none"> <li>• N/A</li> </ul>
Washing Lane	2	5	<ul style="list-style-type: none"> <li>• 5 Object</li> <li>• 2 Support</li> </ul>

2. Surrounding Streets

Affected Street	No. of Responses from Residential Owner/Occupier	No. of Responses from Business Owner/Occupier	Response
Brisbane Street	1	8	<ul style="list-style-type: none"> <li>• 6 Object</li> <li>• 2 Support</li> <li>• 1 No Position</li> </ul>
Bulwer Street	4	1	<ul style="list-style-type: none"> <li>• 4 Object</li> <li>• 1 Support</li> </ul>
Knebworth Avenue	3	0	<ul style="list-style-type: none"> <li>• 3 Object</li> </ul>
Lane Street	1	0	<ul style="list-style-type: none"> <li>• 1 Support</li> </ul>
Lincoln Street	0	2	<ul style="list-style-type: none"> <li>• 2 Object</li> </ul>
Lord Street	0	4	<ul style="list-style-type: none"> <li>• 3 Object</li> <li>• 1 No Position</li> </ul>
Money Street	1		<ul style="list-style-type: none"> <li>• 1 Support</li> </ul>
Monger Street	2	6	<ul style="list-style-type: none"> <li>• 5 Object</li> <li>• 1 Support</li> <li>• 1 No Position</li> </ul>
McCarthy Street	1		<ul style="list-style-type: none"> <li>• 1 Support</li> </ul>
Newcastle Street	8	5	<ul style="list-style-type: none"> <li>• 9 Object</li> <li>• 3 Support</li> <li>• 1 No Position</li> </ul>
Robinson Avenue	2		<ul style="list-style-type: none"> <li>• 2 No Position</li> </ul>
Wade Street	1		<ul style="list-style-type: none"> <li>• 1 No Position</li> </ul>
William Street	0	2	<ul style="list-style-type: none"> <li>• 2 Object</li> <li>• Support</li> <li>• 1 No Position</li> </ul>
Not Stated	0	1	<ul style="list-style-type: none"> <li>• 1 Object</li> </ul>

### Key Points Made in Submissions

#### *Reasons Objecting to the Proposal*

- Hindrance to employee parking and potential flow-on effects for employee retention;
- Reduce appeal and convenience to attract new customers and maintaining loyal customers;
- Greater financial stress on business operations;
- Spill over of commuters into residential streets where paid parking does not apply;
- Concern that some residents would not be eligible for Visitor and Residential Permits;
- Will place adverse effect on business operators resulting in businesses leaving the area and for visitors to go to free parking shopping centres;
- A lot of businesses rely on on-street parking for long term employee parking;
- Parking should be free and accessible to all;
- Visitors should not have to pay to visit residential premises;
- Revenue raising exercise by the City;
- Will discourage people to work, live and visit the area;
- Much of the area subject to the ticket machines is residential;
- No tangible benefits for businesses or residents in the area;
- Existing time restrictions are suffice; and
- Inconvenience for employees who drive to work.

#### *Comments in Support of the Proposal*

- Paid Parking can't happen soon enough;
- If parking permits are readily accessed, then support proposal;
- The installation of ticket machines in Money Street in 2011 has ensured that there is now always a place to park, when previously there was not;
- No alternative but to introduce paid parking to ensure that the time restricted bays are being used for legitimate short term parking, rather than employees moving their cars; and
- The introduction of paid parking is consistent with current research and best practice urban planning by assisting to create liveable and sustainable cities that are not dependent on the private motor vehicle.

#### *Recommendations/Suggestions*

- Improve enforcement in the area, instead of introducing paid parking should address parking issue;
- Introduce first hour free for on-street car parking bays;
- Ensure that parking permits are more accessible to local residents;
- Consider subsidised commercial parking permits and enlarge the area where they can be used;
- Consider the introduction of residential only parking in streets such as Wade Street and/or extend parking restrictions after 5pm;
- Parking Fee should be set low, such as \$1.00 or \$2.00 per hour;
- Time restrictions should be during standard business hours and not until midnight;
- Review the monthly permit system for the Brisbane Street Car Park to enable automatic renewal and make more permits available;
- Prepare a comprehensive plan to increase the capacity of the Brisbane Street Car Park, e.g. multi - deck car park;
- Better promote and educate alternative modes of transport to encourage behavioural change;
- Consider Brisbane Street Car Park for 2 Hour Free; and
- Liaise with the Department of Transport to discuss complimentary funding for fee-based systems in the Perth Parking Management Area.

**LEGAL/POLICY:**

- Perth Parking Management Act 1999;
- Perth Parking Regulations 1999;
- Perth Parking Policy;
- City of Vincent Parking Permit Policy No. 3.9.3; and
- Parking and Parking Facilities Local Law.

**RISK MANAGEMENT IMPLICATIONS:**

**High:** The City has a surplus of 35 ticket machines currently in storage, which have been budgeted for operation in the 2012/2013 financial year. In addition, the amounting issues associated with infill development and parking pressures means that the City should be looking at mechanisms for the fees to be re-invested back into the City to benefit all residents and business operators. Continuing the status quo is not sustainable in the medium to long term. The City also pays a total of \$232,470 in the 2012/2013 financial year to the Perth Parking Benefit Fund, of which approximately 131 the bays in the subject area apply, totalling \$78,690 per annum.

**STRATEGIC IMPLICATIONS:**

The City of Vincent *Strategic Plan 2011-2016* 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:**

The City's Sustainable *Environment Strategy 2011-2016* states the following key objective:

- "1. *Contribute to a cleaner local and regional air environment by promoting alternative modes of transport than car use to residents and employees within the City."*

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

ENVIRONMENTAL	
Issue	Comment
	The introduction of new areas of paid parking coupled with the promotion and education of a more sustainable approach to travel should assist in encouraging behavioural change and reduce the reliance on the private motor vehicle, which will have positive flow on effects to the environment and on personal health and well being. In addition, with parking bays more readily available will reduce the need for vehicles to drive around unnecessarily to find a park.

SOCIAL	
Issue	Comment
	The feedback received during the community consultation period indicated a mix of views on the social impact of introducing paid parking into this area of Perth. The new areas of paid parking introduced in 2011 however, have indicated very little negative impact on the community and a general acceptance of them in these inner City areas.

<b>ECONOMIC</b>	
<b>Issue</b>	<b>Comment</b>
<p>During the community consultation period the financial impacts of the introduction of paid parking was identified as a concern to a number of business operators in particular. It is however to be noted that the introduction of on-street paid parking in various centres in the City in 2011, coupled with first hour free in public car parks has now been supported by businesses who have recognised the benefits of the steady churn of vehicles enabling bays to be available for all users at different times of the day.</p> <p>In addition to this, the City now has a dedicated reserve fund for ticket parking revenue which is intended to be reinvested into travel related infrastructure and initiatives within the paid parking areas to benefit the community.</p>	

**FINANCIAL/BUDGET IMPLICATIONS:**

**Installation Costs**

35 Existing Ticket Machines

These machines are currently in storage and were purchased in 2011. The installation costs are part of this purchase. The programming of the machines will be undertaken in-house, as will any additional signage required.

18 New Ticket Machines

If the Council wishes to purchase an additional 18 machines, it is recommended that for consistency that these are done through the providers of the machines purchased in 2011. The current contract can be extended to purchase the additional machines. One new ticket machine is estimated to cost \$10,500, including installation.

The revenue per ticket machine is estimated at \$10,000 per annum.

As at 31 August 2012, the Parking Facility Reserve Fund contained an amount of \$267,044.

**COMMENTS**

**Community Consultation**

The City appreciates the feedback that was received during the public advertising period, and has summarised the comments and provided a corresponding response to each of the individual submissions in Appendix 9.1.11A (001) of this report.

In terms of the concern to residents, the City's Permit Policy No. 3.9.3 provides the opportunity for residents and their visitors to obtain a permit so as to be exempt from the areas of paid parking. It is noted however, that this area of Perth has been time restricted for many years, and therefore at no time has there been an opportunity for residents for their 'second car' to be parked all day on the street, except if they have a permit displayed. With respect to the areas in the former City of Perth area and the East Perth Redevelopment Authority Area, the City has taken the approach that permits are generally not issued to these areas. In terms of the former City of Perth area, this is because the City of Perth did not issue permits. In terms of the redevelopments approved by the East Perth Redevelopment Authority (EPRA), they were based on the parking requirements of the EPRA Town Planning Scheme, which required maximum parking requirements that the developer considered appropriate for each development. It was not the intention that the City of Vincent's parking permits to off-set the shortfall of on-site parking bays.

In terms of the concerns to business operators, with respect to employee parking as outlined above, this area of Perth has been time restricted for many years and therefore whilst being 'free' these bays are intended for short stay parking, and not for employers to park and move their car every few hours. The experience following the installation of ticket machines in Oxford Street, Leederville and Beaufort Street, Mount Lawley has indicated that the introduction of on-street ticket parking, coupled with all day parking and one hour free in the public car parks has actually been beneficial to businesses ensuring parking bays are always available for users throughout different times of the day. Some ¼ Hour Parking bays have also been put in place, which are exempt from ticket parking.

In addition, the City is also currently investigating the review of its Commercial Parking Permits to make them more accessible to local businesses.

A report relating to the concept of Parking Benefit Districts and amendments to the City's Parking Permit Policy No.3.9.3 to review the eligibility of Commercial Parking Permits will be presented to the Council, on completion of the surveys currently being undertaken within the City's Town Centres and immediate surrounding residential areas.

### **Location and Hours of Operation**

The location of the ticket machines has been mapped out during a recent site visit, to arrive at the figure of the amount of machines required. The exact location of the machines is an administrative consideration in liaison between the Ticket Machine Provider and the City's Technical Services staff.

The hours of operation have been informed by site visits to the area and the time restrictions currently in the areas of paid parking within the vicinity. A mixture of 1/4P, 1P, 2P and 3P time restrictions currently exist, generally from 8.00am – 5.30pm Monday to Friday and 8am to 12 noon Saturday. The time restriction of 8.00am to Midnight Monday to Sunday, (2P and 1/4P) with no time restrictions after 7.00pm is also consistent with the recommendations of the City's Car Parking Strategy. Where ticket parking is not proposed the existing time restrictions are recommended to remain e.g. 2P 8.00am – 5.30pm Monday to Friday.

In terms of all day parking, it is recommended that the section of Pier Street between Bulwer and Brewer Street be all day parking and not be time restricted to streamline the existing restrictions around NIB Stadium. The north side of Brewer Street is also to remain all day parking. However to provide greater consistency the operating hours of the all day paid parking in these areas will also be 8.00am to Midnight - Monday to Sunday.

With respect to Stirling Street, it is recommended that if ticket parking is introduced that the whole street from Newcastle Street to Brisbane Street, including the existing all day parking in the median strip, be restricted to 2P, 8.00am to 7:00pm Monday to Sunday, with no time restrictions thereafter. The rationale for this is to encourage all day parkers to use the Brisbane Street Car Park. Also it will avoid confusion in terms of the ticket machines used in the bays in the median and the bays on the edge of the street.

### **Fees**

It is recommended that fees are consistent with the fees issued in the vicinity and listed in the fees and charges for 2012/2013. This fee is \$2.10 per hour. However it is recommended that the areas of all day parking, in Brewer Street and Pier Street, north of Brewer street, remain at \$1.10 per hour.

The Parking Facility Reserve has a current balance of \$267,044, which is sufficient to cover the cost of the proposed eighteen (18) new machines.

### **Parking Surveys and Commercial Parking Permits**

The surveys and current investigation into parking within the City's Town Centres and immediate residential surrounding areas will assist the City to inform any further decisions on improving the management of parking in these areas, which maybe in the form of Parking Benefit Districts and/or changes to the commercial parking permit system.

### **Summary**

In light of the above justification on the various matters relating to parking, it is recommended that the Council support the Officer Recommendations accordingly.

**9.1.5 Nos. 148-158 (Lot 600 D/P:47025) Scarborough Beach Road, corner Fairfield and Flinders Street, Mount Hawthorn – Closure of the Internal Road, Creation of Dedicated Community Space, Including a Children’s Play Area with Shade Structure, Outdoor Seating Area (alfresco), Bicycle Path and Delivery and Car Bays off Fairfield Street to the Existing “Mezz” Shopping Centre**

<b>Ward:</b>	North	<b>Date:</b>	14 September 2012
<b>Precinct:</b>	Mount Hawthorn Centre; P2	<b>File Ref:</b>	PRO0266; 5.2012.235.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report <a href="#">002</a> – Development Application Plans <a href="#">003</a> – Applicant’s Submission		
<b>Tabled Items</b>	Nil		
<b>Reporting Officer:</b>	R Rasiah, Coordinator Statutory Planning		
<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 the applicant, Hames Sharley (WA) Pty Ltd, on behalf of the owner, Hyde Park Management Pty Ltd for Proposed Closure of the Internal Road, Creation of Dedicated Community Space, Including a Children’s Play Area with Shade Structure, Outdoor Seating Area (alfresco), Bicycle Path and Delivery and Car Bays off Fairfield Street to the Existing “Mezz” Shopping Centre, at Nos. 148-158 Scarborough Beach Road, Corner Fairfield and Flinders Streets, Mount Hawthorn, and as shown on plans stamp dated 30 May 2012 and 6 September 2012 Option B Plans relating to delivery and car bays off Fairfield Street, subject to the following conditions:

**1. Building**

- 1.1 All new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Scarborough Beach Road, Fairfield and Flinders Streets;
- 1.2 The maximum floor space shall be limited as follows:
  - 1.2.1 Shops - 5037 square metres of gross floor area;
  - 1.2.2 Eating house (café/restaurant) - 770.45 square metres of public area;
  - 1.2.3 Take away food outlet - 123.4 square metres area open to the public and 29.4 square metres of queuing area; and
  - 1.2.4 Offices – 252 square metres; and

Any increase in floor space or change of use of the shops, eating house, take-away and offices shall require Planning Approval to be applied for and obtained from the City. Any change of use shall be assessed in accordance with the relevant Planning Policy including the City’s Policy No. 3.7.1 relating to Parking and Access;

2. **WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS 'APPROVAL TO COMMENCE DEVELOPMENT', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:**

- 2.1 pay a cash-in-lieu contribution of ~~\$35,340~~ **\$39,900** for the equivalent value of 11.4 car parking spaces, based on the cost of ~~\$3,100~~ **\$3,500** per bay as set out in the City's ~~2011/2012~~ **2012/2013** Budget; OR
- 2.2 lodge an appropriate assurance bond/bank guarantee of a value of ~~\$35,340~~ **\$39,900** to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:
- 2.2.1 to the City at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or
- 2.2.2 to the owner(s)/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or
- 2.2.3 to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired;

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

3. **Car Parking and Accessways**

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

4. **Fencing**

Any new street/front wall, fence and gate within the Scarborough Beach Road, Fairfield and Flinders Streets 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;

5. **Signage**

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

6. **Verge Tree**

No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning;

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

7.1 **Construction Management Plan**

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



8. 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.

*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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Moved Cr Wilcox, Seconded Cr Harley

That the recommendation be adopted.

Debate ensued.

Cr Carey departed the Chamber at 8.08pm.

Debate ensued.

Cr Carey returned to the Chamber at 8.10pm.

Cr Maier queried the amount of cash-in-lieu to be paid and moved the following amendment.

Debate ensued.

#### AMENDMENT 1

Moved Cr Maier, Seconded Cr Buckels

“That Clause 2.1 and 2.2 be amended as follows:

- 2.1 pay a cash-in-lieu contribution of ~~\$35,340~~ ~~\$39,900~~ \$50,400 for the equivalent value of ~~11.4-14.4~~ car parking spaces, based on the cost of ~~\$3,100~~ \$3,500 per bay as set out in the City's ~~2011/2012~~ 2012/2013 Budget; OR
- 2.2 lodge an appropriate assurance bond/bank guarantee of a value of ~~\$35,340~~ ~~\$39,900~~ \$50,400 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:

Debate ensued.

The Presiding Member, Mayor Hon. Alannah MacTiernan requested that consideration of this Item be deferred until the completion of other items, to allow more time for the Director Planning Services to research the information concerning the cash-in-lieu calculations and the amount to be paid.

#### PROCEDURAL MOTION

Moved Cr Pintabona, Seconded Cr Maier

That Item 9.1.5 be DEFERRED until later in the Meeting to allow time for the Director Planning Services to research the information concerning the cash-in-lieu calculations and the amount to be paid.

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

(Cr Topelberg was an apology for the Meeting.)

\*Note: This Item was recommitted later in the meeting. Refer to page 142.

**9.1.7 No. 33 (Lot 124 D/P: 10154) Matlock Street, Mount Hawthorn – Proposed Carport Addition to Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	14 September 2012
<b>Precinct:</b>	Mount Hawthorn, P1	<b>File Ref:</b>	PRO5741; 5.2012.184.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans <a href="#">002</a> – Street view <a href="#">003</a> – Applicant submission		
<b>Tabled Items</b>	Nil		
<b>Reporting Officer:</b>	G O'Brien, Planning Officer (Statutory)		
<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, REFUSES the application submitted by Classic Home and Garage Innovations Pty Ltd on behalf of the owner R & B Ennis for proposed Carport Addition to Existing Single House at No. 33 (Lot 124 D/P: 10154) Matlock Street, Mount Hawthorn, and as shown on plans stamp-dated 10 May 2012, for the following reasons:

1. The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and
2. The non-compliance with SADC 8. Setback of Garages and Carports, Clause (b), of the City's Residential Design Elements Policy No. 3.2.1.

**COUNCIL DECISION ITEM 9.1.7**

**Moved Cr Buckels, Seconded Cr Harley**

That the recommendation be adopted.

Cr McGrath departed the Chamber at 8.22pm.

Debate ensued.

Cr Carey departed the Chamber at 8.23pm.

Debate ensued.

Cr Carey returned to the Chamber at 8.24pm.

Debate ensued.

Cr Maier departed the Chamber at 8.25pm.

Debate ensued.

Cr McGrath returned to the Chamber at 8.26pm.

Debate ensued.

Cr Maier returned to the Chamber at 8.27pm.

Debate ensued.

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

**For:** Mayor Hon. Alannah MacTiernan, Cr Harley, Cr Maier, Cr McGrath, Cr Pintabona, Cr Wilcox

**Against:** Cr Buckels, Cr Carey

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

<b>Landowner:</b>	R & B Ennis
<b>Applicant:</b>	Classic Home and Garage Innovations Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: (MRS) Town Planning Scheme No.1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	640 square metres
<b>Access to Right of Way</b>	Yes, sealed, 6 metres wide.

**PURPOSE OF REPORT:**

The application is referred to a meeting of the Council due to non-compliance with SADC 8. Setback of Garages and Carports, Clause (b), of the City's Residential Design Elements Policy No. 3.2.1.

**BACKGROUND:**

Nil.

**Previous Reports to Council:**

Nil.

**DETAILS:**

The proposal involves the construction of a carport addition within the front setback area of an existing single house where the property has access to an existing rear right of way.

**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
<b>Carports and Garages</b>			✓

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

Issue/Design Element:	Carports and Garages
Requirement:	<p><b>Residential Design Elements</b> <b>SADC 8. Setback of Garages and Carports</b></p> <p>(a) Car parking, garages and carports are to be located at the rear of the property and accessed via a right of way where one exists and the property has legal right of access.</p> <p>(b) Notwithstanding the above, vehicular access to car parking, carports and garages for single houses may be from a street, regardless whether a right of way is available to the property, where;</p> <p>(1) The right of way is unsealed or not programmed to be sealed within the current, or subsequent, financial year in accordance with the City's Right of Way upgrade program; or</p> <p>(2) More than 50 per cent of dwellings in the immediate street block, on the same side of the street that the subject dwelling is located have carports or garages accessed from the primary street; or</p> <p>(3) The applicant demonstrates that there is a mobility or access issue by using the right of way; or</p> <p>(4) The applicant demonstrates that there would be a major impact on the existing amenity or open space at the rear of the property by using the right of way.</p>

<b>Issue/Design Element:</b>	<b>Carpports and Garages</b>
Applicants Proposal:	Carpport in the front setback area with access to a rear Right of Way.
Performance Criteria:	<p><b>Residential Design Elements</b> <b>SPC 8. Setback of Garages and Carpports</b></p> <p>(i) Garages and carpports are not to visually dominate the site or the streetscape.</p>
Applicant's Justification Summary:	<ol style="list-style-type: none"> <li>1. <i>As my wife Bernice has a previous medical condition and cannot gain entry from the rear.</i></li> <li>2. <i>She now finds it hard to manage the large lot and unfortunately we might have to divide it.</i></li> <li>3. <i>As the old garage on the side of the premises is too small for her new car and is in a state of bad repair.</i></li> <li>4. <i>As the family have owned the premises since 1927 and we now in our 80th year and are very proud of Matlock street as one of the best and don't want to move.</i></li> <li>5. <i>We have gained approval from our neighbours and have selected a carpport suitable to blend in the housing of the street.</i></li> </ol>
Officer technical comment:	<ol style="list-style-type: none"> <li>1. Whilst the medical condition is noted to be a valid consideration, it is deemed that the provision of a carpport within the front setback area will not necessarily assist in facilitating a greater degree of accessibility from vehicle to dwelling given <i>that</i> there is an existing hardstand area, that which can accommodate parking for two vehicles, within the front setback area.  Further to this, there is also a single garage to the side of the dwelling, directly behind the hardstand vehicle parking area where the carpport is proposed, that can be accessed by the same means used to gain entry from the front of the dwelling.  In light of the above, whilst the medical consideration of the applicant is a valid consideration, the provision of a carpport in the front setback area is not seen to assist in respect of access and mobility given the existing garage and hardstand vehicle parking within the front setback area.  Moreover, although the proposed carpport would assist in providing an increased provision of shelter, this is not deemed to be a valid consideration that will impact accessibility to the dwelling.</li> <li>2. Whilst it is noted that the applicant experiences difficulty with mobility, the provision of a carpport in the front setback area will not assist with access given that the existing hardstand area is currently utilised to access the front entrance of the dwelling.</li> <li>3. This is not a valid planning consideration that can be taken into account when undertaking an assessment of the application in accordance with the provisions of the Residential Design Elements requirements pertaining to the setback of carpports and garages where access to a Right of Way exists.</li> </ol>

Issue/Design Element:	Carpports and Garages
	<p>4. As above.</p> <p>5. As above. The proposal has been assessed against the provisions of SADC 8. Setback of Garages and Carpports and has been found to be non-complaint in this respect due to existing access to a 6.0 metre wide, sealed, paved, and drained Right of Way to the rear of the property.</p>

**CONSULTATION/ADVERTISING:**

Required by legislation:	No	Required by City of Vincent Policy:	No
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**LEGAL/POLICY:**

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

**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 2005*.

**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
Given the proposal would involve the assembly of pre-fabricated materials, there are not considered to be any significant, or in this instance notable, environmental implications with respect of the proposed development.	

SOCIAL	
Issue	Comment
As above, the proposal would involve the construction of a carport that would provide shelter to a hardstand vehicle parking area, which is not considered to present any social implications that would bare weighting for consideration.	

<b>ECONOMIC</b>	
<b>Issue</b>	<b>Comment</b>
The construction of the carport would provide short term employment opportunities for those involved in the building and construction industry.	

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

Whilst it is considered that the applicant has provided suitable justification to substantiate the claim of a mobility or access issue, in this instance the characteristics of the subject site are such that the provision of a carport will not improve this condition nor assist in enabling a greater degree of accessibility between the vehicle parking area and the dwelling.

This is due to the area where the carport is proposed being an existing hardstand vehicle parking area that can accommodate parking for two vehicles, behind which is located a single garage that could be used to provide the shelter that a carport would provide. There is also an existing shed located off the Right of Way at the rear of the property that could accommodate covered parking for one vehicle.

Given the existing structures on site that have the potential to accommodate vehicle parking for up to four vehicles, that, coupled with what is largely an intact single storey streetscape with access to a six metre wide, sealed, paved and drained Right of Way to the rear of the property, refusal is recommended.

**9.1.10 Amendment No. 95 to Planning and Building Policies – Draft Amended Policy No. 3.4.2 relating to Aged or Dependent Persons’ Dwellings**

<b>Ward:</b>	Both	<b>Date:</b>	14 September 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	PLA0238
<b>Attachments:</b>	<a href="#">001</a> – Draft Amended Policy No. 3.4.2 relating to Aged or Dependent Persons’ Dwellings		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Fox, Strategic Planning Officer		
<b>Responsible Officer:</b>	C Eldridge, Director Planning Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **RECEIVES** the Report relating to Amendment No. 95 to Planning and Building Policies - Draft Amended Policy No. 3.4.2 relating to Aged or Dependant Persons’ Dwellings, as shown in as shown in Appendix 9.1.10;
2. **ADVERTISES** Amendment No. 95 to Planning and Building Policies – Draft Amended Policy No. 3.4.2 relating to Aged or Dependant Persons’ Dwellings for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1, including:
  - 2.1 advertising a summary of the subject Amendment once a week for four consecutive weeks in a newspaper circulating in the locality;
  - 2.2 where practicable, notifying those persons who, in the opinion of the City, might be directly affected by the subject Policy; and
  - 2.3 forwarding a copy of the subject Amendment to the Western Australian Planning Commission; and
3. after the expiry of the period for submissions:
  - 3.1 **REVIEWS** Draft Amended Policy No. 3.4.2 relating to Aged or Dependant Persons’ Dwellings, having regard to any written submissions; and
  - 3.2 **DETERMINES** Draft Amended Policy No. 3.4.2 relating to Aged or Dependant Persons’ Dwellings, with or without amendment, to or not to proceed with them.

Moved Cr Wilcox, Seconded Cr Pintabona

That the recommendation be adopted subject to the following change;

- “1. **RECEIVES** the Report relating to Amendment No. 95 to Planning and Building Policies - Draft Amended Policy No. 3.4.2 relating to Aged or Dependant Persons’ Dwellings, as shown in as shown in Appendix 9.1.10; subject to the draft policy being amended as follows:
  - 1.1 Objective 1 of the policy being amended to remove reference to ‘small-scale’;”

Cr Harley departed the Chamber at 8.29pm.

Debate ensued.

Cr Harley returned to the Chamber at 8.32pm.

Debate ensued.

Cr Carey departed the Chamber at 8.34pm.

Debate ensued.

Cr Carey returned to the Chamber at 8.36pm.

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

(Cr Topelberg was an apology for the Meeting.)

**COUNCIL DECISION ITEM 9.1.10**

That the Council;

1. **RECEIVES** the Report relating to Amendment No. 95 to Planning and Building Policies - Draft Amended Policy No. 3.4.2 relating to Aged or Dependant Persons' Dwellings, as shown in as shown in Appendix 9.1.10; subject to the draft policy being amended as follows:
  - 1.1 **Objective 1** of the policy being amended to remove reference to 'small-scale'; and
2. **ADVERTISES** Amendment No. 95 to Planning and Building Policies – Draft Amended Policy No. 3.4.2 relating to Aged or Dependant Persons' Dwellings for public comment, in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1, including:
  - 2.1 **advertising** a summary of the subject Amendment once a week for four consecutive weeks in a newspaper circulating in the locality;
  - 2.2 **where practicable, notifying** those persons who, in the opinion of the City, might be directly affected by the subject Policy; and
  - 2.3 **forwarding** a copy of the subject Amendment to the Western Australian Planning Commission; and
3. **after the expiry of the period for submissions:**
  - 3.1 **REVIEWS** Draft Amended Policy No. 3.4.2 relating to Aged or Dependant Persons' Dwellings, having regard to any written submissions; and
  - 3.2 **DETERMINES** Draft Amended Policy No. 3.4.2 relating to Aged or Dependant Persons' Dwellings, with or without amendment, to or not to proceed with them.

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**PURPOSE OF REPORT:**

The purpose of this report is to present the Draft Amended Policy No. 3.4.2 relating to the Aged or Dependant Persons' Dwellings for consideration by the Council, and to seek the Council's approval to advertise the Draft Amended Policy.

**BACKGROUND:**

**Housing needs identified**

The City's draft *Local Planning Strategy* identifies a projected increase in the population aged 55 years and over living within the City, many of whom will live alone. This trend is not unique to the City of Vincent, with the State Governments *Directions 2031* identifying a trend across the whole metropolitan area of an aging population, longer life expectancy and smaller household size.



*Directions 2031* identifies a need for all local governments to plan to meet the needs of an increased aging population over the coming decades. With the growing trend towards an aging population comes the increasing need for housing diversity, adaptability, affordability and choice to cater for smaller households and people with special needs.

While future housing needs have been clearly identified, the City of Vincent and metropolitan Perth generally are faced with the issue of a declining supply of aged care housing and housing affordability.

### **Why review Policy No. 3.4.2 relating to Aged or Dependent Persons' Dwellings?**

The City's *Affordable Housing Strategy* identified a decline in affordable housing suitable for the aged and those with special needs, specifically recognising that the City's current policy No. 3.4.2 relating to Aged or Dependent Persons' Dwellings together with requirements of the R Codes set quite an arduous but not unachievable list of development criteria for this form of housing. The *Affordable Housing Strategy* states that '*the additional requirements of the policy linking into support services etc. may prohibit this form of development or add to the overall costs which could remove the end resulting units out of the reach of many older people on lower incomes*' and further recommends a review of the City's Policy No. 3.4.2 relating to Aged or Dependent Persons' Dwellings.

Additionally an objective of the City's *Local Planning Strategy* is to develop policy and/or scheme provisions that enable accommodation in an appropriate form for the needs of the changing demographics, including single persons, small households, aged and dependent households, and those with special needs.

While the City's existing Policy No. 3.4.2 relating to Aged or Dependent Persons Dwellings supports the requirements of Clause 6.11.2 of the R Codes relating to Aged or Dependant Persons Dwellings, a number of amendments to the Policy will ensure consistency with the provisions of the R Codes and better facilitate the development of specialised dwellings for aged or dependent persons within the City.

### **R Code Provisions for Aged or Dependant Persons Dwellings**

Clause 6.11.2 of the R Codes includes provisions for Aged or Dependent Persons' Dwellings. It is the intention of these provisions to encourage the development of small scale purpose built dwellings within the local community. As Aged or Dependent Persons' Dwellings are generally smaller than conventional dwellings and the occupants have a lower car ownership ratio, Clause 6.1.3 of the R Codes allow the reduction of the site area by one third required by code applying to the site.

To prevent this concession from being unreasonably applied to standard housing, the concession is subject to four constraints:

- there is a limit on the size of such a dwelling;
- they must be purpose-designed;
- there is a minimum of five dwellings in a single development; and
- they are subject to a legal agreement to restrict occupancy.

A review of Policy No. 3.4.2 has identified proposed amendments to the policy that support the intent of the R Codes, and has also explored opportunities to build on the provisions of the R Codes to better facilitate Aged or Dependent Persons Dwellings within the City.

Details of these proposed amendments are included in the 'Details' section of this report.

### **History:**

Date	Comment
27 March 2001	The City's Policy No. 3.4.2 relating to Aged or Dependent Persons' Dwelling was adopted as part of the Town's Planning and Building Policy Manual.

**Previous Reports to Council:**

Nil.

**DETAILS:**

**Planning and Building Policy Manual Review**

It is noted that as part of the Town Planning Scheme Review, the City's Officers are reviewing the Planning and Building Policy Manual in consideration of the following:

- Update Policies to reflect Local Planning Strategy objectives;
- Remove redundant policies;
- Ensure consistency amongst all policies (i.e. in terms of layout and form);
- To minimise replication of requirements, especially where a requirement may be subject to separate and adequate legalisation; and
- Address issues as identified by the City's Statutory Planners.

In reviewing the City's current Policy No. 3.4.2 relating to Aged or Dependent Persons Dwellings, a number of amendments are proposed to in light of the above rationale.

Details of these amendments are outlined below.

**Minimum Number of Dwellings**

The acceptable development provisions of the R Codes for Aged or Dependent Persons' Dwellings require a minimum of five dwellings in a single development. Notwithstanding this requirement, the R Codes do allow Councils to make local planning policies that reduce the requirement for a minimum number of dwellings where the Council want to facilitate additional aged or dependent persons' dwellings.

Given the trend towards an aging population, the need to facilitate greater diversity of housing choice and affordability, and the small lot sizes in the City, it is considered appropriate to reduce the minimum dwellings required in a single development to two.

Accordingly a new Clause 4.1 has been included in the draft amended Policy to be read as follows:

*4.1 The Council will consider applications for Aged or Dependent Persons' Dwellings where a minimum of two such dwellings within any single development are proposed.*

The addition of this clause aims to provide additional opportunities for the development of Aged or Dependant Persons' Dwellings as part of a development comprising other forms of dwellings, or the addition of Aged or Dependant Persons' Dwellings at the rear of existing dwellings.

**Variations to Density and Site Area**

The City's Statutory Planning Services have requested that the Policy be amended to include some clarification in relation to density bonuses.

In relation to Aged or Dependent Persons' Dwellings the Acceptable Development standard A3 of 6.1.3 of the Residential Design Codes states:

"A3 *Subject to 6.1.2 only, the following variations to the minimum and average areas set out in table 1 may be made:*

- i for the purpose of an Aged or Dependent Persons' Dwelling or a single bedroom dwelling, the minimum site areas may be reduced by up to one third, in accordance with part 6.11.2 and 6.11.3;..."*

These provisions are provided for in Clause 3.1 of Policy No. 3.4.2 relating to Aged or Dependant Persons' Dwellings.

Clause 3.1 of the Policy has been amended to link the Policy with Clause 6.1.3 A3 (i) of the Residential Design Codes which allow for a reduction of the minimum site area for Aged or Dependant Persons' Dwellings. Clause 3.1 has been amended as follows:

*'3.1 In accordance with Clause 6.1.3 A3(i) of the R Codes a reduction in the site area per dwelling may be approved. The Council ~~may grant~~ will consider a density bonus of up to 50 percent for the developments of aged or dependent persons' dwellings, subject to one of the following criteria being satisfied:*

Under Clause 20 of the City's Town Planning Scheme relating to Special Application of the Residential Planning Codes (R Codes) it states the Council may grant an increase in the permitted dwelling density by up to 50% if:

- "(a) the proposed development effects the discontinuance of a non-conforming use; or*
- (b) the proposed development conserves or enhances an existing dwelling or existing dwellings worthy of retention; or*
- (c) the proposed development would remove all existing vehicular access to and from the site from a road shown on the functional road hierarchy map as a primary distributor or district distributor (A)."*

Where the circumstance enable, some developers have requested that both bonuses be applied to their development to maximise the development potential. To ensure that land is not over developed and to maintain the amenity of adjacent properties, it has been the City's position that only one of the above bonuses can be sought in a development. To clarify this matter, an additional Clause 3.2 has been included as follows:

*'3.2 The provisions of Clause 20 (2) of the City of Vincent Town Planning Scheme No. 1, relating to a 50 per cent density bonus, can not be used in conjunction with the one third reduction in site area bonus as permitted by the Residential Design Codes.*

### **Affordable Housing Strategy recommendations**

The City's *Affordable Housing Strategy* identifies a number of key initiatives to increase opportunities for affordable housing within the City. Of note, the *Affordable Housing Strategy* identifies that the additional requirements of the City's current Policy No. 3.4.2 relating to Aged and Dependent Persons' Dwelling may discourage this form of development rather than act as an incentive for development. For example, linking it into support services (i.e. must be within 300 metre radius of a district or local shopping centre) in order to achieve a reduction in the minimum site area required.

In light of this, Clause 3.1 b) and c) of the Policy have been amended to be less restrictive in relation to the proximity to district or local services and conveniences or to public transport in order for a reduction in site area to be considered. In light of this, the Policy has been amended to be read as follows:

- "~~ii) b)~~ the development is located within an 800 ~~300~~ metre radius of a District or Local Centre zoned area; ~~a district or local shopping centre which provides a range of services and facilities that are considered essential to cater for the day-to-day needs of aged or dependent persons and where access to those services is not unduly restricted for aged or dependent persons;~~ or*
- c) the development is within 400 metres of a public transport route.*

It is noted that a reduction in minimum site area allowed for in Clause 6.1.3 of the R Codes is not 'as of right'. However, given that the City needs to encourage specialised forms of housing for its changing population, the above proposed amendments aim to support the development of Aged or Dependant Persons' Dwellings by increasing opportunities for a reduction in the minimum site area required to be achieved.

## Composition of Development

Clause 4.2 of the Policy relating to the composition of development has been added to ensure consistency with the R Codes and to further clarify the form in which aged or dependant persons' dwellings may be considered. The addition of this clause aims to identify and consider opportunities to incorporate Aged and Dependent Persons' Dwellings into a development comprising other forms of housing. Clause 4.2 reads as follows:

'4.2 Aged or Dependent Persons' Dwellings may be in the form of Single, Grouped or Multiple Dwellings comprising the whole of a proposed development; or part of a proposed development (in combination with other dwellings which have no occupancy restrictions).'

## Clause 5 relating to Requirements

### Location Criteria and Support Services

It is proposed to remove current Clause 3) i) relating to 'Location Criteria' and Clause 3) ii) relating to 'Support Services' from Policy No. 3.4.2. As the City's Town Planning Scheme No. 1 provides for the location of Aged or Dependant Persons' Dwellings, it is considered superfluous to include provision in the Policy that relate to location criteria, which might be inconsistent with the Scheme.

The City's *Affordable Housing Strategy* has also raised the issue that linking the policy to requirements such as support services may be overly restrictive and may discourage the development of Aged or Dependent Persons' Dwellings. Additionally, it is noted that Aged or Dependant Persons' dwellings cater for persons aged 55 years and over and therefore the reliance of support services and care assistance will differ greatly depending on the age and needs of residents (ie. no/low care facilities vs. high care facilities). It is considered that additional onerous requirements for support services contained in the current policy for all aged and dependent persons' dwellings may hinder their development.

### Design and Streetscape

In the current Policy No. 3.4.2, Clause 3) iii) states that *'Conventional housing does not fall within the category of aged and dependent dwellings, it is not intended, however, that the developments look like institutional dwellings.'* This requirement now contained in Clause 5.1 has been amended to ensure that the development of Aged or Dependent Persons' Dwellings, whilst not be considered 'conventional' are designed in a form that is mindful of an existing established streetscape, as follows:

'a) *Whilst ~~Conventional housing does not fall within the category of aged or dependent persons' dwellings~~, it is expected that the design be responsive to an existing established or desired future streetscape. It is not intended, ~~however~~, that the developments look like institutional dwellings.'*

### Car Parking Requirements

Clause 5.2 of the Policy has been amended to link the Policy to parking provisions contained in the R Codes, rather than specifying the requirement of one (1) one parking space per dwelling. The aim of this amendment is to minimise replication of requirements, especially where a requirement is adequately contained in other legalisation. Additionally, given the current review of the R Codes, Policy No. 3.4.2 will not require further amending in relation to car parking requirements should the provisions in Codes change as a result of the R Codes review.

### Building Code Requirements

Clause 5.3 of Policy No. 3.4.2 has been amended to reflect the current reference to the National Construction Code Series 2012 Building Code of Australia (volume One) and Australian Standards 1428.1.

Specific requirements relating to the Building Code and the Australian Standards have been removed from the policy as these are already addressed in the R Codes. It is considered unnecessary to outline these specific requirements as are covered in other legislation.

### Communal Open Space

In the current Policy No. 3.4.2, Clause 3) iii) cc) relating to communal open space has been removed. This will ensure consistency with the R Codes that do not require communal open space for grouped, single or multiple dwelling developments.

### **Administrative changes**

In light of the current review of the Policy manual it was considered appropriate to streamline the Policy No. 3.4.2 relating to Aged or Dependent Persons' Dwelling Policy to ensure consistency with other policies. The Changes resulting from the broader policy review are summarised below:

- **Renumbering of Clauses** - The adding and deleting of new clauses has resulted in new numbering for a number of the clauses throughout the Policy.
- **Introduction** - An introduction has been included in the Policy to clearly set out the intent of the policy.
- **Objectives** - The Policy objective has been amended to better reflect the intent of the policy.
- **Definitions** - Definitions have been referenced to the R Codes definitions to ensure consistency.

### **CONSULTATION/ADVERTISING:**

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

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

### **LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies.

### **RISK MANAGEMENT IMPLICATIONS:**

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

### **STRATEGIC IMPLICATIONS:**

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

*“Improve and Maintain the Environment and Infrastructure:*

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

**SUSTAINABILITY IMPLICATIONS:**

ENVIRONMENTAL	
Issue	Comment
The amendments to the City's Policy No. 3.4.2 relating to Aged or Dependant Persons' Dwellings serves to provide appropriate located housing options for the City's ageing population within close proximity to public transport opportunities.	

SOCIAL	
Issue	Comment
The amendments to the City's Policy No. 3.4.2 relating to Aged or Dependant Persons' Dwellings serve to provide specialised and affordable housing opportunities for the City's aging residents responding to increased pressure for housing option for the City's changing demographics.	

ECONOMIC	
Issue	Comment
The amendments to the City's Policy No. 3.4.2 relating to Aged or Dependant Persons' Dwellings assist in facilitating appropriately located accommodation for the City's residents with special needs that is conveniently located within close proximity or easily accessible to commercial conveniences.	

**FINANCIAL/BUDGET IMPLICATIONS:**

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

Town Planning Scheme Amendments and Policies

Budget Amount:       \$ 80,000  
Spent to Date:         \$ 142.50  
Balance:                \$ 79,857

**COMMENTS:**

It is considered that the proposed changes to Policy No. 3.4.2 relating to Aged or Dependant Persons Dwellings will achieve the following objectives:

- Ensure that existing policy provisions for Aged or Dependant Persons' Dwellings reduce unnecessary requirements and facilitate and encourage sufficient housing of this form within the City;
- Ensure that the City's ageing population can continue to stay in their own neighbourhoods as their housing needs change;
- Ensure that Aged or Dependant Persons' Dwellings are designed in a manner to meet the special needs of aged or dependent persons;
- Encourage Aged or Dependant Persons' Dwellings to be conveniently located to public transport, convenient shopping and community services; and
- Ensure consistency with the Aged or Dependant Persons Dwelling provisions of the R Codes.

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

**9.2.1 Proposed Reintroduction of Two-Way Traffic on Beaufort and William Streets, Perth - Progress Report No. 7**

Ward:	South	Date:	14 September 2012
Precinct:	Beaufort (13)	File Ref:	TES0473
Attachments:	<a href="#">001</a> – Proposed Two-Way Plan		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. NOTIFIES business proprietors and residents, in the section of Beaufort Street between Brisbane Street and Newcastle Street and the section Brisbane Street between William Street and Beaufort Street, that the works to convert Beaufort Street, south of Brisbane Street and Brisbane Street between William Street and Beaufort Street from one way to two way, as shown on attached Plan No 2740-CP-03E are tentatively scheduled to commence in December 2012 and due to be completed by April 2013; and
2. NOTES that the Public Transport Authority is preparing a Memorandum of Understanding with the City of Vincent outlining their commitment to funding the relocation of services, road widening works and the reconfiguration of the Brisbane/Beaufort Street intersection to accommodate buses.

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Moved Cr Maier, Seconded Cr McGrath

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

“That a new clause 3 be added as follows:

3. AUTHORISES the Chief Executive Officer to enter into dialogue with both the City of Perth, and the Public Transport Authority and the Department of Transport to explore the advantages and disadvantages of allowing other vehicles such as ‘high occupancy vehicles’ to use the proposed kerbside bus priority lanes during the peak periods.”

Debate ensued.

Cr Buckels asked the Mover, Cr Maier if he could *change* a word “AUTHORISES” to “REQUESTS” in the new clause. The Seconder, Cr McGrath agreed as follows;

- “3. AUTHORISES REQUESTS the Chief Executive Officer to enter into dialogue with both the City of Perth, and the Public Transport Authority and the Department of Transport to explore the advantages and disadvantages of allowing other vehicles such as ‘high occupancy vehicles’ to use the proposed kerbside bus priority lanes during the peak periods.”

Debate ensued.

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

(Cr Topelberg was an apology for the Meeting.)

**COUNCIL DECISION ITEM 9.2.1**

That the Council;

1. **NOTIFIES** business proprietors and residents, in the section of Beaufort Street between Brisbane Street and Newcastle Street and the section Brisbane Street between William Street and Beaufort Street, that the works to convert Beaufort Street, south of Brisbane Street and Brisbane Street between William Street and Beaufort Street from one way to two way, as shown on attached Plan No 2740-CP-03E are tentatively scheduled to commence in December 2012 and due to be completed by April 2013;
2. **NOTES** that the Public Transport Authority is preparing a Memorandum of Understanding with the City of Vincent outlining their commitment to funding the relocation of services, road widening works and the reconfiguration of the Brisbane/Beaufort Street intersection to accommodate buses; and
3. **REQUESTS** the Chief Executive Officer to enter into dialogue with the City of Perth, the Public Transport Authority and the Department of Transport to explore the advantages and disadvantages of allowing other vehicles such as 'high occupancy vehicles' to use the proposed kerbside bus priority lanes during the peak periods.

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**PURPOSE OF REPORT:**

The purpose of this report is to update the Council on the progress of the reintroduction of two-way traffic in the City's of Vincent and Perth streets and inform the Council on the proposed schedule of works.

**BACKGROUND:**

**Ordinary Meeting of Council 14 August 2012:**

The Council received progress report No. 6 on the proposed reintroduction of two-way traffic on Beaufort and William Streets, Perth relating specifically to the Beaufort/Brisbane Intersection.

At the conclusion of the discussion Council made the following decision (in part):

*That the Council;*

1. *APPROVES Option 2 as the preferred option for the proposed modification to the Brisbane Street and Beaufort Street, Perth intersection to accommodate a 'bus-only right turn lane' on Brisbane Street for east bound Brisbane Street buses turning right into Beaufort Street, as shown in Appendix 9.2.1C, for the reasons as outlined in the report; and*
2. *ADVISES the Public Transport Authority and the City of Perth of its decision;*

**DETAILS:**

**Beaufort Street, Brisbane Street to Newcastle Street:**

Current Configuration:

The current road comprises two (2) north bound traffic lanes and two (2) embayed parking bays with varying time restrictions.





*Shows exiting road with two (2) traffic lanes and two (2) 'red' embayed parking bays.*

Proposed Configuration:

The proposed road will comprise four (4) traffic lanes two (2) south bound with an inner peak hour bus lane and two (2) north bound with an inner peak hour bus lane.

To accommodate the bus movements, the carriageway needs to be widened on both sides by approximately 400mm. In addition, due to the previous EPRA works over the 'Northbridge Tunnel' the Beaufort Street carriageway will require additional widening of 700m adjacent to Weld Square as the existing carriageway width was further reduced at the time. Some tree pruning will also be required.



*Shows the extent of widening required adjacent to Weld Square (proposed footpath in yellow)*

Previous Community Consultation:

Currently this section of Beaufort Street has kerbside time restricted all day parking. With the proposed reversion to two-way the kerbside parking will not be available during the peak periods south bound AM and north bound PM as these inner lanes will comprise 'bus lanes'.

Outside of the peak periods, kerbside parking will be permitted for the time being. At its meeting held on 13 April 2010 the Council made the following decision (in part):

- "(iv) CONSULTS with businesses and residents of Beaufort Street, Brisbane Street, William Street and other parties affected by the proposal;*
- (v) WRITES to Main Roads WA and the PTA seeking their further comments regarding the proposal, including but not limited to the suggested staging by both the Town and the CoP;*
- (vi) RECEIVES a further report at the conclusion of the consultation and once feedback has been received from the City of Perth, Main Roads WA and the PTA;"*

In accordance with clause (iv) of the Council decision on 30 April 2010, 335 letters with attached plans were distributed to residents of Beaufort, Brisbane, and William Streets and other parties affected by the proposal.

At the close of consultation on 28 May 2010 *no responses were received.*

Public Transport Authority (PTA) – Cost Contribution:

To accommodate the provision of peak period 'bus lanes' the PTA has agreed to the following:

- To fund all works associated with the modifications to the Beaufort/Brisbane Streets intersection and all widening costs including all associated service relocation costs associated with these works;
- To fund investigative works to accommodate widening to accommodate busses; and
- To prepare MOU between Cities and PTA however work to continue.

Note: PTA previously agreed to the provision of bus priority lanes during peak periods only and no 24/7 bus lanes have been approved at this stage.

Scheduling of Works:

As reported to the Council (OMC 14 August 2012) the City of Perth is planning to commence preliminary site works on the Beaufort two-way road conversion in *December 2012* with the Beaufort Street two-way opening currently scheduled for *April 2013* all going well. The City of Perth has also scheduled William Street between Roe Street and Newcastle Streets to revert to two-way April 2013.

The following was previously reported to Council (OMC 14 August 2012)

- City of Perth is currently planning to commence works in December 2012;
- Beaufort Street two-way opening scheduled for April 2013; and
- William Street two-way from Roe to Newcastle Streets scheduled for April 2013.

**CONSULTATION/ADVERTISING:**

It is recommended that businesses/residents in Beaufort Street between Brisbane Street and Newcastle Street and the section Brisbane Street between William Street and Beaufort Street be kept informed of progress with regards the proposed two-way conversion leading up to the actual implementation. The biggest change will be in Beaufort Street between Brisbane and Newcastle Streets where there will be no parking allowed during the AM and PM peak periods (the parking is currently embayed). As previously mentioned in 2010 businesses in the area were requested to comment on the proposal and no responses were received.

**LEGAL/POLICY:**

Brisbane, William and Beaufort Streets, to Newcastle Street, are District Distributor A roads under the care, control and management of the City of Vincent.

**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:**

Providing improved public transport access.

**FINANCIAL/BUDGET IMPLICATIONS:**

Funding of \$460,000 has been allocated in the 2012/2013 for implementing the works. The majority of the works associated with the Beaufort/Brisbane Streets intersection will be funded by PTA.

Also all widening costs and associated service relocation costs will be funded by PTA.

**COMMENTS:**

The officers are having regular meetings with PTA, City of Perth, MRWA and now with Public Utility providers to progress the project currently planned to commence in December 2012 with the Beaufort Street two-way opening currently scheduled for April 2013 all going well.

Progress reports will be submitted to the Council as information becomes available.

**9.2.4 City of Vincent 'Hyde Park Catchment Management Plan' - Adoption**

<b>Ward:</b>	Both	<b>Date:</b>	14 September 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	RES0042
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Catchment Management Plan		
<b>Reporting Officers:</b>	J Parker, Project Officer – Parks & Environment; R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That the Council;

1. **ADOPTS** the City of Vincent 'Hyde Park Catchment Management Plan – dated 2012, as laid on the table, to be used as a 'guiding document' for improving the quality of water flowing into the Hyde Park Lakes;
2. **LISTS** an amount of \$5,000 for consideration in the 2013/2014 draft budget to carry out the listed actions in the 'Hyde Park Catchment Management Plan';
3. **AUTHORISES** the Chief Executive Officer to:
  - 3.1 **advertise** the Hyde Park Catchment Management Plan for a period of twenty-one (21) days, seeking public comment;
  - 3.2 **report back** to the Council if any submissions are received; and
4. **NOTES** further progress reports on the implementation of actions detailed in the 'Hyde Park Catchment Management Plan' will be submitted to the Council.

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**COUNCIL DECISION ITEM 9.2.4**

**Moved Cr Buckels, Seconded Cr McGrath**

That the recommendation be adopted.

**PROCEDURAL MOTION**

**Moved Cr Buckels, Seconded Cr McGrath**

That the item be **DEFERRED** to the Ordinary Meeting of Council to be held on 9 September 2012, to allow the Council an opportunity to read the Catchment Management Plan. (Which was only Tabled and not linked as an Attachment.)

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

(Cr Topelberg was an apology for the Meeting.)

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**PURPOSE OF REPORT:**

The purpose of this report is to request the adoption of the City's 'Hyde Park Catchment Management Plan'.

**BACKGROUND:**

In 2011 the Council adopted the Sustainable Environment Strategy 2011-2016 which outlines the actions required to achieve the objectives listed in the strategy. In accordance with objective 3.2 Water Quality & Consumption: Action 2.6 states;

*“Develop and implement a comprehensive Catchment Management Plan for the City to reduce sources of stormwater and groundwater contamination (nutrient and non-nutrient), and to recharge groundwater by increasing stormwater infiltration and retention on site.”*

At its Special Meeting held on 13 October 2009 (Hyde Park Lakes Restoration Project – Progress Report No 7) the Council made the following decision (in part):

“(vi) *AUTHORISES the Chief Executive Officer to;*

*(i) prepare a Catchment Management Plan to minimise further pollutants entering the Hyde Parks Lakes.”*

**DETAILS:**

In accordance with the Council's decision a 'Hyde Park Catchment Management Plan' that provides the relevant background to the Hyde Park catchment area and the traditional values of the locale has been developed.

The plan identifies the relevant elements required in a catchment management plan in line with the City's values and other relevant documents, such as the Sustainable Environment Strategy, Water Conservation Plan and the Vincent Habitat Project.

The Plan contains the following eleven (11) Elements:

- |            |   |
|------------|---|
| Element 1  | Site Investigation;                           |
| Element 2  | Legislation;                                  |
| Element 3  | Identification and Working with Stakeholders; |
| Element 4  | Monitoring High Risks;                        |
| Element 5  | Moving Forward;                               |
| Element 6  | Community Engagement;                         |
| Element 7  | Monitoring and Analysis;                      |
| Element 8  | Planning for Emergencies;                     |
| Element 9  | Water Quality Improvement;                    |
| Element 10 | Council Commitment; and                       |
| Element 11 | Increasing Biodiversity.                      |

Each of the elements have an objective and in order for the City to successfully achieve the short, medium and long term objectives a number of actions have been developed and listed under each of the action as follows:

- Short term actions zero (0) to three (3) years;
- medium term actions three (3) to six (6) years; and
- long term actions six (6) to ten (10) years.

The Hyde Park Catchment Management Plan provides a guide for addressing any major issues within the catchment area and identifies opportunities for improvement and the implementation of appropriate actions for water quality improvements throughout the catchment and surrounding ecological systems.

Integrated catchment management provides numerous benefits to the surrounding natural environment and the local flora and fauna.

**CONSULTATION/ADVERTISING:**

The Hyde Park Catchment Management Plan will be advertised for public comment for twenty-one (21) days.

If no submissions are received, the plan will be adopted without any changes. Any submissions will be reported to the Council for consideration.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Medium:** If the Hyde Park Catchment Management Plan is not adopted the City may be at a medium risk of a polluted catchment area.

**STRATEGIC IMPLICATIONS:**

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

*"Natural and Built Environment*

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

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

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

**SUSTAINABILITY IMPLICATIONS:**

The City is committed to the principles of environmental protection and through policy development will ensure the longevity of the natural environment.

In accordance with the objective of Sustainable Environment Strategy – 3.2 Water Quality & Consumption: Action 2.6;

*"Develop and implement a comprehensive Catchment Management Plan for the City to reduce sources of stormwater and groundwater contamination (nutrient and non-nutrient), and to recharge groundwater by increasing stormwater infiltration and retention on site."*

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost of implementing the actions outlined in the plan will vary from year to year however is estimated that each year for a five (5) year period an amount of \$5,000 will be required for water analysis, water treatment and investigation of remediation options.

In addition any actions identified will be listed for consideration in that year's draft budget e.g. increasing infiltration etc.

**COMMENTS:**

The adoption of the Hyde Park Catchment Management Plan will provide guidelines for officers and the Council for the enhanced management of the catchment area resulting in improved water quality and overall ecological health.

It is therefore recommended that the Council adopts the plan and lists an amount of \$5,000 for consideration in the 2013/2014 draft budget.

The Council shall receive progress reports on the implementation of the actions outlined in the Hyde Park Catchment Management Plan.

**9.3.4 Loftus Community Centre Request to Change A Budget Item Change**

<b>Ward:</b>	Both	<b>Date:</b>	14 September 2012
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0025
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	M Rootsey Director Corporate Services		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **APPROVES BY AN ABSOLUTE MAJORITY** to amend the 2012/2013 Budget as follows;

<b>DELETE ITEM</b>	<b>AMOUNT</b>
Renovation of the Loftus Community Centre toilets.	\$12,500

<b>NEW ITEM</b>	<b>AMOUNT</b>
Replacement of the Loftus Community Centre carpet and provide hard wearing and durable vinyl.	\$10,700

Moved Cr McGrath, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

**AMENDMENT 1**

Moved Cr Buckels, Seconded Cr Carey

“That the Officer Recommendation be amended to read as follows:

That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY** to amend the 2012/2013 Budget as follows; and

<b>DELETE ITEM</b>	<b>AMOUNT</b>
Renovation of the Loftus Community Centre toilets.	\$12,500

<b>NEW ITEM</b>	<b>AMOUNT</b>
Replacement of the Loftus Community Centre carpet and provide hard wearing and durable vinyl.	\$10,700

and;

2. **LISTS** for consideration and amount of \$12,500 to be included in the half yearly Budget review for the renovation of the Loftus Community Centre toilets.”

**AMENDMENT 1 PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Topelberg was an apology for the Meeting.)

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

(Cr Topelberg was an apology for the Meeting.)

**COUNCIL DECISION ITEM 9.3.4**

That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY to amend the 2012/2013 Budget as follows; and**

<b>DELETE ITEM</b>	<b>AMOUNT</b>
Renovation of the Loftus Community Centre toilets.	\$12,500

<b>NEW ITEM</b>	<b>AMOUNT</b>
Replacement of the Loftus Community Centre carpet and provide hard wearing and durable vinyl.	\$10,700

and;

2. **LISTS for consideration and amount of \$12,500 to be included in the half yearly Budget review for the renovation of the Loftus Community Centre toilets.**

---

**PURPOSE OF REPORT:**

To obtain Council approval for the request received from the Loftus Community Centre to amend the Capital Budget, due to an increased priority for the Centre.

**BACKGROUND:**

The Loftus Community Centre included two (2) items in the submission for the Draft Budget 2012/13:

1. To replace the carpet in the Community Hall with a hard wearing vinyl - the same flooring as is currently in the Learning Centre; and
2. To renovate the toilets, changing tiles, basins and toilets over to dual flush. These toilets were not refurbished during the previous renovations.

However, only the item for the toilet renovations was included on the Draft Budget 2012/2013.

**DETAILS:**

The Budget was adopted with inclusion of the toilet renovation work.

Following the adoption of the Annual 2012/2013 Budget the City received a verbal request if consideration could be given to amending the budget to change the budget to include the carpet replacement rather than the toilet renovation. The justification was the carpet replacement had an impact on appearance and could therefore affect income received through room hire and considered a higher priority than the toilet renovation work.

Correspondence was received from the Loftus Community Centre on the 31 August 2012 outlining their request.

The Community Centre have requested that the toilet renovation work be included in the 2013/2014 Draft Budget.

**CONSULTATION/ADVERTISING:**

Not Applicable.

**LEGAL/POLICY:**

Not Applicable.



**RISK MANAGEMENT IMPLICATIONS:**

**Low** There is minimal financial implication as a result of the requested change.

**STRATEGIC IMPLICATIONS:**

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

*Objective 3.1: Enhance and promote community development and wellbeing*

**SUSTAINABILITY IMPLICATIONS:**

Not Applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The Budget line item requested by the Loftus Community Centre is \$12,000 for the toilet renovations; this item was funded from the Loftus Community Centre Reserve Fund.

The cost to remove the carpet and replace with vinyl has been estimated at \$10,700.

A minor costs saving of \$1,300 is envisaged.

**COMMENTS:**

The request from the Loftus Community Centre is supported by the Administration, as it is considered a higher priority for both operational and financial reasons.

The proposed change to the budget will have no impact on the budget as the items will be funded by the Loftus Community Centre Reserve Fund.

**9.4.2 Community Sporting and Recreation Facility Fund (CSRFF) – Grant Application – Loton Park Tennis Club**

<b>Ward:</b>	South	<b>Date:</b>	14 September 2012
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	FIN0074
<b>Attachments:</b>	<a href="#">001</a> CSRFF application <a href="#">002</a> Loton Park Strategic Plan 2012-2017 <a href="#">003</a> Loton Park Tennis Club Project Budget		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	A Cole, A/Senior Community Development Officer; J Anthony, Manager Community Development		
<b>Responsible Officer:</b>	R Boardman, Director Community Services		

**REVISED OFFICER RECOMMENDATION:**

That the Council;

1. **APPROVES** the lodgement of the following application to the Department of Sport and Recreation (DSR) to benefit from the Community Sport and Recreation Facility Fund (CSRFF):

Ranking	Facility	Project	Amount
1	Loton Park Tennis Club (LPTC)	Construction of new change room and toilet facilities; the installation of a ramp for people with disability; <del>and the redevelopment of the outdoor space to remove and replace decking and asbestos materials; and the construction of two (2) new tennis courts.</del>	<del>\$604,900</del> <u>\$495,288</u> (excl. GST)

2. **LISTS** for consideration an amount of ~~\$20,633~~\$165,096 in the Draft Budget 2013/2014, subject to funds being approved by the Department of Sport and Recreation (DSR).

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

Moved Cr McGrath, Seconded Cr Buckels

That the revised Officer Recommendation, be adopted:

Cr Maier departed the Chamber at 9.00pm.

Debate ensued.

Cr Maier returned to the Chamber at 9.01pm.

Debate ensued.

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

(Cr Topelberg was an apology for the Meeting.)

**ADDITIONAL INFORMATION:**

A meeting was held on Monday, 24 September 2012 between the Mayor, President of Loton Park Tennis Club, Michael Atkinson and the City's Technical Services and Community Development Officers. As a result, a new proposal and subsequent estimate Budgets have been developed. The revised proposal for Loton Park Tennis Club consists of the following:

- Proposed alterations and additions;
- Quote for construction of two new tennis courts; and
- Provisional Budget for construction of new change rooms and toilets.

The revised proposal for the development consists of the following:

- Construction of new change room and toilet facilities;
- Installation of a ramp for people with disability;
- Redevelopment of the outdoor space to remove and replace decking and asbestos materials; and
- Construction of two (2) new tennis courts (one new grass court to the west of the existing courts and replacement of an existing grass court with a hard court).

The revised Budget and overall cost and breakdown of funding sought is as follows:

Amount contributed by LPTC:	\$165,096 (excl. GST)
Amount sought from the Council:	\$165,096 (excl. GST)
Amount sought from DSR:	<u>\$165,096 (excl. GST)</u>
Total:	\$495,288 (excl. GST)

The total figure above includes a 10% provision for cost escalation before the Project commences.

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

To obtain the Council's approval to endorse the Community Sport and Recreation Facility Fund (CSRFF) Forward Planning Grants application for the Loton Park Tennis Club facility within the City of Vincent.

#### **BACKGROUND:**

The purpose of the CSRFF Forward Planning Grants is to assist community groups and Local Government authorities to develop well-planned facilities for sport and recreation for communities. The types of projects that will be considered for funding under the Forward Planning category include large scale projects where the total project cost exceeds \$500,000 ,and may require an implementation period of between one and three years. Grants given in this category may be allocated in one or a combination of the years in the triennium.

On Friday, 1 June 2012, the CSRFF 2013/2014 Forward Planning Grants round opened with applications due to be lodged with DSR by Friday, 28 September 2012.

Simultaneously, the CSRFF 2013/2014 Annual Planning Grants round opened on Friday, 1 June 2012 and applications are due to be lodged with DSR by Friday, 28 September 2012. Annual Grants are allocated to projects with a planning and construction process that will be completed within twelve (12) months and grants must be claimed in the financial year following the date of approval.

The next available round of CSRFF Annual and Forward Planning Grants will open in June 2013 and will be required to be submitted to DSR by Friday, 27 September 2013.

#### **DETAILS:**

##### **Loton Park Tennis Club**

Loton Park Tennis Club is located at Loton Park on the corner of Lord Street and Bulwer Street, Perth. Loton Park Tennis Club (LPTC) is the second oldest continuously operating tennis club in Western Australia. LPTC have leased the venue from the City of Vincent since 1994, with the current lease expiring in 2014. The Club currently has 86 capitated members, 40 'Friend of Loton' social members and an additional approximate 300 people who intermittently play and participate in club events and functions.

Established in 1916 with three (3) courts and no amenities, LPTC has developed over the years to now comprise six (6) grass courts, two (2) hard courts with flood lights and a clubhouse that was built in 1922 and extended in 1932. Over the past two (2) years, the Management Committee has put careful consideration into the necessity, potential benefits and impacts of upgrading the club's facilities and have completed a needs assessment in keeping with DSR's guidelines. This resulted in the development of their Strategic Plan 2012 – 2017.

Proposed Project

The following is a breakdown of the proposed project:

- Construction of new change room and toilet facilities;
- Installation of a ramp for people with disability; and
- Redevelopment of the outdoor space to remove and replace decking and asbestos materials.

Costs

The budget outlines the overall cost and breakdown of funding sought as follows:

Amount contributed by LPTC:	\$201,633 (excl. GST)
Amount sought from Council:	\$201,633 (excl. GST)
Amount sought from DSR:	<u>\$201,633</u> (excl. GST)
Total:	<u>\$604,900</u> (excl. GST)

Recommendation:

The Council to support the project in principle to develop the new amenities building, install an accessibility ramp, redevelop the deck space and remove the asbestos material with the provision of \$201,633 (excl. GST). This contribution will be subject to equivalent funding provided by DSR.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** The increase in support from Council is associated with low risk implications for the City.

**STRATEGIC IMPLICATIONS:**

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

"Natural and Built Environment

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

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

Community Development and Wellbeing

3.1 *Enhance and promote Community Development and Wellbeing:*

3.1.3 *Promote health and wellbeing in the community*

3.1.6 *Build capacity within the community for individuals and groups to meet their needs and the needs of the broader community."*

**SUSTAINABILITY IMPLICATIONS:**

The CSRFF funding allows for the ongoing investment in the upgrading of the City's sport and recreation facilities to ensure their sustainability in providing quality recreational opportunities for residents.

The Loton Park Tennis Club is listed on the City's Municipal Heritage Inventory (MHI) as Category Management A – Conservation Essential and the Heritage Council of Western Australia's State Register of Heritage Places.

Loton Park Tennis Club are demonstrating a long term commitment to the upgrade and sustainability to the facility with a significant contribution both in planning and financially.

**FINANCIAL/BUDGET IMPLICATIONS:**

Recommended funding for the project is requested to be considered for the Draft 2013/2014 Budget. The Club pays a peppercorn rental towards the lease of the facilities to the City. Council contribution to LPTC will be subject to initial DSR grant approval.

**COMMENTS:**

Supporting funding through the CSRFF process provides the opportunity to ensure the City's sporting and recreation assets continue to meet and exceed the expectations of their patrons and are able to cater for the diverse needs of the community into the future.

**9.5.1 The 13<sup>th</sup> Australian Parking Convention, 11 to 13 November 2012 - Sydney**

<b>Ward:</b>	-	<b>Date:</b>	14 September 2012
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0031
<b>Attachments:</b>	<a href="#">001</a> – Australian Parking Convention Program		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	Rick Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council APPROVES the Director Technical Services, Rick Lotznicker and up to one (1) Council Member ..... to attend the 13<sup>th</sup> Australian Parking Convention, Sydney NSW from 11 to 13 November 2012, at an estimate cost of \$2,879 per person.

**COUNCIL DECISION ITEM 9.5.1**

**Moved Cr Harley, Seconded Cr Pintabona**

That the recommendation be adopted.

The Presiding Member Mayor Hon. Alannah MacTiernan called for nominations. None were received. The Presiding Member Mayor. Hon Alannah MacTiernan asked that if a Councillor was interested to attend, they should submit their nomination to the Chief Executive Officer.

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

(Cr Topelberg was an apology for the Meeting.)

**NOTE:** Cr John Pintabona submitted his nomination after the meeting to the Chief Executive Officer.

**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council's approval for the Director Technical Services Rick Lotznicker to attend the 13<sup>th</sup> Australian Parking Convention, Sydney NSW from 11 to 13 November 2012 to be held at the Sydney Convention Centre, Sydney

**BACKGROUND:**

The 13<sup>th</sup> Australian Parking Convention is Australia's peak convention concerning parking management, technology and parking facilities

**DETAILS:**

The Parking Convention is an extensive conference program with a large exhibition showcasing the best and latest developments in parking technology and services.

Confirmed Keynote Speakers:

- David Hill, MA CAPP, senior advisor and professional educational program coordinator for the World Parking Symposium and the International Parking Institute;
- Dr George Hazel, OBE Chairman of MRC McLean Hazel. He is an Adjunct Professor at the Queensland University of Technology, Brisbane and Chair of the Advisory Group for the Transport Research Institute at Edinburgh Napier University;
- Craig Rispin, CSP, is a Business, Futurist and Innovation Expert. Keynote Speaker and Innovation Consultant; and
- Timothy Haahs, PE. AIA. F.ASCE, currently participating in the development of "Roadmap for Low Carbon Green Growth" in Asia under the auspices of the United Nations Economic and Social Commission for Asia and Pacific.

Invited Speakers:

- ❖ Caroline Boot, MBH (HONS). BSC. DIP. MATH ED MINZIM, founded Plan A in 1998, which has become New Zealand's Largest Professional Tender specialist company;
- ❖ Zhu Hao, Senior Engineer and the Director of the ITS Research Centre of Shanghai City Comprehensive Transportation Plan;
- ❖ Ning Institute Member of Chinese ITS Standardisation Committee and Senior Advisor of Shanghai Parking Management and Service Industry Association;
- ❖ Nadav Levy PhD student in the Porter School of Environmental Studies, Tel Aviv University; and
- ❖ Terry Lee-William, Executive Manager of City Access and Transport of the City of Sydney.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

Policy No. 4.1.15 – “Conferences” – Clause 1.1(i) states:

“(i) *When it is considered desirable that the City of Vincent be represented at an interstate conference, up to a maximum of one Council Member and one Employee may normally attend, unless otherwise approved by the Council;*”

The Director Technical Services Contract of Employment entitles him to attend one interstate conference per annum.

**Previous Attendance:**

The City was represented at the 2011 National Parking Convention by the Manager, Ranger and Community Safety Services and the Manager, Strategic Planning, Sustainability and Heritage Services.

**City of Vincent Parking Working Group:**

The City has an internal Parking Working Group comprising:

Director Community Services;  
Director Technical Services;  
Director Planning;  
Manager Ranger and Community Safety Services;  
Manager Asset Management and Design; and  
Manager Strategic Planning, Sustainability and Heritage.

The Chief Executive Officer is of the opinion that the Director Technical Services would benefit from attendance at this conference.

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

In keeping with the City's *Strategic Plan 2011-2016* – Objective 4.2 states:

*“Provide a safe, positive and desirable workplace*

4.2.1 *Promote employee performance, recognition, reward, satisfaction and wellbeing, and provide a safe and positive workplace:*

4.2.1(b) *Ensure the organisation enhances and promotes Employee satisfaction, health, safety and wellbeing and promotes strategies to attract and retain employees and encourage career development.”*

**SUSTAINABILITY IMPLICATIONS:**

Not Applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

<b>Cost per person:</b>	<b>Amount:</b>
Full Conference Registration Fee	\$ 1,075
Economy Airfare (approx)	\$ 550
Accommodation 3 nights @ \$299*	\$ 897
<u>Daily Expenses 3 days @ \$119</u>	<u>\$ 357</u>
Total:	<u>\$ 2,879</u>

\*Indicative Costs

**COMMENTS:**

It is recommended that the Council approves the Director Technical Services, Rick Lotznicker and up to one Council Member to attend the 13<sup>th</sup> Australian Parking Convention, Sydney NSW from 11 to 13 November 2012 to be held at the Sydney Convention Centre, Sydney



At 8.22pm The Presiding Member, Mayor Hon. Alannah MacTiernan asked that Item 9.1.5 be recommitted for determination.

**PROCEDURAL MOTION**

**Moved Cr McGrath, Seconded Cr Buckels**

That consideration of Item 9.1.5 be recommitted for determination.

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

(Cr Topelberg was an apology for the Meeting.)

**9.1.5 Nos. 148-158 (Lot 600 D/P:47025) Scarborough Beach Road, corner Fairfield and Flinders Street, Mount Hawthorn – Closure of the Internal Road, Creation of Dedicated Community Space, Including a Children’s Play Area with Shade Structure, Outdoor Seating Area (alfresco), Bicycle Path and Delivery and Car Bays off Fairfield Street to the Existing “Mezz” Shopping Centre**

<b>Ward:</b>	North	<b>Date:</b>	14 September 2012
<b>Precinct:</b>	Mount Hawthorn Centre; P2	<b>File Ref:</b>	PRO0266; 5.2012.235.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report <a href="#">002</a> – Development Application Plans <a href="#">003</a> – Applicant’s Submission		
<b>Tabled Items</b>	Nil		
<b>Reporting Officer:</b>	R Rasiah, Coordinator Statutory Planning		
<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 the applicant, Hames Sharley (WA) Pty Ltd, on behalf of the owner, Hyde Park Management Pty Ltd for Proposed Closure of the Internal Road, Creation of Dedicated Community Space, Including a Children’s Play Area with Shade Structure, Outdoor Seating Area (alfresco), Bicycle Path and Delivery and Car Bays off Fairfield Street to the Existing “Mezz” Shopping Centre, at Nos. 148-158 Scarborough Beach Road, Corner Fairfield and Flinders Streets, Mount Hawthorn, and as shown on plans stamp dated 30 May 2012 and 6 September 2012 Option B Plans relating to delivery and car bays off Fairfield Street, subject to the following conditions:

**1. Building**

- 1.1 All new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Scarborough Beach Road, Fairfield and Flinders Streets;**
- 1.2 The maximum floor space shall be limited as follows:**
  - 1.2.1 Shops - 5037 square metres of gross floor area;**
  - 1.2.2 Eating house (café/restaurant) - 770.45 square metres of public area;**

- 1.2.3 Take away food outlet - 123.4 square metres area open to the public and 29.4 square metres of queuing area; and
- 1.2.4 Offices – 252 square metres; and

Any increase in floor space or change of use of the shops, eating house, take-away and offices shall require Planning Approval to be applied for and obtained from the City. Any change of use shall be assessed in accordance with the relevant Planning Policy including the City's Policy No. 3.7.1 relating to Parking and Access;

- 2. **WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS 'APPROVAL TO COMMENCE DEVELOPMENT', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:**

- 2.1 pay a cash-in-lieu contribution of ~~\$35,340~~ \$39,900 for the equivalent value of 11.4 car parking spaces, based on the cost of ~~\$3,100~~ \$3,500 per bay as set out in the City's ~~2011/2012~~ 2012/2013 Budget; OR
- 2.2 lodge an appropriate assurance bond/bank guarantee of a value of ~~\$35,340~~ \$39,900 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:
  - 2.2.1 to the City at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or
  - 2.2.2 to the owner(s)/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or
  - 2.2.3 to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired;

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

- 3. **Car Parking and Accessways**

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

- 4. **Fencing**

Any new street/front wall, fence and gate within the Scarborough Beach Road, Fairfield and Flinders Streets 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;

- 5. **Signage**

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

- 6. **Verge Tree**

No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning;

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

7.1 **Construction Management Plan**

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

8. 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.

*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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Debate ensued on the item – refer to page 110 for the previous debate on the item.

**AMENDMENT 1**

**Moved Cr Maier, Seconded Cr Buckels**

“That Clause 2.1 and 2.2 be amended as follows:

- 2.1 pay a cash-in-lieu contribution of ~~\$35,340~~ ~~\$39,900~~ \$50,400 for the equivalent value of ~~11.4~~ ~~14.4~~ car parking spaces, based on the cost of ~~\$3,100~~ \$3,500 per bay as set out in the City's ~~2011/2012~~ 2012/2013 Budget; OR
- 2.2 lodge an appropriate assurance bond/bank guarantee of a value of ~~\$35,340~~ ~~\$39,900~~ \$50,400 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:

Debate ensued.

Cr Carey departed the Chamber at 9.05pm.

Debate ensued.

Cr Carey returned to the Chamber at 9.06pm.

The Director Planning Services tabled Additional Information relating to previous Council decisions for the shortfall in parking.

Debate ensued.

**AMENDMENT 1 PUT AND LOST (1-7)**

**For:** Cr Maier

**Against:** Mayor Hon. Alannah MacTiernan, Cr Buckels, Cr Carey, Cr Harley, Cr McGrath, Cr Pintabona, Cr Wilcox

(Cr Topelberg was an apology for the Meeting.)

Debate ensued.

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

(Cr Topelberg was an apology for the Meeting.)

**COUNCIL DECISION ITEM 9.1.5**

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by the applicant, Hames Sharley (WA) Pty Ltd, on behalf of the owner, Hyde Park Management Pty Ltd for Proposed Closure of the Internal Road, Creation of Dedicated Community Space, Including a Children's Play Area with Shade Structure, Outdoor Seating Area (alfresco), Bicycle Path and Delivery and Car Bays off Fairfield Street to the Existing "Mezz" Shopping Centre, at Nos. 148-158 Scarborough Beach Road, Corner Fairfield and Flinders Streets, Mount Hawthorn, and as shown on plans stamp dated

**30 May 2012 and 6 September 2012 Option B Plans relating to delivery and car bays off Fairfield Street, subject to the following conditions:**

**1. Building**

**1.1 All new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Scarborough Beach Road, Fairfield and Flinders Streets;**

**1.2 The maximum floor space shall be limited as follows:**

**1.2.1 Shops - 5037 square metres of gross floor area;**

**1.2.2 Eating house (café/restaurant) - 770.45 square metres of public area;**

**1.2.3 Take away food outlet - 123.4 square metres area open to the public and 29.4 square metres of queuing area; and**

**1.2.4 Offices – 252 square metres; and**

**Any increase in floor space or change of use of the shops, eating house, take-away and offices shall require Planning Approval to be applied for and obtained from the City. Any change of use shall be assessed in accordance with the relevant Planning Policy including the City's Policy No. 3.7.1 relating to Parking and Access;**

**2. WITHIN TWENTY-EIGHT (28) DAYS OF THE ISSUE DATE OF THIS 'APPROVAL TO COMMENCE DEVELOPMENT', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:**

**2.1 pay a cash-in-lieu contribution of \$39,900 for the equivalent value of 11.4 car parking spaces, based on the cost of \$3,500 per bay as set out in the City's 2012/2013 Budget; OR**

**2.2 lodge an appropriate assurance bond/bank guarantee of a value of \$39,900 to the satisfaction of the City. This assurance bond/bank guarantee will only be released in the following circumstances:**

**2.2.1 to the City at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or**

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

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

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

**3. Car Parking and Accessways**

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

**4. Fencing**

**Any new street/front wall, fence and gate within the Scarborough Beach Road, Fairfield and Flinders Streets 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;**

5. **Signage**

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

6. **Verge Tree**

No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning;

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

7.1 **Construction Management Plan**

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

8. **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.**

**ADDITIONAL INFORMATION TABLED BY THE DIRECTOR PLANNING SERVICES:**

Below is the car parking table for the above site, copied from the OMC report of 21 December 2004, item 9.1.15, which provides an explanation of how the initial shortfall was calculated, reflecting the initial shortfall of 39.05 car bays.

Car Parking	
Requirements	Required
Total car parking required before adjustment factor (nearest whole number) Retail- 1 car bay per 15 square metres of gross floor area (6242 square metres)= 416.13 car bays Take-Away Food Outlet- 1 space per 4.5 square metres of seating area (173.6square metres) plus 1 space per 2.5 square metres of queuing area (24.8 square metres)= 48.49 car bays Restaurant (Café/Eating House) -1 space per 4.5 square metres of public area (340 square metres)= 75.55 car bays	540 car bays
Apply the adjustment factors. 0.90 (provision of "end of trip" facilities for bicycle users) 0.85 (within 400 metres of a bus stop) 0.85 (within 400 metres of one or more public car parks in excess of 75 spaces) 0.90 (within District Centre Zone)	( 0.5852) 316 car bays
Car parking provided on site	280 car bays
Minus the carparking shortfall currently applying to site (after taking into account relevant adjustment factors) i.e. 437 car bays x 0.65 = 284.05 car bays (the adjustment factors excludes the "end of trip facilities) Previously, 245 car bays provided for commercial component, resulting in an existing shortfall of 39.05car bays	39.05 car bays
Resultant surplus	3.05 car bays

In the Ordinary Meeting of Council report for the 25 September 2012, the following car parking calculation were provided:

Car Parking	
Total car parking required before adjustment factor (nearest whole number) Retail- 1 car bay per 15 square metres of gross floor area (5037 square metres)= 335.8 car bays Take-Away Food Outlet- 1 space per 4.5 square metres of seating area (123.4 square metres) plus 1 space per 2.5 square metres of queuing area (29.4 square metres)= 39.18 car bays Restaurant (Café/Eating House) -1 space per 4.5 square metres of public area	551 car bays

Car Parking	
(770.45 square metres)= 171.21 car bays Office- 1 space per 50 square metres GFA (252 square metres) =5.04 car bays Total= 551.23 car bays	
Apply the adjustment factors. <ul style="list-style-type: none"> <li>• 0.90 (provision of "end of trip" facilities for bicycle users)</li> <li>• 0.85 (within 400 metres of a bus stop)</li> <li>• 0.85 (within 400 metres of one or more public car parks in excess of 75 spaces)</li> <li>• 0.90 (within District Centre Zone)</li> </ul>	( 0.5852)  322.45 car bays
Minus the car parking provided on-site	272 car bays
Minus the most recently approved on-site car parking shortfall	39.05 car bays
Resultant Shortfall	11.4 car bays

The shortfall taken is 39.05 as shown in car parking table of 2004 , and not 36 car bays. The City's officers are therefore of the view that the shortfall in car parking is 11.4 car bays, and not 14.45 car bays, based on the above calculation, as per the agenda report for 25 September 2012.

**PURPOSE OF REPORT:**

This application requires referral to the Council for determination given the proposed closure of the internal road and other alterations proposed.

**BACKGROUND:**

**History:**

Date	Comment
23 December 2004	Council at its Ordinary Meeting resolved to conditionally approve the proposed partial demolition of and alterations and additions to existing shopping centre and construction of two-storey car park, at Nos. 148-158 (Lots 13, 31& 121) Scarborough Beach Road, corner Flinders Street and Fairfield Street, Mount Hawthorn.
22 February 2005	Council at its Ordinary Meeting resolved to approve the Request for Reconsideration of Condition of Development Approval for Partial Demolition and Alterations and Additions to Existing Shopping Centre and Construction of a Two-Storey Car park at Nos. 148-158 (Lots 13, 31& 121) Scarborough Beach Road, corner Flinders Street and Fairfield Street, Mount Hawthorn.
12 September 2006	Council at its Ordinary Meeting resolved to approve the proposed Signage to Existing Shopping Centre and Car Park at Nos. 148-158 (Lots 13, 31& 121) Scarborough Beach Road, corner Flinders Street and Fairfield Street, Mount Hawthorn.

**DETAILS:**

The application is for the closure of the internal road, creation of dedicated community space, including a children's play area with shade structure, outdoor seating area (alfresco), bicycle path and delivery and car bays off Fairfield Street, to the "Mezz Shopping Centre".

<b>Landowner:</b>	Hyde Park Management Ltd
<b>Applicant:</b>	Hames Sharley (WA) Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): District Centre and Special Use-and Car Park.
<b>Existing Land Use:</b>	Shop and Non-Conforming Use Car park
<b>Use Class:</b>	Shop & Car park
<b>Use Classification:</b>	"P" & "P" and "Non-conforming Use"
<b>Lot Area:</b>	12,740 square metres
<b>Right of Way:</b>	North of property, 5 metres wide, sealed and a dedicated road.

**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	N/A		
Boundary Wall	N/A		
Building Height	N/A		
Building Storeys	N/A		
Open Space	N/A		
Bicycles			✓
Access & Parking			✓
Privacy	N/A		
Solar Access	N/A		
Site Works	N/A		
Essential Facilities	N/A		

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

Car Parking	
Total car parking required before adjustment factor (nearest whole number)	551 car bays
Retail- 1 car bay per 15 square metres of gross floor area (5037 square metres)= 335.8 car bays Take-Away Food Outlet- 1 space per 4.5 square metres of seating area (123.4 square metres) plus 1 space per 2.5 square metres of queuing area (29.4 square metres)= 39.18 car bays Restaurant (Café/Eating House) -1 space per 4.5 square metres of public area (770.45 square metres)= 171.21 car bays Office- 1 space per 50 square metres GFA (252 square metres) =5.04 car bays Total= 551.23 car bays	
Apply the adjustment factors. <ul style="list-style-type: none"> <li>▪ 0.90 (provision of "end of trip" facilities for bicycle users)</li> <li>▪ 0.85 (within 400 metres of a bus stop)</li> <li>▪ 0.85 (within 400 metres of one or more public car parks in excess of 75 spaces)</li> <li>▪ 0.90 (within District Centre Zone)</li> </ul>	( 0.5852) 322.45 car bays
Minus the car parking provided on-site	272 car bays
Minus the most recently approved on-site car parking shortfall	39.05 car bays
Resultant Shortfall	11.4 car bays

**Bicycle Parking Facilities**

Requirements	Required	Provided
<b>Retail</b> 1 per 300 (proposed 5037) square metres public area for employees (class 1 or 2). 1 space per 200 (proposed 5037) square metres over 1000 square metres for visitors (class 3). <b>Restaurant</b> (café/eating house) 1 space per 100 (proposed 770.45) square metres public area (class 1 or 2)	16.79 spaces 25.19 spaces 7.7 spaces	An additional 2 bike racks (class 3) are being proposed adjacent to "Bakers Delight".

Requirements	Required	Provided
2 spaces plus 1 space per 100 (proposed 770.45) square metres public area (class 3)	9.7 spaces	
<b>Take-away food outlet</b>		
1 space per 100 (proposed 241) square metres gross floor area (class 1 or 2)	2.41 spaces	
1 space per 50 (proposed 241) square metres gross floor area (class 3)	4.82 spaces	
Office 1 space per 200 (proposed 252) square metres of gross floor area (class 1 or 2).	1.26 spaces	
Office- Class 3 N/A		
Total		
Class 1 and 3=28.16		
Class 3 = 39.71		

The bicycle parking facilities reported to the Council at its Ordinary Meeting held on 21 December 2004 relating to the original redevelopment of the shopping centre were considered as being excessive, as indicated in the below extract for the above Council Meeting:

*“The Town's Parking and Access Policy requires the provision of bicycle parking facilities for relevant commercial uses. The proposed commercial component of the development requires the provision of twenty nine (29) class 1 or 2 and forty seven (47) class 3 bicycle parking bays rounded to the nearest whole number. For this particular proposal, the bicycle parking facilities required for class one or two and class three are considered excessive and it is recommended that these be reduced to ten (10) class one or two, and fifteen (15) class three bicycle facilities. Should a demand arise for additional bicycle facilities, these should then be installed by the shopping centre owners. As such, an appropriate condition should be applied accordingly.”*

**CONSULTATION/ADVERTISING:**

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period: Advertising Commenced on 10 August 2012 till 31 August 2012.

Comments received: Nil submissions were received.

**Design Advisory Committee:**

Referred to Design Advisory Committee: No.

**LEGAL/POLICY:**

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

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

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

*“Natural and Built Environment*

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

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

**SUSTAINABILITY IMPLICATIONS:**

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

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



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

ENVIRONMENTAL	
Issue	Comment
The application proposes closure of an internal access road within the Mezz Shopping Centre, resulting in the elimination of traffic within the centre which increases the activity and recreation area for pedestrians, shoppers and children.	

SOCIAL	
Issue	Comment
Improved space for social interaction for shoppers and the community generally.	

ECONOMIC	
Issue	Comment
Likelihood of increased employment and general benefit to the community.	

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS & CONCLUSION:**

**Technical Services**

As part of the proposed road closure the applicant initially proposed to provide three 90 degree car bays and a loading bay within their property off Fairfield Street. Technical Services expressed some concerns at this proposal and in conjunction with the applicant looked at other ways to configure the proposed parking.

However given the constrained space it was not feasible to reconfigure the parking to any great extent. It was therefore decided to reduce the number of proposed car parking bays from three (3) to two (2), provide signage and line marking (to protect pedestrians) and provide a wide path on the south side of the parking area to improve sight distance and pedestrian amenity, as per Option B. It was also considered that the loading vehicles (to the liquor store) would reverse into the loading bays.

It is considered that with the above measures the proposal is supportable albeit with the loss of one parking bay.

**Planning**

The proposal provides opportunity for more public interaction and also caters for families with children.

The Option B showing one (1) loading bay and two (2) car bays accessing off Fairfield Street is the City's Officers preferred option, rather than the 1 delivery bay and 3 car bays option off Fairfield Street.

The reduction in the number of car bays is not considered to have an undue detrimental impact to the functioning of the shopping centre in terms of car accessibility. The owners have agreed to pay cash-in-lieu for the shortfall in car parking. Cash-in-lieu has been based on the 2011/2012 budget, as the planning application was lodged on 30 May 2012.

The current bicycle parking requirements are partly the same for class 1 or 2 and lesser for class 3 than the previous original proposal as stated above. On the above basis, there is no further requirement for the provision of bicycle facilities, even though the applicant has indicated that they will provide an additional 2 class 3 bicycle facilities.

On the above basis, the proposal is supported, subject to appropriate conditions as recommended.

Cr Maier asked the Presiding Member Hon. Alannah MacTiernan if Item 9.1.4 could be recommitted.

**9.1.4 No. 9 (Lot 605; D/P 57562) Chatsworth Road, Highgate – Proposed Partial Demolition of and Alterations and Additions to Existing Single House Including Third Storey**

<b>Ward:</b>	South	<b>Date:</b>	14 September 2012
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PRO5739; 5.2012.181.1
<b>Attachments:</b>	001 – Property Information Report, Development Application Plans and Heritage Assessment		
<b>Tabled Items</b>	Applicant's Submission		
<b>Reporting Officers:</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 J Adams, on behalf of the owner, JM Adams and PJ Herron, for Proposed Partial Demolition of and Alterations and Additions to Existing Single House Including Third Storey at No. 9 (Lot 605 ; D/P 57562) Chatsworth Road, Highgate and as shown on plans stamp-dated 9 May 2012, and amended plans stamp-dated 15 August 2012 and 7 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 Chatsworth Road;
2. Any new street/front wall, fence and gate within the Chatsworth Road setback area, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences;
3. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site. As part of the demolition permit, the applicant is required to submit photographs indicating the existing structures which are proposed to be demolished, including the light weight stairs to the lookout and verandah, portion of rear verandah, portion of external and internal walls etc, for the City's Historical Archive Collection;
4. Subject to first obtaining the consent of the owners of No. 17 Chatsworth Road, Highgate for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 17 Chatsworth Road in a good and clean condition. The finish of the walls is to be fully rendered or facebrick;
5. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning;

6. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:**
- 6.1 **Privacy**  
Revised plans shall be submitted to and approved by the City demonstrating the following:
- 6.1.1 balcony to bedroom 1 on the second floor on the eastern elevation; and
- 6.1.2 the windows to the study room 2 on the northern, southern and western elevations;  
being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material that is easily removed; OR prior to the lodgement of a Building Permit application, revised plans shall be submitted demonstrating the above major openings being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes;
- 6.2 **Road and Verge Bond**  
A Road and Verge security bond for the sum of \$2200 shall be lodged with the City by the applicant, prior to the issue of a building permit, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City's Technical Services Directorate. An application for the refund of the security bond shall be made in writing. The bond is non-transferable; 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.

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**PROCEDURAL MOTION**

**Moved Cr McGrath, Seconded Cr Maier**

That Item 9.1.4 be recommitted.

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

(Cr Topelberg was an apology for the Meeting.)

**Moved Cr Maier, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

**AMENDMENT 1**

**Moved Cr Maier, Seconded Cr Buckels**

That the following amendment be made;

"That clause 4 be amended to read as follows:

4. **The owners shall make application to obtain ~~Subject to first obtaining~~ the consent of the owners of No. 17 Chatsworth Road, Highgate for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 17 Chatsworth Road in a good and clean condition. The finish of the walls is to be fully rendered or facebrick;"**

“That clause 6.1 be amended to read as follows:

6.1 Privacy

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

6.1.1 balcony to bedroom 1 on the second floor on the eastern elevation; and

6.1.2 the windows to the study room 2 on the northern, southern and western elevations;

being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material that is easily removed; OR prior to the lodgement of a Building Permit application, revised plans shall be submitted demonstrating the above major openings being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes. Alternatively, prior to the issue of a Building Permit, these revised plans are not required if the City receives written consent from the owners of No. 7 and No. 17 Chatsworth Street stating no objection to the respective proposed privacy encroachment.”

Debate ensued.

The Presiding Member Hon. Alannah MacTiernan ruled that the proposed amendment involved clauses 4 and 6 and therefore will be considered and voted on separately.

Debate ensued about clause 4.

AMENDMENT TO CLAUSE 4 PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Topelberg was an apology for the Meeting.)

Debate ensued about clause 6.

The Mover, Cr Maier advised that *he* wished to *withdraw his* amendment. The Seconder, Cr Carey agreed. Cr Maier withdrew his amendment.

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

(Cr Topelberg was an apology for the Meeting.)

COUNCIL DECISION ITEM 9.1.4

That the Council;

in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by J Adams, on behalf of the owner, JM Adams and PJ Herron, for Proposed Partial Demolition of and Alterations and Additions to Existing Single House Including Third Storey at No. 9 (Lot 605 ; D/P 57562) Chatsworth Road, Highgate and as shown on plans stamp-dated 9 May 2012, and amended plans stamp-dated 15 August 2012 and 7 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 Chatsworth Road;

2. Any new street/front wall, fence and gate within the Chatsworth Road setback area, including along the side boundaries within this street setback area, shall comply with the City's Policy provisions relating to Street Walls and Fences;
3. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site. As part of the demolition permit, the applicant is required to submit photographs indicating the existing structures which are proposed to be demolished, including the light weight stairs to the lookout and verandah, portion of rear verandah, portion of external and internal walls etc, for the City's Historical Archive Collection;
4. The owners shall make application to obtain the consent of the owners of No. 17 Chatsworth Road, Highgate for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 17 Chatsworth Road in a good and clean condition. The finish of the walls is to be fully rendered or facebrick;"
5. No street verge tree(s) shall be removed. The street verge tree(s) is to be retained and protected from any damage including unauthorised pruning;
6. **PRIOR TO THE SUBMISSION OF A BUILDING PERMIT APPLICATION, the following shall be submitted to and approved by the City:**
  - 6.1 **Privacy**

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

    - 6.1.1 balcony to bedroom 1 on the second floor on the eastern elevation; and
    - 6.1.2 the windows to the study room 2 on the northern, southern and western elevations;

being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material that is easily removed; OR prior to the lodgement of a Building Permit application, revised plans shall be submitted demonstrating the above major openings being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes;
  - 6.2 **Road and Verge Bond**

A Road and Verge security bond for the sum of \$2200 shall be lodged with the City by the applicant, prior to the issue of a building permit, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City's Technical Services Directorate. An application for the refund of the security bond shall be made in writing. The bond is non-transferable; 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.

<b>Landowner:</b>	JM Adams & PJ Herron
<b>Applicant:</b>	J Adams
<b>Zoning:</b>	Metropolitan Region Scheme: 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>	476 m2
<b>Right of Way:</b>	Southern boundary, sealed and 5 metres in width.

**PURPOSE OF REPORT:**

Development Applications for three storey development are required to be considered by Council.

**BACKGROUND:**

Nil.

**DETAILS:**

The proposal involves partial demolition of and alterations and additions to existing single house including a third storey.

**ASSESSMENT:**

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

Design Element	Complies 'Acceptable Development'	OR	'Performance Criteria' Assessment
Plot Ratio	N/A		
Front Setback	N/A		
Building Setbacks	✓		
Building Height			✓
Roof Forms			✓
Open Space	✓		
Access	✓		
Car Parking	✓		
Bicycle Parking	N/A		
Privacy			✓
Solar Access for adjoining sites	✓		

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**

<b>Issue/Design Element:</b>	<b>Building Height</b>
Requirement:	<p><b>Residential Design Elements BDADC 5</b></p> <p>Two Storeys</p> <p>Wall Height = 6 metres</p>
Applicants Proposal:	<p>Three Storeys</p> <p>Wall Height = 8.7 metres</p>
Performance Criteria:	<p><b>Residential Design Elements BDPC 5</b></p> <p>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 private space of neighbouring properties; and</li> <li>• Maintain the character and integrity of the existing streetscape.</li> </ul>
<p>Applicant's Justification Summary:</p>	<p><i>"The proposed building height of the new rear addition is intended to remain in keeping with the scale of the retained existing observatory 'tower' structure onsite."</i></p> <p>This proposal seeks the dispensation from the maximum wall height requirement as a non-financial bonus in favour of the overall conservation work of developing this heritage property as outlined in City of Vincent Planning &amp; Building Manual, Heritage Policy 3.6.7 on Heritage Management, Municipal Heritage Inventory Incentives &amp; Development Bonus.</p> <p>The elevations show that the proposed extension is of approximate height and scale consistent with the existing dwelling on the adjacent eastern property.</p> <p>The proposed cladding material facing east to 7 Chatsworth Road is predominantly copper to the upper levels as well as some plywood. It is a beautiful non-reflective reddish-brown material of the highest quality and will slowly patina into a green oxide with time. It is a material that in our view will complement perfectly the reddish tones of the existing face brickwork of the existing residence, without competing with it.</p> <p>The proposed development complies with the building setbacks, privacy and overshadowing.</p>
Officer technical comment:	Refer to Comments.

<b>Issue/Design Element:</b>	<b>Roof Forms</b>
Requirement:	<p><b>Residential Design Elements Clause 7.4.3 BDADC 3</b></p> <p>Roof Pitch to be 30 - 45 degrees</p>
Applicants Proposal:	Roof pitch is 3 to 25 degrees

Issue/Design Element:	Roof Forms
Performance Criteria:	<p><b>Residential Design Elements Clause 7.4.3 BDPC 3</b> The roof of a building is to be designed so that:</p> <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's Justification Summary:	<p><i>"The proposed roof pitches vary depending on location, but there are sections facing towards Chatsworth Road at 3 degrees and 25 degrees, a section facing the ROW to the rear at 11 degrees. A small section of roof to the Eastern side is pitched at 52 degrees, and another small section of roof to the western side is pitched at 45 degrees, consistent with loft roof forms. This is consistent with the shallow and steep pitches of the existing dwelling, which has two main pitches. The existing main roof elements are pitched at 30 degrees, and the existing verandah roof elements are pitched at 11 degrees. So the proposed roof pitches are consistent with the pitched roof language of the existing dwelling."</i></p>
Officer technical comment:	<p>The proposed roofing is considered to comply with the Performance Criteria of Clause 7.4.3 <i>Roof Forms</i>:</p> <p>The proposed roofing will match with the existing roofing of the heritage building. The City's Heritage Services do not object to the proposed roofing as there will be no impact on the heritage value of the existing building.</p>

Issue/Design Element:	Visual Privacy
Requirement:	<p><b>R-Codes Clause 6.8.1 A1</b> Balcony – 7.5 metre Cone of Vision Privacy Setback Study room – 4.5 metres Cone of Vision Privacy Setback</p>
Applicants Proposal:	<p>Balcony to bedroom 1 (second floor) – 3.1 metres to the eastern boundary.</p> <p>Observatory will be converted into a study room which will result in overlooking – 0.7 metre to the western boundary on the western elevation, 2.8 metres to the western boundary on the northern elevation and 2 metres to the western boundary on the southern elevation.</p>
Performance Criteria:	<p><b>R-Codes Clause 6.8.1 P1</b> Direct overlooking of active habitable spaces and outdoor living areas of other dwellings is minimised by building layout, location and design of major openings and outdoor active habitable spaces, screening devices and landscape, or remoteness.</p> <p>Effective location of major openings and outdoor active habitable spaces to avoid overlooking is preferred to the use of screening devices or obscured glass.</p> <p>Where these are used, they should be integrated with the building design and have minimal impact on residents' or neighbours' amenity.</p> <p>Where opposite windows are offset from the edge of one window to the edge of another, the distance of the offset should be sufficient to limit views into adjacent windows.</p>



Issue/Design Element:	Visual Privacy
<p>Applicant's Justification Summary:</p>	<p><i>"We have sought to minimise overlooking from the upper level balcony off the Master Bedroom by providing a privacy screen to 1.6m high to the east side and also extending the wall/roof of the extension across to assist in shielding and providing privacy between the dwelling. This does increase the length of the wall along the side boundary adjoining with 7 Chatsworth Road. To decrease the impact of the wall/massing to this neighbour it is proposed that we pull this wall back by 900 mm and remove the privacy screen to the side of the balcony and replace with glass balustrade. This will serve to minimise loss of view from the rear balcony of 7 Chatsworth Rd looking west across to Hyde Park. It is noted that this would not comply with the privacy requirements for this area, but the Owners are willing to amend the proposal if the neighbours at 7 Chatsworth would like this change/adjustment."</i></p>
<p>Officer technical comment:</p>	<p>Applicant justification is noted, however, there is an issue of privacy. In this instance, if this application is supported, the applicant is required to comply with the screening requirement.</p>

**CONSULTATION/ADVERTISING:**

Required by legislation:	Yes	Required by City of Vincent Policy:	Yes
<b>Comments Period:</b>	25 June 2012 to 9 July 2012.		
<b>Comments Received:</b>	Four objections were received.		

Summary of Comments Received:	Officers Technical Comment:
<p>Issue: Height</p> <p><i>"The new extension of the third storey is to be some 7.98 metres and will dominate the rear lane and outlook from my backyard. The request to keep the third floor the same level as the current observatory should not be considered as observatory originally would have been permitted by council on the grounds of that intended use, as observatory."</i></p> <p>The proposed height will dominate the street as well as the rear laneway as the proposal is overwhelming.</p> <p>Concession should not be given to the development based on the applicant claim that conservation work will be carried out on a heritage property. The addition is of different style architecture as compared to the existing development.</p> <p>The proposal will provide a fifth bedroom and third bathroom to the existing development which will provide an exceptionally large amount of accommodation for a property which requires planning concessions.</p>	<p>Noted. Refer to Comments. It is noted that the height of the proposed development will match with the height of the building on the adjoining eastern property. Irrespective of the use of the observatory, the existing building is considered as a three storey development due to the observatory occupying another floor.</p> <p>Dismiss. Refer to Comments.</p> <p>Noted. The addition is assessed as per the planning guidelines applicable for the subject property as outlined in the Assessment Table. There is no concession to the planning guidelines given the building is heritage listed.</p> <p>Noted. The number of bedrooms to be provided is not a planning issue.</p>

Summary of Comments Received:	Officers Technical Comment:
<p><i>"The existing observatory is, firstly, an anomaly in the area (and is locally famous because of it) and, secondly and most relevantly, is of very modest area (an estimated 9 sqm with a pitched roof line). Its appearance is more like that of a minaret or steeple in that it is visible from the street but not imposing because it is slender and with the same roof line as the rest of the house and other houses in the street. To extend the height of this small room across the full width of the block and a further 4 m outwards, as the applicant for the concession requests, will have a completely different visual impact and its scale will be visually intrusive and in our opinion offensive."</i></p>	<p>Dismiss. Refer to Comments. The applicant has the ability to construct a loft within the roof space to 9 metres in height which would have the same impact as that proposed.</p>
<p>Privacy</p> <p><i>"Currently that observatory is being used as bedroom and I can actually see the occupant walking around the room while seated in lounge room. Based on the enormity of the rear extension, I was concerned and sought advice from my architect who has provided the attached plan showing levels of sight into my back yard. The plan clearly shows that a person can see directly into my lounge and kitchen areas based at 3.774 m (tip of the proposed balcony) and 5.2 metres (undercover on the same balcony) from the boundary of their lot. Please note this also means I too will be able to see them. Therefore the ideal distance to ensure privacy to all is as shown in red, 12.412 m from their boundary. To make my point rather clear I have also attached a picture taken from the lounge room looking back, towards 9 Chatsworth Road. Kindly note that the observation tower is set back, the proposed third storey will then push far forward and become rather intrusive."</i></p> <p>Privacy will be impacted by the proposed opening to the kitchen.</p>	<p>Noted. The balcony complies with the privacy setback of 7.5 metres from the adjoining boundary. Moreover the applicant could have developed the third storey as a loft with openings facing the right of way which would have the same impact as that being proposed.</p> <p>Supported and Addressed. The applicant has amended the plans to provide screening.</p>

Summary of Comments Received:	Officers Technical Comment:
<p>Roof form</p> <p><i>“The effect of having roof pitch of only 11 degrees is that it enables the walls of the third floor of the development to extend at full height for much higher and longer. The result is that instead of the internal section of the house finishing at a similar point on the block as it currently does (about 0.4 m further than No. 7) it will now be about 4.0 metre beyond our house ( as well as substantially above our 2<sup>nd</sup> floor). The imposition of this we are certain will be significant and adverse – the effect will be that of a large blank wall looming over rear window and balcony (which is our key warm weather entertaining area). It will also overwhelm the back areas of the neighbouring blocks across the laneway in St Albans Street.”</i></p>	<p>Not supported. Overall, the proposal complies with the required 9 metres height as prescribed by the R-Codes. Moreover the applicant has confirmed the proposed cladding material facing east will be predominantly copper to the upper levels, as well as some plywood, which will contribute to minimise the bulk and impact on the adjoining property. With regards to the rear laneway, the proposed building complies with the required setback.</p>
<p>Issue: Building Setbacks</p> <p>The proposed building is to be setback further from the adjoining properties as it will impact on the amenity of the adjoining properties.</p>	<p>Dismiss. The applicant has amended the plans to comply with the required side setbacks.</p>
<p>Overshadowing</p> <p><i>“Photos taken at 1 pm on 1 July show the shadow from the existing house at No. 9 is approximately the same as that shown on the drawing of the predicted shadowing – yet the latter is said to be the shadow resulting at noon from a building with a higher wall. Given the size of the proposed development and the fact that it is over our uncovered outdoor area, even on their existing analysis, we request the owner be required to provide a complete set of calculations so that they can thoroughly reviewed.”</i></p>	<p>Dismiss. As per the R-Codes, the overshadowing is based on the location of the sun at noon on 21 June. As shown on the additional plans submitted by the applicant, it is demonstrated that the proposal complies with the overshadowing requirement. With regards to the adjoining outdoor living area being overshadowed, the plan shows that the outdoor living area is already being overshadowed by the existing building on the eastern property.</p>

The applicant has provided a response to each submission received during Community Consultation as follows:

*“Plans were amended to comply with the required side setbacks.*

*Obscuring the window (translucent glass) in the family room and extending the translucent glazing across and reducing the area opening on the outdoor kitchen to less than 1 sqm to comply with the privacy requirements.*

*“We have sought to minimise overlooking from the upper level balcony off the Master Bedroom by providing a privacy screen to 1.6m high to the east side and also extending the wall/roof of the extension across to assist in shielding and providing privacy between the dwelling. This does increase the length of the wall along the side boundary adjoining with 7 Chatsworth Road. To decrease the impact of the wall/massing to this neighbour it is proposed that we pull this wall back by 900 mm and remove the privacy screen to the side of the balcony and replace with glass a glass balustrade. This will serve to minimise loss of view from the rear balcony of 7 Chatsworth Rd looking west across to Hyde Park. It is noted that his would not comply with the privacy requirements for this area, but the Owners are willing to amend the proposal if the neighbours at 7 Chatsworth would like this change/adjustment.*

The overshadowing proposed to Lot 606 (7 Chatsworth Road) is 61.8 m<sup>2</sup>, equating to 20.2% of its 306m<sup>2</sup> site area. We are allowed up to 50% so we are well under the maximum allowable for this element. Furthermore, the overshadowing does not occur to the private outdoor living space designated by the neighbour at 7 Chatsworth Rd to the terrace over the garage. We have modelled the neighbouring house and balcony/terrace in 3 dimensions and can test the impact of solar access in real time on the neighbour. The terrace is self-shaded by their own dwelling/balcony. Refer to diagram.

The above plan view on the left models the existing overshadowing as if there was no structure at 9 Chatsworth Rd. As you can see, the existing dwelling at 7 Chatsworth Rd entirely self-shades itself. The shadow casting down is calculated at the Winter Solstice – 12 Noon on the 21<sup>st</sup> of June as per the R-Code basis.

On the right hand-side is shown the shadow impact of the existing and proposed structures at 9 Chatsworth Rd. The proposal does shade the lower smaller courtyard area to the west of the neighbours existing terrace area, but this is not their main designated private outdoor living space, which must have a minimum length and width dimension of 4 m to satisfy R-Code requirements.”

**Design Advisory Committee:**

Referred to Design Advisory Committee: No

**LEGAL/POLICY:**

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

**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 proposed addition will have a minimal impact on the existing heritage building.	

SOCIAL	
Issue	Comment
The proposal will contribute to the lifestyle of the owners/occupiers of the building.	

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Demolition**

The subject place at No. 9 Chatsworth Road, Highgate (formerly known as No. 7 Chatsworth Road) is listed on the City's Municipal Heritage Inventory as Management Category B – Conservation recommended.

The proposal involves partial demolition of and alterations and additions to existing single house including third storey.

In accordance with the City's Policy No. 3.6.1 relating to Heritage Management – Development Guidelines for Heritage and Adjacent Properties, a Heritage Impact Statement was undertaken on 21 June 2012, based on the plans dated 9 May 2012, to assess the impact of the proposed development on the cultural heritage value of the subject building.

The Heritage Impact Statement indicates that the proposed works will not detract from the prominence and character of the existing heritage building and will ensure the continued use of the subject property.

In light of the above, the Application is recommended for approval subject to standard condition.

**Planning**

The proposed three-storey single house is of a quality contemporary design and incorporates building articulation (different cladding materials) which are proposed to contribute and be reflective of the visual appearance and scale of the existing streetscape. Facing the right of way, the balcony provides articulation and surveillance and complies with the required setback, therefore minimising any impact on the right of way in terms of bulk.

From Chatsworth Road, the development presents a single storey with loft building, as the loft/third storey is entirely within the roof space at this point. At the rear however, there is an open balcony and the loft presents as a third storey to the right of way, therefore, the proposal is regarded as a three-storey building. Whilst the loft space for the dwelling is considered a third level, it is noted that the maximum height of a two-storey dwelling with a pitched roof can be a height of 9 metres; the highest point of the roof at the ridge level will be 9 metres. It is also noted that the proposed third floor (loft) complies with all the side setback requirements of the R-Codes. In terms of height, as shown on the plans, the proposed height will match with the height of the adjoining eastern property. Moreover, the site slopes approximately 2 metres from the front to the right of way, which results in a variation to the wall height. The proposed development complies with the overshadowing requirement as outlined above and privacy issues have been addressed, hence, it is considered the loft/third storey will not be detrimental to the adjoining property owners nor to the amenity of the local area.

In light of the above, given the development will not unreasonably impact on the surrounding area, it is recommended that Council approves the application, subject to standard and appropriate conditions.

**10.1 Notice of Motion – Cr John Carey – Request to investigate Adoption of City of Vincent Policy No: 4.1.34 - Relationship Declaration Register**

That the Council;

1. **APPROVES IN PRINCIPLE to Adopt a new City of Vincent Policy No: 4.1.34 - Relationship Declaration Register, as shown in Appendix [10.1](#);**
2. **REQUESTS that;**
  - 2.1 **A Relationship Declaration Register be prepared, using existing models adopted by the City of Melbourne/and or other councils, as appropriate; and**
  - 2.2 **A final model and policy be presented to the Council no later than 6 November 2012, which will then be released for community consultation.**

**Background Information provided by Cr Carey:**

This Notice of Motion is co – sponsored by Cr McGrath and Cr Harley.

City of Melbourne Relationship Declaration Register

Policy and Guidelines

**INTRODUCTION:**

Melbourne City Council has adopted a City of Melbourne Relationship Declaration Register as a means of recognising the relationship status of couples, irrespective of gender.

Under the program two people may declare that they are partners and have this declaration recorded in the City of Melbourne Relationship Declaration Register. While making a relationship declaration does not confer legal rights in the way marriage does, it may be used in legal proceedings brought pursuant to the Property Law Act 1958, the Administration and Probate Act 1958 and other legislation involving domestic partnerships.

Applicants will be required to sign a statement stating that they are making a relationship declaration in good faith and the information they provide is true and accurate.

The City of Melbourne reserves the right to cease the keeping of the Relationship Declaration Register at any time.

**THE RELATIONSHIP DECLARATION:**

Couples who participate in this program will be able to make the following written declarations before a witness or witnesses:

- They are a couple or are partners; and/or
- The length of time they have been a couple or partners; and/or
- They are mutually committed to sharing their lives together.

Couples who make a relationship declaration will receive a copy of their declaration in the form of a Certificate from the City of Melbourne. The relationship declaration will be recorded in the City of Melbourne Relationship Declaration Register and issued with a registration number.

**CONFIDENTIALITY OF DATA:**

The collection, access and storage of information in connection with the City of Melbourne Relationship Declaration Register will be undertaken in accordance with the Information Privacy Act 2000.

The City of Melbourne Relationship Declaration Register will not be made available for inspection by members of the public. If the applicants consent, the City of Melbourne may use the information provided on an application form to produce anonymous statistics. By providing this information, applicants consent to it being held and used for this purpose.

Specific entries in the Register will only be made available on demand to certain public officials such as the police in connection with their legitimate enquiries. Couples may obtain copies of their own register entry upon presentation of identification. The City of Melbourne charges a fee to recover the cost of providing additional copies (Currently \$150).

Should couples wish to make their individual entry available to a third party, they must submit a written request to the City of Melbourne. The Register and all related documents are stored in a secure environment within City of Melbourne premises and access is strictly controlled.

RECORDED NAMES :

All records relating to applicants will be recorded as shown in the documents provided as identification. Conditions for making a relationship declaration and recording the declaration in the Relationship Declaration Register.

The making of a relationship declaration is by appointment only and subject to the City of Melbourne receiving the Application Form with the required documentation and payment of the application fee. Applicants must complete and sign the application form to confirm that there are no reasons why they should not make a relationship declaration and have the declaration recorded in the Register.

All documents provided in a foreign language must be translated into English by an authorised translation service. The City of Melbourne reserves the right to refuse an application to make a relationship declaration.

The City of Melbourne reserves the right to subsequently note on its records of a relationship declaration any information it receives stating that false or misleading information has been provided. Applicants who are already married or have registered a relationship with another person are not eligible to make a relationship declaration at the City of Melbourne.

AGE:

Persons applying to register must be aged 16 or over on the date of application. Any person aged 18 or over applying to register with a person aged under 18 on the date of application must sign a statement that they are not in a position of trust over that person. [see note 1] Any person under the age of 18 on the date of application must submit written consent to their making a relationship declaration from their parent(s) or legal guardian(s). The consent must be signed by a Justice of the Peace verifying that the document was signed in his/her presence by the parent(s) or guardian(s).

Partners must provide evidence of their date of birth. Acceptable forms of evidence are:

- Birth certificate (not extract);
- Passport;
- Driver licence; and
- Citizenship certificate.

RELATED PERSONS :

Relationships will not be registered if the partners are related. [See note 2]. Previous relationship declarations A person who has previously made a relationship declaration on the City of Melbourne Register shall not be permitted to make a relationship declaration without first having requested in writing that the termination of the previous relationship be recorded in the Register.

FEE:

The fee for making a relationship declaration and having the declaration recorded in the City of Melbourne Relationship Declarations Register is \$150. No refund will be made if either person applying to make a relationship declaration decides not to proceed with making the declaration within seven days of the declaration date. Following an application, if a couple fails to make a relationship declaration, original application details will be destroyed.

Note 1: For the purpose of the City of Melbourne Relationship Declaration, a person is in a position of trust over another person if:

- They are that person's step-parent, guardian or foster parent;
- They are that person's school teacher and the other person is their pupil;
- They have an established personal relationship with the other person in connection with the provision of religious, sporting, musical or other instruction to that other person;
- They are a custodial officer of an institution of which the other person is an inmate; or
- They are a health professional and the other person is their patient.

Note 2: For the purpose of the City of Melbourne Relationship Declaration, a person is related to another person if:

- They are the ancestor or descendant of that person;
- They are the brother, sister, half-brother or half-sister of that person; or
- They are, or have been at any time, the adopted parent or adopted child of that person under any law of any place, whether in or out of Australia, relating to the adoption of children.

#### **RECORDING THE TERMINATION OF A RELATIONSHIP:**

The City of Melbourne cannot amend the relationship declarations that individuals have made. Either or both parties to a relationship declaration may request the City of Melbourne to record on the Register that the relationship has terminated. Upon receiving such a request in writing, the City of Melbourne shall record in the register that it has received notification of the termination of the relationship. Where the notification has been received from one party only, the City of Melbourne shall contact and provide a copy of the notice of termination to the other party.

#### **LEGAL CONSEQUENCES OF MAKING A RELATIONSHIP DECLARATION:**

Making a relationship declaration does not change the legal status of the persons making the declaration. However, the fact that two people have made a relationship declaration may be presented as evidence of the existence of that relationship in legal proceedings.

People contemplating making a relationship declaration should be aware that legal proceedings involving domestic relationships may be commenced under the laws of Victoria. Victorian legislation allows for the rights of domestic partners to be asserted in areas such as inheritance (Administration and Probate Act 1958) and property division on relationship breakdown (Property Law Act 1958).

Importantly, a Court may consider the fact that a relationship declaration was made, and the words used in the relationship declaration, in determining whether a domestic relationship existed and for how long.

Depending on the dispute, the Court is likely to look at a range of factors. For example, a property law dispute brought under the Property Law Act 1958, section 275(2) provides that all the circumstances of the relationship are to be taken into account, including any one or more of the following matters as may be relevant in a particular case.

- (a) The duration of the relationship;
- (b) The nature and extent of common residence;
- (c) Whether or not a sexual relationship exists;
- (d) The degree of financial dependence or interdependence, and any arrangements for financial support, between the parties;
- (e) The ownership, use and acquisition of property;
- (f) The degree of mutual commitment to a shared life;
- (g) The care and support of children; and
- (h) The reputation and public aspects of the relationship.

A couple who declare they are mutually committed to sharing their life together may be providing evidence about the degree of mutual commitment to a shared life and duration of [their] relationship. Individuals who want more information about the legal consequences of making a relationship declaration and having it recorded in the City of Melbourne Relationship Declaration Register should seek independent legal advice.



**PROCEDURE FOR MAKING A RELATIONSHIP DECLARATION:**

Couples wishing to make a relationship declaration can apply to do so by obtaining a copy of the City of Melbourne Relationship Declaration Register application form (attached to these Guidelines).

The application form must be completed and signed by both partners making the application and lodged in person at the City of Melbourne Town Hall, Customer Service Centre (Administration Building). An officer of the City of Melbourne will be in contact with the parties within 30 days of the application form being lodged to schedule an interview.

During the interview the City of Melbourne officer officiating at the making of a relationship declaration shall:

- Ascertain that both persons who have applied to make the relationship declaration are present;
- Request that they each sign the relationship declaration certificates;
- Witness their signing the relationship declaration certificates; and
- Sign the relationship declaration certificate as the person officiating.

The making of the relationship declaration will take less than 10 minutes, after which the couple will receive one signed copy of the certificate. The City of Melbourne does not conduct ceremonies in association with the making of relationship declarations.

**FURTHER INFORMATION:**

For further information on this program or the application process contact the City of Melbourne Hotline on 03 9658 9658.

**CEO COMMENT:**

Preliminary enquiries with the City of Melbourne has revealed the following;

- From the 1 July 2011 onwards the application fee has been increased to \$150;
- The register contains approximately 200 entries with the highest group being from overseas and international students, closely followed by gay and lesbian couples; and
- Ceremonies are usually conducted once per month.

**COUNCIL DECISION ITEM 10.1**

**Moved Cr Carey Seconded Cr Harley**

**That the motion be adopted.**

**Debate ensued.**

**AMENDMENT 1**

**Moved Cr Maier Seconded Cr Wilcox**

**“That a new Clause 2.3 be added as follows:**

**2.3 Alternative models that achieve the same objectives are investigated.”**

**Debate ensued.**

**AMENDMENT 1 PUT AND LOST (1-7)**

**For:** Cr Maier

**Against:** Mayor Hon. Alannah MacTiernan, Cr Buckels, Cr Carey, Cr Harley, Cr McGrath, Cr Pintabona, Cr Wilcox

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

**MOTION PUT AND CARRIED (7-1)**

**For:** Mayor Hon. Alannah MacTiernan, Cr Buckels, Cr Carey, Cr Harley, Cr Maier, Cr McGrath, Cr Wilcox

**Against:** Cr Pintabona

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

**11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil.

**12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**

Nil.

**13. URGENT BUSINESS**

Nil.

**PROCEDURAL MOTION**

At 9.22 pm **Moved Cr McGrath Seconded Cr Wilcox**

**That the Council proceed “behind closed doors” to consider confidential item 14.1, as this matter contains information concerning relating to Perth Rectangular Stadium (nib Stadium) – Percent for Art as the matter relates to a Contract which may be entered into and which relates to a matter to be discussed at the meeting.**

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

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

**There were no members or Journalists 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 Roslyn Harley	North Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	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: Perth Rectangular Stadium (nib Stadium) 310 Pier Street, Perth – Percent for Art and Progress Report No. 23**

<b>Ward:</b>	South	<b>Date:</b>	14 September 2012
<b>Precinct:</b>	Beaufort P13	<b>File Ref:</b>	RES0092
<b>Attachments:</b>	<a href="#">001</a> – Stadium Artworks <a href="#">002</a> – Free Standing Artwork <a href="#">003</a> – Additional Photos		
<b>Tabled Items:</b>	Rectangular Stadium Artworks		
<b>Reporting Officers:</b>	J Anthony, Manager Community Development; John Giorgi, Chief Executive Officer		
<b>Responsible Officers:</b>	Rob Boardman, Director Community Services – Percent for Art Project John Giorgi, Chief Executive Officer – Project Redevelopment		

**OFFICER RECOMMENDATION:**

That the Council;

1. Pursuant to section 5.23(2) of the Local Government Act 1995 and clause 2.15 of the City of Vincent Local Law relating to Standing Orders, PROCEEDS “behind closed doors” at the conclusion of the items, to consider the Confidential Report, circulated separately to Council Members, relating to Perth Rectangular Stadium (nib Stadium) – Percent for Art as the matter relates to a Contract which may be entered into and which relates to a matter to be discussed at the meeting; and
2. AUTHORISES the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.

**COUNCIL DECISION ITEM 14.1**

**Moved Cr McGrath Seconded Cr Wilcox**

That the recommendation be adopted.

Cr Pintabona departed the Chamber at 9.22pm

Debate ensued.

Cr Pintabona returned to the Chamber at 9.28pm.

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

(Cr Topelberg was an apology for the Meeting.)

The Chief Executive Officer has made this report public, other than specific details relating to the proposed artwork.

**PURPOSE OF REPORT:**

The purpose of this report is to seek Council approval of the Percent for Art Project at nib Stadium by selected artist, Lorenna Grant, 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 the 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.

**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 approved at its meeting held on 24 January 2012 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."*

As part of the SAT review process, the Development Assessment Panel revised condition 3 on 2 May 2012 and 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**

The Panel responsible for the selection and development of artwork for the Percent for Art project at the Perth Rectangular Stadium has undergone a rigorous selection process to pick a submission that best reflects the history, culture and social ethnography of the landmark sporting facility. The City is represented on the Panel by the Manager Community Development.

The successful artist is Loreнна Grant, whose vision for this Percent for Art Commission is stated below:-

Information Confidential until released by the State Government.

**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.

**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 Southern Stand has been removed.

### 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.

### 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**

- Current works onsite include the earthworks, footings, in ground services and the pitch perimeter works;
  - Services to the East and South are in place;
  - Support footings to the South stand are in place;
  - Tower crane bases in the east are in place;
  - NE corner is being prepared for the pitch access cut; and
  - Seat manufacturing is in progress.
- Operations meetings are occurring with the project team and Allia to ensure there is minimal disruption to the Perth Glory season;
- Stage A (Partial completion of the Southern Stand) is scheduled to be completed 15 October 2012;
- Maintenance works to Gate 1 (NW Heritage Gates) has commenced and are well advanced. Scheduled for completion 5 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;
- Bones were discovered on site on 13 August in sand fill under the Southern marquee. Investigations proved these were non-human however there was some delay to works in the SE corner; and
- HG Sports Turf Technology have been awarded the contract for pitch replacement. Works are scheduled to commence in July 2013 and completed October 2013.

The project overall is currently tracking as scheduled.

**CONSULTATION/ADVERTISING:**

Significant consultation has been undertaken with the various Aboriginal stakeholders by the Department of Sport and Recreation (DSR) to ensure that appropriate terminology and cultural factors are taken into account in the presentation of the various cultural elements.

**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.

The artwork has been commissioned in accordance with the City of Vincent's Percent for Art Policy which states:

*"Proposals for commercial, non-residential, and mixed residential/commercial developments over the value of \$1,000,000 are to set aside a minimum of one per cent (1%) of the Total Project Cost for the development of Public Art which reflects the place, locality or community."*

**RISK MANAGEMENT IMPLICATIONS:**

**High:** If unexpected delays occur in this project, it may affect the completion date.

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The funds of \$400,000 for this project forms part of the Percent for Art, paid by the State Government.

**COMMENTS:**

It is important that the Council approve of the artwork so that the project can be progressed in accordance with the adopted schedule for the practical completion of the Stadium planned in February 2013.

Approval of the Officer Recommendation is therefore requested.

**PROCEDURAL MOTION**

At 9.25pm **Moved Cr Pintabona Seconded Cr Harley**

**That the Council resume an “open meeting”.**

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

**(Cr Topelberg 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 9.25pm 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 Roslyn Harley	North Ward
Cr Dudley Maier	North Ward
Cr John Pintabona	South Ward
Cr Julia Wilcox	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	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 25 September 2012.

Signed: .....Presiding Member  
Mayor Hon. Alannah MacTiernan

Dated this ..... day of ..... 2012