



**CITY OF VINCENT**

# **ORDINARY COUNCIL MEETING**

**20 September 2016**

## **Notice of Meeting and Agenda**

Notice is hereby given that an Ordinary Meeting of the Council of the City of Vincent will be held at the Administration and Civic Centre, at 244 Vincent Street (corner Loftus Street) Leederville, on **Tuesday 20 September 2016** at 6:00pm.

Len Kosova  
CHIEF EXECUTIVE OFFICER

16 September 2016

**ENHANCING AND CELEBRATING OUR DIVERSE COMMUNITY**

This document is available in other formats and languages.

**DISCLAIMER**

No responsibility whatsoever is implied or accepted by the City of Vincent (City) for any act, omission, statement or intimation occurring during Council Briefings or Council Meetings. The City disclaims any liability for any loss however caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation occurring during Council Briefings or Council Meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council Briefing or Council Meeting does so at their own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning or development application or application for a licence, any statement or intimation of approval made by an Elected Member or Employee of the City during the course of any meeting is not intended to be and is not to be taken as notice of approval from the City. The City advises that anyone who has any application lodged with the City must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Council in respect of the application.

**Copyright**

Any plans or documents contained within this Agenda may be subject to copyright law provisions (Copyright Act 1968, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction. It should be noted that Copyright owners are entitled to take legal action against any persons who infringe their copyright. A reproduction of material that is protected by copyright may represent a copyright infringement.

---

**PROCEDURE FOR PUBLIC SPEAKING TIME** The City of Vincent Local Law Relating to Standing Orders prescribes the procedure for persons to ask questions or make public statements relating to a matter affecting the City, either verbally or in writing, at a Council meeting.

Questions or statements made at an Ordinary Council meeting can relate to matters that affect the City. Questions or statements made at a Special Meeting of the Council must only relate to the purpose for which the meeting has been called.

1. Shortly after the commencement of the meeting, the Presiding Member will ask members of the public to come forward to address the Council and to give their name, address and Agenda Item number (if known).
2. Public speaking time will be strictly limited to three (3) minutes per member of the public.
3. Members of the public are encouraged to keep their questions/statements brief to enable everyone who desires to ask a question or make a statement to have the opportunity to do so.
4. Public speaking time is declared closed when there are no further members of the public who wish to speak.
5. Questions/statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a Council Member or City Employee.
6. Where the Presiding Member is of the opinion that a member of the public is making a statement at a Council meeting, that does not affect the City, he may ask the person speaking to promptly cease.
7. Questions/statements and any responses will be summarised and included in the Minutes of the Council meeting.
8. Where practicable, responses to questions will be provided at the meeting. Where the information is not available or the question cannot be answered, it will be *"taken on notice"* and a written response will be sent by the Chief Executive Officer to the person asking the question. A copy of the reply will be included in the Agenda of the next Ordinary meeting of the Council.
9. It is not intended that public speaking time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

## **RECORDING OF COUNCIL MEETINGS**

- ◆ All Ordinary and Special Council Meetings are electronically recorded (both visual and audio), except when the Council resolves to go behind closed doors;
- ◆ All recordings are retained as part of the City's records in accordance with the General Disposal Authority for Local Government Records produced by the Public Records Office;
- ◆ A copy of the recorded proceedings and/or a transcript of a particular section or all of a Council meeting is available in accordance with Policy No. 4.2.4 – Council Meetings – Recording and Access to Recorded Information.

## ORDER OF BUSINESS

1. (a) **Declaration of Opening**  
(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**
    - 2.1 **Members on Approved Leave of Absence**  
Cr Loden on approved leave of absence from 13 September 2016 to 1 October 2016 (inclusive) due to personal commitments.
  3. (a) **Public Question Time and Receiving of Public Statements**  
(b) **Response to Previous Public Questions Taken On Notice**
    - 3.1 Response to questions from Mr Dudley Maier taken on notice at the Ordinary Council Meeting held on 23 August 2016 (to be distributed Monday 19 September 2016).
  4. **Applications for Leave of Absence**
  5. **The Receiving of Petitions, Deputations and Presentations**
    - 5.1 Petition received from Mr Craig Nolan, Secretary, Floret Hellenic Cricket Club along with 25 signatures, to voice concern over the removal of the cricket pitch at Beatty Park.
  6. **Confirmation of Minutes**
    - 6.1 Ordinary Meeting of Council held on 23 August 2016
  7. **Announcements by the Presiding Member (Without Discussion)**
  8. **Declarations of Interest**
  9. **Reports**  
As listed in the Index.
  10. **Motions of which Previous Notice has been given**
    - 10.1 NOTICE OF MOTION: Councillor Roslyn Harley – Request to Examine Options and Best Practice in the Composition and Operations of Audit Committees
    - 10.2 LATE ITEM - NOTICE OF MOTION: Councillor Joshua Topelberg – Request to investigate the requirements, conditions and associated compliance for development applications involving tree retention on private land
  11. **Questions by Members of which Due Notice has been given (Without Discussion)**  
Nil.
  12. **Representation on Committees and Public Bodies**  
Nil.
-

**13. Urgent Business**

Nil.

**14. Confidential Items/Matters for which the Meeting May be Closed  
("Behind Closed Doors")**

Nil.

**15. Closure**

**INDEX  
(20 SEPTEMBER 2016)**

<b>ITEM</b>	<b>REPORT DESCRIPTION</b>	<b>PAGE</b>
<b>9.1</b>	<b>DEVELOPMENT SERVICES</b>	
9.1.1	FURTHER REPORT: Nos. 103-105 (Lot: 38; D/P: 28) Summers Street, Perth – Proposed Change of Use from Grouped Dwelling to Community Use (Day Care Centre) (PR50539; 5.2015.586.1)	1
9.1.2	FURTHER REPORT No. 16/193-195 (Lot: 16; STR: 44402) Oxford Street, Leederville – Amendment to Previous Approval: Change of Use from Office to Consulting Room (Non-Medical Massage Therapy) (PR28125; 5.2015.546.1) <b>[ITEM WITHDRAWN BY THE APPLICANT]</b>	12
9.1.3	No. 249 (Lot: 121; D/P: 95653) Lake Street, Perth – Proposed Change of Use from Single House to Short Term Dwelling (Unlisted Use) (PR22904; 5.2016.14.1) <b>[ABSOLUTE MAJORITY DECISION REQUIRED]</b>	13
9.1.4	No. 471 (Lot: 301; D/P: 29907) Beaufort Street, Mount Lawley – Proposed Construction of an Eating House (PR18316; 5.2016.222.1)	19
9.1.5	Nos. 5-9 (Lot: 40; D/P: 41827) Britannia Road, Leederville – Amendment to Existing Approval: Alterations and additions to Institutional Building (Aged Care Facility) (PR11095; 5.2016.145.1)	33
9.1.6	No. 31 (Lot: 74; D/P: 32) Smith Street, Highgate – Proposed Additions and Alterations to Existing Public Place of Worship (Serbian Church Hall) (PR25404; 5.2016.228.1)	37
9.1.7	No. 24 (Lots: 2 & 3; D/P: 75) Brisbane Street, Perth – Change of Use from Office and Multiple Dwelling to Office and Serviced Apartments (Retrospective) (PR18666; 5.2016.183.1)	47
9.1.8	Nos. 53-65 (Lot: 12; D/P: 73684) Wasley Street, Dual Frontage to Forrest Street, North Perth – Proposed Part Demolition of Existing Institutional Building (Two Independent Living Units) and Construction of Associated Car Parking Bays (PR26784; 5.2016.186.1; WAPC/151944; WAPC/146268)	55
9.1.9	No. 28 (Lot: 146, D/P: 64743) Harley Street, Highgate – Proposed Alterations and Additions to Existing Single House (PR22085, 5.2016.238.1)	64
9.1.10	No. 148 (Lot: 1; STR: 57977) Carr Street, West Perth – Proposed Change of Use from Single House to Office (Retrospective) (PR51740; 5.2016.165.1)	73
9.1.11	No. 52 (Lot: 66; D/P: 2324) Chelmsford Road, Mount Lawley – Proposed Alterations and Additions to Existing Single House (PR19871; 5.2016.102.1)	79
9.1.12	No. 131 (Lot: 282; D/P: 2503) Coogee Street, Mount Hawthorn – Proposed Carport Addition to Existing Single House (PR12043; 5.2016.124.1)	88
9.1.13	Proposed Amendment to Policy No. 7.5.11 – Exercise of Discretion for Development Variations (SC2320)	95
9.1.14	Review of Planning Policy Framework (SC2320)	97
9.1.15	Leederville Farmers Market – Expression of Interest: Operations and Management (5.2015.206.1)	105
9.1.16	LATE ITEM: Mt Hawthorn Hawkers Market – Expression of Interest: Operations and Management <b>[TO BE ISSUED PRIOR TO MEETING.]</b>	109

**INDEX  
(20 SEPTEMBER 2016)**

<b>ITEM</b>	<b>REPORT DESCRIPTION</b>	<b>PAGE</b>
<b>9.2</b>	<b>TECHNICAL SERVICES</b>	
9.2.1	Further Report No 4: Proposed Traffic Management Improvement on Vincent Street near Norfolk Street, North Perth/Mount Lawley (SC979, SC228)	110
9.2.2	Proposed Parking Restrictions - Smith, Lincoln and Wright Streets, Perth (SC948, SC853, SC1006, SC1201)	113
9.2.3	Tender No 522/16 - Supply and Delivery of Sprinklers, Controllers, Solenoid Valves, PVC Pipes/Fittings and Associated Products (SC2727)	116
9.2.4	Tender No 521/16 - Bi-annual Bulk Verge Green Waste and Annual Bulk Verge General Waste Collection (SC2689)	119
9.2.5	Proposed Parking Restrictions in Scott Street between Bourke and Tennyson Streets, Leederville (SC902, SC1201)	123
<b>9.3</b>	<b>CORPORATE SERVICES</b>	
9.3.1	Investment Report as at 31 August 2016 (SC1530)	125
9.3.2	Authorisation of Expenditure for the Period 1 August 2016 to 31 August 2016 (SC347)	128
9.3.3	Financial Statements as at 31 July 2016 (SC357)	131
9.3.4	Review of Registers maintained by the City with a view to publication on the City's website (SCFY1-03)	137
9.3.5	Approval of Council Briefing and Council Meeting Dates for 2017 (ADM0016 & ADM0066)	144
9.3.6	Review of City of Vincent Local Laws under Section 3.16 of the Local Government Act 1995 (SC2688)	146
<b>9.4</b>	<b>COMMUNITY ENGAGEMENT</b>	
9.4.1	City of Vincent and Nyoongar Outreach Services – Partnership Understanding Agreement (PUA) (SC1826)	149
9.4.2	Tender No. 517/16 Beatty Park Leisure Centre Café Supplies Contracts (SC2619)	153
9.4.3	Amendment to Schedule of Fees & Charges 2016/17 – Concert and Event Fees (SC1897) <b>[ABSOLUTE MAJORITY DECISION REQUIRED]</b>	158
9.4.4	LATE ITEM: Review of Policy No. 3.9.3 – Parking Permits Policy – Outcome of Community Consultation (SC90) <b>[TO BE ISSUED PRIOR TO MEETING.]</b>	162
<b>9.5</b>	<b>CHIEF EXECUTIVE OFFICER</b>	
9.5.1	Information Bulletin	163
<b>10.</b>	<b>COUNCIL MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>	

**INDEX  
(20 SEPTEMBER 2016)**

<b>ITEM</b>	<b>REPORT DESCRIPTION</b>	<b>PAGE</b>
10.1	NOTICE OF MOTION: Councillor Roslyn Harley – Request to Examine Options and Best Practice in the Composition and Operations of Audit Committees	164
10.2	LATE NOTICE OF MOTION: Councillor Joshua Topelberg – Request to investigate the requirements, conditions and associated compliance for development applications involving tree retention on private land <b>[TO BE ISSUED PRIOR TO MEETING.]</b>	165
<b>11.</b>	<b>QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (Without Discussion)</b>	
	Nil.	166
<b>12.</b>	<b>REPRESENTATION ON COMMITTEES AND PUBLIC BODIES</b>	
	Nil.	166
<b>13.</b>	<b>URGENT BUSINESS</b>	
	Nil.	166
<b>14.</b>	<b>CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“Behind Closed Doors”)</b>	
	Nil.	166
<b>15.</b>	<b>CLOSURE</b>	166

---



## 9.1 DEVELOPMENT SERVICES

**9.1.1 FURTHER REPORT: Nos. 103-105 (Lot: 38; D/P: 28) Summers Street, Perth – Proposed Change of Use from Grouped Dwelling to Community Use (Day Care Centre)**

<b>Ward:</b>	South	<b>Date:</b>	2 September 2016
<b>Precinct:</b>	EPRA Precinct 15 – Claisebrook Road North	<b>File Ref:</b>	PR50539; 5.2015.586.1
<b>Attachments:</b>	<u>1</u> – Consultation Map <u>2</u> – Amended Development Application Plans <u>3</u> – KCTT Traffic Impact Assessment dated July 2016 <u>4</u> – DVC Independent Traffic Review <u>5</u> – Acoustic Report revised July 2016 <u>6</u> – Additional Information from applicant dated 13 July 2016 <u>7</u> – Determination Advice Notes <u>8</u> – Car Parking Table		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	C Sullivan, Statutory Planning Officer		
<b>Responsible Officer:</b>	P Di Perna, Acting Director Development Services		

### RECOMMENDATION:

That Council, pursuant to its powers under the Local Government (Change of District Boundaries) Order 2007 and the *Local Government (Constitution) Regulations 1998*, Regulation 5(4)(c), allowing the City of Vincent to, in effect, administer the City of Perth Town Planning Scheme as if it were its own Scheme, and in accordance with the provisions of the Metropolitan Region Scheme, **APPROVES** the application for Change of Use from Grouped Dwelling to Community Use (Day Care Centre) at Nos. 103-105 (Lot: 38; D/P: 28) Summers Street, Perth in accordance with plans date stamped 29 July 2016, as shown on Attachment 2, subject to the Determination Advice Notes in Attachment 7 and the following conditions:

#### 1. Use of the Premises

- 1.1 A maximum of 60 children and 15 staff are permitted on site at any one time;
- 1.2 The Day Care Centre shall only operate between:
  - Monday to Friday: 7:00am – 6:30pm and
  - Closed Saturday, Sunday and Public Holidays;

#### 2. Boundary Wall

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 107 Summers Street to the west and Norwood Park to the east in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork to the satisfaction of the City;

#### 3. Car Parking and Access

- 3.1 A minimum of four car parking bays shall be provided onsite;
- 3.2 The car park shall only be used by visitors directly associated with the development;

- 3.3 The staff shall not park in the onsite car park during the hours of 7:00am – 10:00am and 3:00pm to 6:30pm;
- 3.4 At all times at least 1 car bay shall be available for pick up/drop off;
- 3.5 The car parking and access areas are to comply with the requirements of AS2890.1;
- 3.6 Vehicle and pedestrian access points are required to match into existing footpath levels;
- 3.7 All new crossovers shall be constructed in accordance with the City's Standard Crossover Specifications; and
- 3.8 Prior to occupancy or use of the development the car parking areas on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans, completed to the satisfaction of the City and maintained thereafter by the owner(s)/occupier(s);

4. External Fixtures

All external fixtures shall not be visually obtrusive from Summers Street and neighbouring properties. External fixtures are such things as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like;

5. Verge Trees

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

6. Parking Management Plan

A Management Plan is to be submitted as part of the application for building permit and shall be approved by the City prior to the commencement of the development, a copy of which is to be provided to all parents and staff, detailing but not limited to, the following:

- 6.1 Drop off and pick up procedure;
- 6.2 Staff parking;
- 6.3 Services/delivery vehicle procedure; and
- 6.4 All points detailed in Condition 3 – Car Parking and Access;

7. Acoustic Report and Noise Management Plan

7.1 The recommended measures of the report dated July 2016 shall be implemented and shall include a Noise Management Plan to be submitted and approved by the City prior to the use or occupation of the development and, as a minimum addresses the following:

- 7.1.2 Operating Hours;
  - 7.1.2 Predicted noise levels from Indoor Child Play and applicable noise management practices to control sound levels;
  - 7.1.3 Predicted noise levels from Outdoor Child Play and applicable noise management practices to control sound levels;
  - 7.1.4 Use and style of amplified music;
  - 7.1.5 Duration and frequency of 'play times' applicable to each and all age groups;
  - 7.1.6 Time and frequency of waste collection and deliveries at the premises; and
  - 7.1.7 Community relations/complaint management procedure;
-

- 7.2 **Certification from an acoustic consultant shall be provided to the City that the recommended measures identified in the acoustic report have been undertaken to the City's satisfaction, prior to occupancy or use of the development;**

8. **Landscape and Reticulation Plan**

- 8.1 **A detailed landscape and reticulation plan for the development site and adjoining road verge is to form part of the application for a Building Permit and shall be approved by the City prior to commencement of the development. The plan shall be drawn to a scale of 1:100 and show the following:**

8.1.1 **The location and type of existing and proposed trees and plants with specific emphasis on landscaping forward of the building line;**

8.1.2 **Areas to be irrigated or reticulated; and**

8.1.3 **The removal of redundant crossovers;**

- 8.2 **All works shown in the plans approved with the Building Permit shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;**

9. **Waste Management**

- 9.1 **A Waste Management Plan is to form part of the application for a Building Permit and shall be approved by the City prior to commencement of the development detailing a bin store to accommodate the City's specified bin requirement; and**

- 9.2 **Waste management for the development shall thereafter comply with the approved Waste Management Plan;**

10. **Stormwater**

**Prior to occupancy or use of the development all storm water collected on the subject land shall be retained onsite, by suitable means to the satisfaction of the City; and**

11. **Where any of the above conditions have a time limitation for compliance, and the condition is not met in the required time frame, the obligation to comply with the requirements of the condition continues whilst the approved development exists.**

**BACKGROUND:**

The existing buildings on the site are grouped dwellings. It is located adjacent to Norwood Park on the southern side of Summers Street. The surrounding properties along Summers Street are primarily residential.

The site was within the East Perth Redevelopment Authority Scheme (EPRA Scheme) Precinct 15 area, which was normalised in 2002 and transferred to the City of Vincent in 2007.

In relation to car parking, the City of Perth Parking Policy applies to this location. The applicable Planning Framework is the City of Perth Town Planning Scheme No. 2 into which the EPRA provisions have been embedded.

---

The proposed Change of Use from Grouped Dwelling to Community Use (Day Care Centre) was presented to the Ordinary Meeting of Council on 28 June 2016 where Council resolved:

*“That the item be deferred.”*

Following the Council’s deferral, Administration met with Rowe Group on 1 July 2016 to discuss the concerns relating to the proposal. In response, the applicant submitted further information received on 13 July 2016, contained in **Attachment 6**, which is summarised as follows:

1. Intensity of Use
  - Reduction in the size of the building from 483 square metres to 444 square metres;
  - Reduction in the number of children from 68 to 60 and the number in staff from 18 to 15;
2. Onsite Parking
  - Increased the on-site parking bays from two to four bays;
  - Incorporation of on-site parking area which enables vehicles to enter and exit the site in forward gear; and
3. Relocation of playground area.
  - Relocated the outdoor play space to the southern and eastern portions of the site.

**Previous Reports to Council:**

The Minutes of the previous reports to Council are available on the City’s website.

**DETAILS:**

**Application Details:**

<b>Landowner:</b>	T Mangione
<b>Applicant:</b>	M Sebbag
<b>Date of Application:</b>	22 December 2015

**Principal Statutory Provisions**

<b>Zoning:</b>	Metropolitan Region Scheme: Urban City of Perth Town Planning Scheme No. 2 – East Perth Redevelopment Authority Scheme (EPRA) Draft City of Vincent Town Planning Scheme No. 2 (TPS2): Residential R80
<b>Existing Land Use:</b>	Grouped Dwelling
<b>Use Class:</b>	Community Use – Day Care Centre
<b>Use Classification:</b>	‘Contemplated Use’
<b>Lot Area:</b>	1013 square metres
<b>Right of Way (ROW):</b>	Not Applicable
<b>Heritage List:</b>	No

The proposal seeks a change of use from two grouped dwellings to a Community Use (Day Care Centre) which under the EPRA Scheme is a ‘Contemplated’ use, requires Council discretion.

The proposal also involves partial demolition of the existing buildings (removal of front verandah and rear extensions), and the addition of extensions on the eastern, western and southern sides of the building.

The proposal was changed on numerous occasions culminating in the design that was deferred at the 28 June 2016 Council Meeting. It was then further amended to the current proposal.

The original design included one boundary wall along the eastern boundary with children's play areas along the entire western and southern boundaries. No front setback was proposed to the building which restricted the number of car bays capable of being provided to two car bays.

The revised proposal includes two boundary walls along both the eastern and western boundary towards the northern end of the site. The play areas have now been confined to the eastern and southern areas of the lot in order to direct noise away from the residential property to the west. An additional two car bays have been provided within the front setback area of the property, resulting in a total of four car bays within the lot boundaries. The car parking area includes a reversing area and allows for a safe drop off/pick up area outside of the Summers Street road reserve.

The initial proposal catered for a maximum of 68 children, with approximately 18 staff members. The revised proposal caters for a maximum of 60 children and 15 staff. The exact staff to child ratios are controlled by various National Child Care Regulations, including *Education and Care Services National Law (WA) Act 2012* and *Child Care Services (Child Care) Regulations 2006*. Babies and children from the age of 6 weeks to 5 years old are able to be accommodated at this Day Care Centre.

The revised proposal shows the babies' area on the western side of the building, closest to the adjoining residential property, and the rooms for the older children and the main outdoor play areas on the eastern and southern side of the lot.

The Day Care Centre is proposed to be open from 7:00am to 6:30pm Monday to Friday, and closed on Saturday, Sunday and Public Holidays. The applicant expects the peak drop off time to be between 8:00am – 8:30am each day, with the peak pick up time between 5:00pm - 6:00pm every day.

Additional information and amended plans have been provided since the item was last presented to Council:

Date	Comment
13 July 2016	Amended Plans showing alterations to the building layout and car parking layout and number of bays. Updated Traffic Report Updated Acoustic Report
29 July 2016	Amended Plans showing revised car parking layout.

**ASSESSMENT:**

**Summary Assessment**

The table below summarises the planning assessment of the proposal against the provisions of the EPRA Scheme. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the section of the report following from this table both in relation to the deemed-to-comply provisions and the design principles.

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
<b>Land Use</b>		✓
<b>Density/Plot Ratio</b>	✓	
<b>Street Setback</b>	✓	
<b>Building Setbacks/Boundary Wall</b>	✓	
<b>Building Height/Storeys</b>	✓	

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Roof Form	✓	
Open Space	✓	
Privacy	✓	
Parking & Access	✓	
Solar Access	✓	
Site Works	✓	
Surveillance	✓	
Landscaping	✓	

#### Detailed Assessment

The assessment is as follows:

Land Use		
Requirement	Proposal	Aspect for Consideration
<b>East Perth Redevelopment Scheme Text – Clause 5.18 Precinct 15: Claisebrook Road North</b>	Community Use (Day Care Centre) for 60 children and 15 staff	Contemplated Use Requires discretion

The assessment against the principles is as follows:

Land Use
<b>Applicable Principles</b>
The intent is to provide uses compatible with residential uses, particularly services to the businesses and residents of the central and inner city area and a general improvement to the level of amenity in the area.
The EPRA Scheme lists Preferred Uses as Commercial, Service and Light Industry, Retail and Residential. Contemplated uses in this location are Community Uses and Recreation Uses.
<b>Applicant's Justification</b>
The applicant's justification remains unchanged although the intensity of the use has changed.
<i>"The site was selected for the childcare development as it is located within in one of the best supported public transport locations in Western Australia which would be similar to the centre opening in the Perth CBD. The unique location has Department of Transport public parking, pedestrian and cycle paths, bus and train infrastructure within a 300m radius of the centre. This will allow the centre to be a draw card for staff and families within the City of Vincent or people travelling on public transport who have multiple choices and options for accessing the centre.</i>
<i>The Perth Parking Policy applies to this area and sets a maximum car parking allowance, and no minimum number required. The proposal is for two car bays to be allocated within the front setback area to allow for pick up and drop off of children at the centre and the delivery of supplies to assist in reducing the amount of parking being undertaken in the street.</i>
<i>It is expected that a significant proportion of people attending the centre will either walk, cycle or take public transport as there is a long term shortage of high quality childcare within the area forecasted.</i>
<i>Staff at the centre will be recruited on the understanding that they will be encouraged to take public transport and or cycle/walk to the centre with the provision of end of trip facilities including bike racks further encouraging this. Staff that drive will be advised to park in adjoining areas in accordance with City of Vincent parking laws".</i>

<b>Land Use</b>
<b>Officer Technical Comment</b>
<p>The applicant has taken into consideration the concerns raised by Council and members of the public and reduced the overall intensity of the use in addition to providing additional car parking on site and relocating the play area to the eastern and southern areas of the property to address noise concerns.</p> <p>The overall building size has been reduced from 483 square metres to 444 square metres which has resulted in the reduction in number of children and staff from 68 to 60 and 18 to 15 respectively.</p> <p>An off-street parking area proposes four car bays which has been designed in such a way to allow vehicles to enter and exit in forward gear. This area also allows for children to get out safely from the car and into the building via the dedicated pedestrian path. The increased number of bays proposed and the ability for cars to safely enter and exit will assist to reduce the conflict between pedestrians and cars on Summers Street.</p> <p>The relocation of the play area to the eastern and southern portions of the site away from the most sensitive residential land use on the western side has also assisted to reduce the impact of this land use on the locality.</p>

**CONSULTATION/ADVERTISING:**

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
--------------------------	-----	-------------------------------------	-----

Two consultation periods occurred in regards to this proposal, one being the initial period that resulted in the deferral and the second being in relation to the current proposal.

Initial Consultation:

Consultation Period:	26 February 2016 – 11 March 2016
Comments Received:	Seven submissions including two supporting, four objecting and one with concerns.

A total of 117 letters were sent to owners and occupiers of properties in the immediate vicinity of this application and resulted in a response rate of 5.9%.

Additional Consultation – Revised Proposal:

Consultation Period:	1 August 2016 – 7 August 2016 Extended until 12 August 2016 after additional letters were hand delivered.
Comments Received:	Sixteen submissions including seven supporting, eight objecting and one with concerns.

Upon receipt of amended plans and reduced child numbers, further consultation was emailed directly to respondents who originally provided a response to the proposal, with additional letters hand delivered to the same properties as the original round of consultation.

A total of 117 letters were sent to owners and occupiers of properties in the immediate vicinity in relation to the revised proposal and resulted in a response rate of 13.6%. It is noted that some of the submissions received also provided comment in the initial consultation.

The comments received during the initial consultation and the further consultation raised the same issues, and have been summarised in the table below.

Comments Received in Support:	Officer Technical Comment:
<p><u>Use</u></p> <p>Support of the proposed use as there is a shortage of local daycare facilities in the area and it would also encourage the use of the adjoining park area by children and families instead of undesirables.</p> <p>The proposed use will add to the community.</p>	<p>The proposed use is a discretionary use and the City is required to assess it on its merits against the EPRA planning policy framework.</p>

Comments Received in Objection:	Officer Technical Comment:
<p><u>Parking/Traffic</u></p> <p>No dedicated drop off/pick up area is proposed and this will cause issues with vehicles stopping on Summers Street and potentially causing accidents.</p> <p>Object as existing on street parking bays which are already heavily utilised will be used by parents to drop off/pick up children in the absence of a dedicated area on site.</p> <p>Additional traffic during peak hours will cause issues particularly as vehicles regularly speed through the area.</p> <p>Concern that Public Transport Authority (PTA) vehicles will get caught up in additional traffic use.</p> <p>Object to limited car parking being provided, with nil car parking provision for staff.</p>	<p>The amended proposal now accommodates 4 car bays instead of the previous 2 car bays, as well as a turning area within the lot boundaries which also provides for a drop off/pick up area.</p> <p>The on street parking bays are available for public use on a first come first served basis, and have time restrictions.</p> <p>The amendments to the proposal including reducing the numbers of both staff and children, and the increase in on site car parking which accommodates a turning area, assist to reduce the previous concerns relating to traffic management. The road is designed to accommodate the traffic numbers, even including the additional traffic movement the proposal would generate.</p> <p>A condition requiring the submission of a parking management plan is recommended to address the ongoing parking management of the site.</p> <p>The PTA was consulted as part of the application process and comments are provided below.</p> <p>The Perth Parking Policy requirements apply to this site, which set maximum parking standards rather than minimum requirements. The proposal complies with the car parking requirements of the policy.</p>
<p><u>Use</u></p> <p>Object to the use in this location as it is unsuitable due to being on a busy road with no parking, a noisy area near the train station.</p>	<p>The proposed use is a discretionary use which the City is required to assess against the EPRA planning policy framework.</p>



Comments Received in Objection:	Officer Technical Comment:
<p><u>Noise</u></p> <p>Object to outdoor play areas of facility and car parking being located adjacent to adjoining residential property which will cause noise disruption.</p>	<p>The Acoustic Report indicates that background noise levels are already very high in this area due to the proximity to the train line.</p> <p>The amended plans show the play areas for the older children located away from the adjoining residential property as the older children spend more time outside. The babies' room has been located on the western side, adjacent to the neighbouring residential property as they do not go outside as often.</p>
<p><u>Other</u></p> <p>Undesirable people live in the immediate area of the proposed daycare centre – concern for safety of children attending.</p>	<p>This is not a valid planning consideration.</p>

Public Transport Authority (PTA)

The PTA does not object to the proposal, but provided some comment regarding the Transwa Regional road coaches entering and exiting the adjacent Public Transport Centre (PTC) via Summers Street every day during peak times for the Day Care Centre in terms of drop off and pick up times. Summers Street is already narrow due to on street car parking, and there is serious concern that children could step out into the road in front of these coaches or any other vehicle passing through. The nearby PTC car park will not be available for use by the Day Care Centre as it is a private car park.

The revised plans dated 13 July 2016 address the concerns raised by the PTA. Four on-site car bays have been provided within the front setback area of the property. The car bays are entirely off the street which will ensure children are safely unloaded within the property boundaries.

The PTA was requested to provide comments in relation to the amended plans submitted. They have advised that they have no further comment and that their concerns regarding child safety in the vicinity of Summers Road (with road coaches entering/exiting the PTC) are still applicable and valid notwithstanding the changes that have been made to the proposal.

**Design Advisory Committee (DAC):**

Referred to Design Advisory Committee: No

**LEGAL/POLICY:**

- *Planning and Development Act 2005;*
- East Perth Redevelopment Authority Scheme;
- City of Perth Town Planning Scheme No. 2;
- Perth Parking Policy 2014;
- Planning Bulletin 72/2009; and
- Policy No. 4.1.5 – Community Consultation.

The applicant will have the right to have Council's decision reviewed by the State Administrative Tribunal (SAT) in accordance with Part 14 of the *Planning and Development Act 2005*.

Delegation to Determine Applications:

This matter is being referred to Council as more than five objections were received during the public consultation process.

**RISK MANAGEMENT IMPLICATIONS:**

It is Administration's view that there are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a planning application.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2023 states:

*"Natural and Built Environment*

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

**SUSTAINABILITY IMPLICATIONS:**

The City's Strategic Plan 2013-2023 states:

*"Economic Development*

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

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

<b>ENVIRONMENTAL</b>
The development proposes the partial re-use of an existing building.

  

<b>SOCIAL</b>
The development will provide increased social and educational opportunities for pre school age children.

  

<b>ECONOMIC</b>
The development will provide increased employment opportunities.

**FINANCIAL/BUDGET IMPLICATIONS:**

The independent traffic assessment obtained by the Council for this application incurred costs of \$1,320 inc. GST and was paid from the Operating Budget.

**COMMENTS:**

Due to the site being located within the EPRA Scheme Area, none of the City's Planning policies apply to this proposal.

To guide decision making for this type of use, the Department of Planning has issued a Planning Bulletin on Child Care Centres (72/2009). This provides guidance on best practice for locating facilities so as to minimise their impact on surrounding areas, particularly residential areas, and also focusses on the health and safety of the children that will use the centre.

It suggests that Centres located on local access streets may not be appropriate where the Centre may impact on the amenity of the area due to traffic and parking. It also outlines that vehicles should enter and exit the Centre area in forward gear.

Following the deferral of this proposal at the 28 June 2016 Council Meeting, the City received a revised proposal to resolve the issues that were raised by Council. The information dated 13 July 2016 addresses these concerns as follows:

1. Reducing the intensity of the development by reducing:
  - (a) the overall building size from 483 square metres to 444 square metres;
  - (b) the children from 68 to 60;
  - (c) the staff from 18 to 15;
2. Reconfiguring the building layout to include portions of boundary wall on both the eastern and western boundaries;
3. Relocating the play area towards the Park to the east and the Commercial areas to the south to direct any noise away from the surrounding residential areas; and
4. Increasing the provision of onsite parking from two to four car parking bays and included a central manoeuvring area to allow cars to enter and exit Summers Street in a forward gear.

The concerns raised during the consultation period have been addressed through conditions requiring the submission of an Acoustic Report and Noise Management Plan and the careful management of customer and staff parking. The amended proposal in this instance is acceptable.

It is recommended that Council conditionally approves this proposal.

---

**9.1.2 FURTHER REPORT No. 16/193-195 (Lot: 16; STR: 44402) Oxford Street, Leederville – Amendment to Previous Approval: Change of Use from Office to Consulting Room (Non-Medical Massage Therapy)**

**ITEM WITHDRAWN BY THE APPLICANT.**

**9.1.3 No. 249 (Lot: 121; D/P: 95653) Lake Street, Perth – Proposed Change of Use from Single House to Short Term Dwelling (Unlisted Use)**

<b>Ward:</b>	South	<b>Date:</b>	2 September 2016
<b>Precinct:</b>	Precinct 12 – Hyde Park	<b>File Ref:</b>	PR22904; 5.2016.14.1
<b>Attachments:</b>	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification 4 – Management Plan and Code of Conduct dated 16 August 2016 5 – Determination Advice Notes		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Spicer, Statutory Planning Officer		
<b>Responsible Officer:</b>	P Di Perna, Acting Director Development Services		

**RECOMMENDATION:**

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES BY ABSOLUTE MAJORITY**, the application for the Proposed Change of Use from Residential to Short Term Dwelling (Unlisted Use) at No. 249 (Lot: 121; D/P: 95653) Lake Street, Perth in accordance with plans date stamped 21 May 2016 as shown on Attachment 2, subject to the Determination Advice Notes in Attachment 5 and the following conditions:

**1. Limitation on Use**

**1.1 Maximum Lease**

The Short Term Dwelling residents may stay at the subject short term dwelling for a continuous period of less than six months within any twelve month period;

**1.2 Maximum Number of Tenants**

The Short Term Dwelling shall accommodate a maximum of six persons at any one time;

**1.3 Management Plan**

**1.3.1** The Short Term Dwelling shall operate in accordance with the Management Plan dated 16 August 2016 to the satisfaction of the City; and

**1.3.2** The terms and conditions dated 16 August 2016 shall be provided to occupants of the short term dwelling and shall be displayed in a prominent position within the premises at all times; and

**2. External Fixtures**

All external fixtures shall not be visually obtrusive from Lake Street and neighbouring properties. External fixtures are such things as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like.

**PURPOSE OF REPORT:**

To consider an application for the use of an existing building as a Short Term Dwelling.

**BACKGROUND:**

The City has previously determined the following applications for the subject property:

Date	Comment
17 August 2016	Planning approval was granted under delegated authority for Patio and Screen Wall Additions to Existing Single House (Retrospective).

**DETAILS:**

**Application Details:**

<b>Landowner:</b>	C L Schiavello
<b>Applicant:</b>	T Ramage
<b>Date of Application:</b>	14 January 2016

**Principal Statutory Provisions**

<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): R50 Draft Town Planning Scheme No. 2 (TPS2): R50
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Short Term Dwelling
<b>Use Classification:</b>	Unlisted Use
<b>Lot Area:</b>	162.639 square metres
<b>Right of Way (ROW):</b>	Not Applicable
<b>Heritage List:</b>	No

The existing single house is currently used as a long term rental and consist of:

- Three bedrooms;
- Three living areas;
- A kitchen;
- A laundry;
- Two bathrooms;
- Double garage; and
- Two balcony areas.

As a Short Term Dwelling the site is proposed to accommodate a maximum of six guests at any one time. Guests are expected to stay a minimum three nights for a period less than 6 months in any 12 month period.

No physical changes to the building are proposed as part of this application.

The site is located on Lake Street between Bulwer Street and Glendower Street, which is zoned residential. The commercial node at the intersection of Bulwer and Lake Streets is located 40 metres to the south of the subject site and provides a variety of shops and restaurants including retail shops and cafés.

**ASSESSMENT:**

**Summary Assessment**

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1 and the City's policies. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the section of the report following from this table both in relation to the requirements and applicable principles.

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Land Use		✓
Temporary Accommodation	✓	
Access and Car Parking	✓	

**Detailed Assessment**

The assessment is as follows:

Land Use		
Requirement	Proposal	Aspect for Consideration
<b>Town Planning Scheme No. 1</b>		
Zone – Residential	Short Term Dwelling (Unlisted Use)	Unlisted Use

The assessment against the-principles is as follows:

Land Use
<b>Applicable Principles</b>
<b>Policy No. 7.4.5 Temporary Accommodation</b> Objectives:
<ul style="list-style-type: none"> <li>• Ensure a high standard of amenity for long-term residents and the occupants of temporary accommodation through management controls;</li> <li>• Provide guidance to the operators of temporary accommodation as to their responsibilities and obligations; and</li> <li>• Ensure properties used for temporary accommodation purposes do not have an undue impact on the residential amenity of the area.</li> </ul>
<b>Summary of Applicant's Justification</b>
<ul style="list-style-type: none"> <li>• The proposed Short Term Dwelling is expected to have guests stay a minimum 3 nights for a period less than 6 months in any 12 month period.</li> <li>• The applicant will inform the guests of the 2 car bays available onsite at the rear of the property and of the car parking restrictions on Lake Street.</li> <li>• Neighbours will be provided with the operators' mobile phone number to contact the operator with any complaints 24hrs a day.</li> <li>• It is anticipated that the proposed Short Term Dwelling will attract customers that wish to visit key attractions of Perth CBD via public transport as the site is located approximately 1km from Perth CBD.</li> <li>• The site is serviced by high frequency bus routes.</li> <li>• The Management Plan sets out to control excessive noise or disturbances to surrounding neighbours, manage complaints and address security of the guests, residents and visitors.</li> <li>• A Code of Conduct will be displayed on the booking website and in the dwelling which details expectations for staying at the premises to ensure the residential amenity is respected, security of the property and neighbours is achieved, anti-social behaviour restricted, and offensive noise kept to a minimum.</li> </ul>

<b>Land Use</b>
<b>Officer Technical Comment</b>
<p>The proposed Short Term Dwelling is acceptable for the following reasons:</p> <ul style="list-style-type: none"> <li>• The subject site is located on Lake Street, 40 metres from the commercial node at the intersection of Bulwer and Lake Streets which provides a variety of shops and restaurants including retail shops and cafés and is well serviced by frequent public transport;</li> <li>• The Management Plan details noise, disturbance and complaints management procedures to ensure the proposed Short Term Dwelling will have a minimal impact on the amenity of the locality. Refer to <b>Attachment 4</b>;</li> <li>• The applicants' justification report and Management Plan details the operators' responsibilities and obligations for ensuring that the guests abide by the Code of Conduct, use current onsite car parking, are made aware of onsite security measures and limit noise and disturbances. A complaints' management process is also detailed in the Management Plan to ensure any complaint is investigated, documented and rectified by the owner/operator; and</li> <li>• The Management Plan provides measures that seek to control any anti-social behaviour from the guests at the proposed Short Term Dwelling to ensure that this use does not have any undue impact on the residential amenity of the area.</li> </ul>

**CONSULTATION/ADVERTISING:**

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
--------------------------	-----	-------------------------------------	-----

Consultation Period:	24 March 2016 – 10 April 2016
Comments Received:	Three submissions including two objections and one stating concerns.

A total of 40 letters were sent to owners and occupiers within close proximity of the property subject of this application and resulted in a response rate of 7.5%. An additional submission was received relating to a property address which had already provided comment. A sign was also placed on site and a notice was included in the local newspaper.

The table below summarises the comments received during the advertising period of the proposal, together with the City's response to each comment.

<b>Comments Received in Objection:</b>	<b>Officer Technical Comment:</b>
<p><u>Health and Safety</u></p> <p>Health and safety impacts resulting in conflict of the Short Term Dwelling and long term residence.</p>	<p>The proposed Short Term Dwelling is not expected to have any negative impact on the health and safety of the permanent residences. The Management Plan provides for a range of checks to be carried out for potential tenants prior to being able to book the Short Term Dwelling. All complaints will be investigated, documented and rectified.</p> <p>These processes also ensure that neighbours are provided with the owner's/operator's contact number who will be available 24 hours.</p>
<p><u>Sense of Community</u></p> <p>Reduce community vibe where the neighbours support each other resulting in a negative impact on the community.</p>	<p>It is acknowledged that the proposed Short Term Dwelling use may have some impact on the surrounding sense of community, but it is expected to be minimal in this instance, given the scale of the use.</p>



Comments Received in Objection:	Officer Technical Comment:
<p><u>Traffic</u></p> <p>Increase in traffic coming and going from 249 and use of the rear laneway.</p>	<p>Two car parking bays are provided onsite which complies with the City's Policy No. 7.7.1 – Parking and Access. The traffic generated from the proposed Short Term Dwelling is not expected to exceed the traffic generated by a long term residence. The Code of Conduct provides information relating to the two car parking bays available at the rear of the property.</p>
<p><u>Noise</u></p> <p>Potential for late night noise from renters with no concerns for neighbouring families and no responsibility for the consequences as they move on.</p>	<p>The Management Plan specifies that excessive noise and disturbances will not be tolerated. The provisions in the Management Plan are designed to adequately control late night noise, and provides a complaints' management process to enable neighbours to contact the owner/operator if any anti-social behaviour occurs. The owner/operator will investigate, document and rectify the complaint.</p>
<p><u>Sets a precedent</u></p> <p>If this Short Term Dwelling is approved, it will set a precedent for future Short Term Dwellings in the neighbourhood.</p>	<p>Each application is assessed on its merits taking into account the site's context and the nature of the use proposed.</p>

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

**Design Advisory Committee (DAC):**

Referred to Design Advisory Committee: No

**LEGAL/POLICY:**

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.12 – Hyde Park Precinct;
- Policy No. 7.4.5 – Temporary Accommodation; and
- Policy No. 7.7.1 – Parking and Access.

The applicant will have the right to have Council's decision reviewed by the State Administrative Tribunal (SAT) in accordance with Part 14 of the *Planning and Development Act 2005*.

Delegation to Determine Applications:

This matter is being referred to Council as the application is an "Unlisted Use" and requires an absolute majority decision.

**RISK MANAGEMENT IMPLICATIONS:**

It is Administration's view that there are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a planning application.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2023 states:

*"Natural and Built Environment*

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

**SUSTAINABILITY IMPLICATIONS:**

The City's Strategic Plan 2011-2016 states:

*"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."*

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

<b>ENVIRONMENTAL</b>
The alternative use as temporary accommodation repurposes the use of the existing building.

  

<b>SOCIAL</b>
The development contributes by increasing tourist accommodation within the local area.

  

<b>ECONOMIC</b>
Supports locally owned businesses and the tourism industry.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The property is well serviced by public transport and is only a short distance from the commercial node at the intersection of Bulwer and Lake Streets which makes it ideally located for a Short Term Dwelling.

A condition is recommended which will limit the development to be occupied by no more than six people in order to not fall into other accommodation categories.

A detailed Management Plan has been submitted as part of the planning application (**Attachment 4**). The plan addresses how matters such as car parking, excessive noise or disturbances, anti-social behaviour and security of guests, residents and visitors will be managed. The Management Plan provided complies with the City's Policy No. 7.4.5 – Temporary Accommodation and is acceptable. The car parking bays provided on site also comply with the minimum requirements for this use.

Based on the detailed Management Plan, Code of Conduct and the small scale of the use, the proposal is not expected to have a detrimental impact on the locality. It is recommended that a condition is imposed requiring the use to operate in accordance with the Management Plan.

It is recommended that Council conditionally approves this proposal.

---

**9.1.4 No. 471 (Lot: 301; D/P: 29907) Beaufort Street, Mount Lawley – Proposed Construction of an Eating House**

<b>Ward:</b>	South	<b>Date:</b>	2 September 2016
<b>Precinct:</b>	Precinct 11 – Mount Lawley Centre	<b>File Ref:</b>	PR18316; 5.2016.222.1
<b>Attachments:</b>	<ul style="list-style-type: none"> <li>1 – Consultation Map</li> <li>2 – Development Application Plans</li> <li>3 – Applicant’s Justification and Response to Submissions</li> <li>4 – Car Parking and Bicycle Tables</li> <li>5 – Department of Planning Comments</li> <li>6 – Determination Advice Notes</li> </ul>		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Groom, Statutory Planning Officer		
<b>Responsible Officer:</b>	P Di Perna, Acting Director Development Services		

**RECOMMENDATION:**

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application for Construction of an Eating House at No. 471 (Lot: 301; D/P: 29907) Beaufort Street, Mount Lawley in accordance with plans date stamped 2 June 2016, as shown on Attachment 2, subject to the Determination Advice Notes in Attachment 6 and the following conditions:

1. **Boundary Wall**

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 467-469 Beaufort Street in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork to the satisfaction of the City;

2. **Use of the Premises**

- 2.1 The total occupancy associated with the eating house shall be limited to a maximum of 80 persons including the area within the property boundary (indoor and outdoor) and any alfresco dining area in the public realm unless otherwise approved by the City; and
- 2.2 Any proposed increase to the number of patrons of the Eating House will require a further development application;

3. **Hours of Operation**

The hours of operation shall be limited to:

3.1 **Indoor Areas:**

Monday to Saturday – 7:00am to Midnight; and  
Sunday – 7:00am to 10:00pm; and

3.2 **Outdoor Areas:**

Sunday to Thursday – 7:00am to 10:00pm;  
Friday and Saturday – 7:00am to Midnight;

**4. Building**

- 4.1 The windows, doors and adjacent floor area facing Beaufort Street and Chatsworth Road shall maintain an active and interactive frontage to this street with clear glazing provided; and
- 4.2 The proposed awning along Chatsworth Road shall have a minimum clearance of 2.75 metres from the footpath level to the underside of the awning;

**5. Car Parking and Access**

- 5.1 A minimum of five car bays shall be provided onsite;
- 5.2 The car park shall be used only by persons directly associated with the development;
- 5.3 The car parking and access areas are to comply with the requirements of AS2890.1;
- 5.4 Vehicle and pedestrian access points are required to match into existing footpath levels;
- 5.5 All new crossovers shall be constructed in accordance with the City's Standard Crossover Specifications;
- 5.6 The area 1 metre in width adjacent to the Right of Way that is required to be ceded to the widening of the Right of Way shall be sealed, drained and graded to match into the level of the existing Right of Way;
- 5.7 Prior to occupancy or use of the development the car parking areas on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans, completed to the satisfaction of the City and maintained thereafter by the owner(s)/occupier(s); and
- 5.8 A car parking management plan in accordance with the approved plans shall be prepared and is to form part of the application for Building Permit. It shall be approved by the City prior to the commencement of the development and is to include details relating to on-going management of the tandem bays. The plan is to be implemented and thereafter maintained by the owners/occupiers;

**6. Proposed Road Widening of Beaufort Street**

Prior to the commencement of use the landowner shall enter into a Deed of Agreement with the Western Australian Planning Commission (WAPC) and the City of Vincent and registered by a caveat on the title of the land and prepared at the owner's cost stating that:

- 6.1 any development on the land reserved for the widening of Beaufort Street shall not be taken into consideration when determining any land acquisition cost or compensation that may be payable by Council of the WAPC, and
  - 6.2 the land owner agrees to remove the development on the reserved land at their cost at the time the reserved land is required for the upgrading of Beaufort Street;
-

7. **External Fixtures**

All external fixtures shall not be visually obtrusive from Beaufort Street, Chatsworth Road and neighbouring properties. External fixtures are such things as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like;

8. **Verge Trees**

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

9. **Acoustic Report**

9.1 An Acoustic Report in accordance with the City's Policy No. 7.5.21 – Sound Attenuation is to form part of the application for Building Permit and shall be approved by the City prior to the commencement of the development; and

9.2 Certification from an acoustic consultant shall be provided to the City that the recommended measures identified in the acoustic report have been implemented to the City's satisfaction, prior to occupancy or use of the development;

10. **Landscape and Reticulation Plan**

10.1 A detailed landscape and reticulation plan for the development site and adjoining road verge is to form part of the application for a Building Permit and shall be approved by the City prior to commencement of the development. The plan shall be drawn to a scale of 1:100 and show the following:

- 10.1.1 The location and type of existing and proposed trees and plants;
- 10.1.2 Areas to be irrigated or reticulated; and
- 10.1.3 The removal of redundant crossovers; and

10.2 All works shown in the plans approved with the Building Permit shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

11. **Schedule of External Finishes**

A detailed schedule of external finishes (including materials and colour schemes and details) is to form part of the application for a Building Permit and shall be approved by the City prior to commencement of the development;

12. **Construction Management Plan**

A Construction Management Plan that details how the construction of the development will be managed to minimise the impact on the surrounding area in accordance with the requirements of the City's Policy No. 7.5.23 – Construction Management Plans is to form part of the application for a Building Permit and shall be approved by the City prior to commencement of the development. Construction on and management of the site shall thereafter comply with the approved Construction Management Plan;

---

**13. Waste Management**

**13.1 A Waste Management Plan is to form part of the application for a Building Permit and shall be approved by the City prior to commencement of the development detailing:**

**13.1.1 that waste collection is taken from the Right of Way at the rear of the property and collection is not permitted from the Beaufort Street road reserve; and**

**13.1.2 a bin store to accommodate the City's specified bin requirement; and**

**13.2 Waste management for the development shall thereafter comply with the approved Waste Management Plan;**

**14. Stormwater**

**Prior to occupancy or use of the development all storm water collected on the subject land shall be retained onsite, by suitable means to the satisfaction of the City;**

**15. Bicycle Bays**

**Prior to occupancy or use of the development a minimum of five Class 3 bays are to be provided onsite to the City's satisfaction. Bicycle bays must be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;**

**16. Cash-in-Lieu**

**Prior to occupancy or use of the development, a cash-in-lieu contribution to be paid for the shortfall of 5.368 car bays, based on the cost of \$5,400 per bay as set out in the City's 2016/2017 Schedule of Fees and Charges being a contribution of \$28,987.20; and**

**17. Where any of the above conditions have a time limitation for compliance, and the condition is not met in the required time frame, the obligation to comply with the requirements of the condition continues whilst the approved development exists.**

**PURPOSE OF REPORT:**

To consider an application for a proposed development for an Eating House.

**BACKGROUND:**

Council at its meeting of 8 March 2016 resolved to refuse an application for a small bar. Council's concerns related to parking, awnings and amenity of residents in Chatsworth Road.

Since the refusal was issued the applicant has engaged with local residents to amend the design and use to be more sympathetic of the surrounding residential properties. The proposal includes changes in the following areas:

- reduction in patron numbers from 100 to 80;
  - increase of rear setback to the bin store, as measured from the edge of the Right of Way from 2 metres to 9.3 metres; and
  - increase in car bays from 2 to 5;
  - the inclusion of awnings along Chatsworth Road.
-

Schedule 2 Part 7 Clause 61(2) of the *Planning and Development Regulations 2015* stipulate that “Development approval of the local government is not required for the following uses:

- (b) *development that is a use identified in this Scheme as a use that is permitted in the zone in which the development is located and –*
- (i) *the development has no works component.”*

The City has previously determined the following applications for the subject property:

Date	Comment
7 August 2009	Building approval granted under delegated authority for the demolition of an existing single house.
19 March 2015	Planning refusal issued under delegated authority for the proposed change of use to temporary car park (private use).
8 March 2016	Council resolved to refuse the proposed Construction of an Unlisted Use (Small Bar).

The operators of the proposed Eating House, if approved, will be eligible to apply for a licenced premises through the Department of Racing, Gaming and Liquor. There are numerous types of licenced premises and this proposal would align with a “restaurant” permit (with or without a meal). This is independent of the planning application process and should any other licence types be applied for, a further planning approval will be required.

#### Previous Reports to Council:

The Minutes of the previous reports to Council are available on the City’s website.

#### DETAILS:

##### Application Details:

<b>Landowner:</b>	A Yozzi
<b>Applicant:</b>	Hubble Design
<b>Date of Application:</b>	25 May 2016, received 2 June 2016

##### Principal Statutory Provisions

<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Commercial Draft Town Planning Scheme No. 2 (TPS2): Commercial
<b>Existing Land Use:</b>	Vacant Land
<b>Use Class:</b>	Eating House
<b>Use Classification:</b>	“P”
<b>Lot Area:</b>	316 square metres
<b>Right of Way (ROW):</b>	North-West, approximately 3 metres, City owned
<b>Heritage List:</b>	Not applicable

The site has been vacant since 2010.

The proposed application is for the construction of a commercial building for an Eating House. For all new buildings within the Commercial zone of the Mount Lawley Centre Precinct the minimum height limit is two-storeys. The proposed development has one floor level but has been designed to height which is consistent with a two-storeys building. The proposal includes an outdoor dining area within the property boundary fronting Beaufort Street, an internal dining area and other facilities including toilets, a kitchen, stores, parking for 5 car bays accessed from the ROW and landscaping across the site. A dividing brick fence of 1.8 metres high is proposed within the front setback area between the site and Nos. 467-469 Beaufort Street.

There is a road widening requirement affecting the front of the site along the Beaufort Street boundary which truncates into Chatsworth Road. The widening of 1.6 metres plus truncation is reserved as an Other Regional Road Reservation and covers approximately 11 square metres of the lot. All structures proposed within the road widening area have been identified as being removable.

The development is designed to wrap around the corner of Beaufort Street and Chatsworth Road to provide frontage and interaction to both streets. The front facade of the building facing the alfresco area that adjoins Beaufort Street is entirely glazed with openable doors. There are also large fixed panel windows proposed to the elevation fronting Chatsworth Road and an awning to provide a clearly definable entry point and weather protection.

The outdoor dining area has frontage to both streets. The applicant proposes to use planter boxes to delineate the extent of the area. The proposed planter boxes make a greater contribution to creating a pedestrian friendly streetscape than any other screening device would.

Although the proposal does not fall within the threshold where it is required to make a contribution to public art, the applicant intends to incorporate an art component throughout the building and along the Chatsworth elevation. The applicant advised that arrangements are underway with street artist, Stormy Mills, and that the art will complement the urban finishes and contribute to the culture of Beaufort Street.

**ASSESSMENT:**

**Summary Assessment**

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1 and the City's policies. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the section of the report following from this table both in relation to the deemed-to-comply provisions and the design principles.

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Land Use	✓	
Street Setback	✓	
Front Fence		✓
Rear Setback	✓	
Building Height/Storeys	✓	
Parking & Access		✓
Bicycles		✓
Landscaping		✓
Awnings		✓

**Detailed Assessment**

The assessment is as follows:

Front Fence		
Requirement	Proposal	Variation
<p><b>Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Developments</b></p> <p>2.4.1 Street walls and fences within the front setback area to the primary street are not permitted for Commercial and Mixed-Use Developments.</p>	<p>1.8 metre high brick fence between No. 471 and Nos. 467-496 Beaufort Street including the front setback area to the primary street.</p>	<p>1.8 metres high brick fence along the southern boundary of the lot in the front setback area.</p>



The assessment against the principles is as follows:

<b>Front Fence</b>
<b>Applicable Principles</b>
<b>Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Developments</b>
Not applicable.
<b>Applicant’s Justification</b>
None provided.
<b>Officer Technical Comment</b>
<p>The development site is located in a Commercial zone. In this zone and under the City’s Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Developments, street walls and fences are not permitted within the front setback area to the primary street.</p> <p>There are two residential properties to the south (Nos. 467-469 Beaufort Street) on the adjoining commercial land that directly abut the development site. The proposed 1.8 metre dividing brick fence will assist to provide a separation between these two uses.</p> <p>Removable planter boxes are proposed along Beaufort Street and Chatsworth Road. The planter boxes will delineate the public and private realm whilst still maintaining a good level of visual amenity to the venue. This is consistent with other venues in the area that have also included planter boxes within the setback to Beaufort Street.</p> <p>Allowing a front fence in the street setback area is considered acceptable in this instance.</p>

The assessment is as follows:

<b>Parking &amp; Access</b>		
<b>Requirement</b>	<b>Proposal</b>	<b>Variation</b>
<b>Policy No. 7.7.1 – Parking and Access</b>		
Total Car Bays = 0.684 x 16 = 10.368 car bays	5 car bays	5.368 car bays

The assessment against the principles is as follows:

<b>Parking &amp; Access</b>
<b>Applicable Principles</b>
<b>Policy No. 7.7.1 – Parking and Access</b>
The City may approve a commercial car parking shortfall in terms of the provisions of this policy relating to Reciprocal Car Parking and/or Cash-in-Lieu of Car Parking.
<b>Summary of Applicant’s Justification</b>
<p>The dimensions of the site does not facilitate additional car bays, unless additional crossovers are used which would result in the loss of existing on-street parking and the loss of streetscape. The proposed car bays are accessed solely off the right of way, meaning no additional crossovers are required.</p> <p>Any extra bays on site would give the appearance of “a car park”, and would make no contribution to the Beaufort Street streetscape.</p>

<b>Parking &amp; Access</b>
<b>Officer Technical Comment</b>
<p>The subject site is located opposite the privately owned Wilson car park which has 23 car bays. In addition, the site is located within 400 metres to the City owned and controlled "Barlee Street" car park which includes 47 car bays. The "Raglan Road", "Chelmsford Road" and "Brisbane Street" City owned car parks are also located within 500 metres of the development which include 95 car bays, 56 car bays and 231 car bays respectively.</p> <p>This application provides for 5 car parking bays to be provided at the rear of the site. The increased number of car bays and the reduction in maximum accommodation results in a 5.368 car bay shortfall.</p> <p>The City's Policy No. 7.7.1 – Parking and Access Clause 2.2 allows the City the discretion to request cash-in-lieu where developments have a shortfall of parking. <i>"The payment of cash-in-lieu is not to be seen as an alternative to providing sufficient parking on site, but rather a mechanism to enable otherwise desirable developments to proceed where it can be demonstrated that it is not possible to provide sufficient parking on site."</i> Although the site is unable to provide sufficient car parking, the proposed use is considered desirable for the area and as such the payment of cash-in-lieu is considered to be appropriate in this instance.</p>

The assessment is as follows:

<b>Bicycles</b>		
<b>Requirement</b>	<b>Proposal</b>	<b>Variation</b>
<p><b>Policy No. 7.7.1 – Parking and Access</b></p> <p>2 Class 1 or 2 bicycle facilities and 5 Class 3 bicycle facilities</p>	<p>3 Class 3 bicycle facilities.</p>	<p>2 Class 1 or 2 bicycle facilities and 2 Class 3 bicycle facilities.</p>

The assessment against the principles is as follows:

<b>Bicycles</b>
<b>Applicable Principles</b>
<p><b>Policy No. 7.7.1 – Parking and Access</b></p> <p>5. To promote alternative transport modes by including requirements to provide bicycle parking and reducing parking requirements where alternatives exist.</p>
<b>Applicant's Justification</b>
<p>None provided.</p>
<b>Officer Technical Comment</b>
<p>The proposed Class 3 bicycle facilities are more suited to this style and size of development than the Class 1 or 2 bicycle facilities required by the policy.</p> <p>The bicycle racks are proposed within the lot boundaries and will not interfere with the public footpath.</p> <p>The bicycle facilities proposed and the recommended condition requiring for an additional two bicycle bays to be provided on site is supported in this instance.</p>

The assessment is as follows:

Landscaping		
Requirement	Proposal	Variation
<p><b>Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Developments</b></p> <p><b>AC 5.1.2</b> Minimum of 25% or 79 square metres of the site area will be soft landscaping.</p>	<p>5.42% or 17.15 square metres including eight trees</p>	<p>19.58% or 61.85 square metres</p>

The assessment against the principles is as follows:

Landscaping
<p><b>Applicable Principles</b></p> <p><b>Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Developments</b></p> <p>P5.1 Landscape design shall be integrated into the overall site layout and building design of the development to reduce the urban heat island effect and enhance and improve micro-climate conditions and contribute to local biodiversity.</p> <p>P5.2 Landscaping is to be designed to reduce the impact of development on adjoining residential zones and public spaces.</p> <p>P5.3 The provision of landscaping that will make an effective and demonstrated contribution to the City's green canopy.</p> <p>P5.4 Landscaping design which facilitates the retention of existing vegetation and deep soil zones.</p> <p>P5.5 Landscaping at the rear of the property should not negatively impact on the use and activation of a Right of Way.</p>
<p><b>Applicant's Justification</b></p> <p>None provided.</p>
<p><b>Officer Technical Comment</b></p> <p>The majority of the landscaping is proposed within the front setback area of the proposed development. As part of the landscaping eight trees have been proposed. The trees combined with the three large trees which currently exist within the Chatsworth Road verge area will reduce the impact of the development on adjoining residential zoned properties.</p> <p>The overall tree cover proposed on site will make an effective contribution to the City's green canopy, resulting in a canopy cover of 74.65 square metres. The trees will provide shade in Summer and enhance the micro-climate conditions.</p> <p>Due to the site limitations including the MRS road widening, the ability for permanent landscaping to be provided is significantly restricted. As such in this instance, the proposed landscaping is considered acceptable.</p>

The assessment is as follows:

Awnings		
Requirement	Proposal	Variation
<p><b>Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Developments</b></p> <p><b>AC 2.2</b> In conjunction with adhering to the minimum standards for awnings detailed within City’s Local Law 2008 relating to Local Government Property, the design of awnings shall incorporate the following elements:</p> <p><b>AC 2.2.1</b> Provide continuous awnings along the full length of retail/commercial frontages and key pedestrian walking routes;</p> <p><b>AC 2.2.2</b> Where there is an existing pattern of awnings, complement the existing height, depth and form of awnings;</p> <p><b>AC 2.2.3</b> Provide sufficient protection from sun and rain;</p> <p><b>AC 2.2.4</b> Contribute to the legibility of the development and amenity of the public domain by locating awnings over building entries and/or utilize to define building entries;</p> <p><b>AC 2.2.4</b> Contribute to the legibility of the development and amenity of the public domain by locating awnings over building entries and/or utilize to define building entries;</p> <p><b>AC 2.2.6</b> Be a minimum of height of 2.75 metres from the footpath level to the underside of the awning; and</p> <p><b>AC 2.2.7</b> Be a minimum of 500 millimetres and a maximum of 750 millimetres from the kerb line.</p>	<p>No awing proposed along Beaufort Street.</p>	<p>No awing proposed along Beaufort Street.</p>

The assessment against the principles is as follows:

<b>Awnings</b>
<b>Applicable Principles</b>
<b>Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Developments</b>
<b>P2.2</b> Commercial and Mixed Use Developments are to provide awnings that respect the preferred character or existing character of a streetscape to provide shelter for public streets and spaces and to contribute to the legibility of buildings, whilst adhering to the minimum standards for awnings detailed in the City’s Local Law 2008 relating to Local Government Property.
<b>Applicant’s Justification</b>
<i>“There is a requirement to “provide continuous awnings along the full length of retail/commercial frontages and key pedestrian walking routes”. This was addressed on Chatsworth Street with a pedestrian awning along the building length to provide shade and shelter from the rain. On Beaufort Street, the road widening easement from the Department of Planning requirements prohibits any permanent components in order to make it safe and structurally sound therefore a canopy would be in violation of the Department of Planning requirements”.</i>
<b>Officer Technical Comment</b>
The proposed development has been setback from Beaufort Street in accordance with the City’s Policy No. 7.1.11 – Mount Lawley Centre Precinct which states <i>“buildings are to be setback from the street alignment such distance as is generally consistent with the building setback on adjoining land and in the immediate locality”.</i>
This portion of Beaufort Street between Chatsworth Road and St Albans Ave includes a variety of building types and street setbacks. Four of the six properties are setback an average of 8 metres and were originally built as residential properties which have been converted to commercial uses. One property has a nil setback to Beaufort Street. This building does not have an awning.
An awning will provide no useful purpose to pedestrians given the setback of the building from Beaufort Street.
An awning has been included on Chatsworth Road to provide a clearly definable entry point and weather protection. The awning is 1 metre wide and extends for a length of 17.1 metres. The size of the awning is restricted by the large existing trees within the verge area of Chatsworth Road.
As an awning is not permitted along Beaufort Street due to the MRS road widening, the provision of an awning on Chatsworth Road only is considered acceptable.

**CONSULTATION/ADVERTISING:**

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
--------------------------	-----	-------------------------------------	-----

Consultation Period:	24 June 2016 to 7 July 2016
Comments Received:	Six objections.

A total of 10 letters were sent to owners and occupiers and resulted in a response rate of 60%.

The table below summarises the comments received during the advertising period of the proposal, together with the City's response to each comment.

Comments Received in Objection:	Officer Technical Comment:
<p><u>Bulk and Scale</u></p> <p>The building will overshadow the adjoining properties beyond allowed guidelines.</p>	<p>The size of the development is consistent with the majority of properties located along Beaufort Street including Nos. 457-465 Beaufort Street which sits on the southern side of the adjoining residential properties. No overshadowing guidelines apply to Commercial zoned properties.</p>
<p><u>Noise</u></p> <p>There is an insufficient buffer.</p>	<p>The noise levels are required to comply with the <i>Environmental Protection Act 1986</i> and <i>Environmental Protection (Noise) Regulations 1997</i>. Accordingly a condition is recommended that an acoustic report be required to ensure noise attenuation measures that are recommended are incorporated into the venue to address noise concerns.</p>
<p><u>Use</u></p> <p>Beaufort Street is already crowded with cafes, pubs, night clubs and restaurants.</p>	<p>The site is zoned Commercial with an Eating House being a permitted use. The City does not control the type or number of each use within a certain area, as this is left to market forces.</p>
<p><u>Parking</u></p> <p>Inadequate car parking provide onsite.</p>	<p>Due to the size of the block, any commercial development would be unable to provide sufficient car parking for the proposed use without including basement car parking.</p> <p>The site is well serviced by public transport including a high frequency bus route along Beaufort Street.</p> <p>There are public car parks located in close proximity to the site including the Wilson car park directly opposite the site, the Barlee Street car park, the Raglan Road car park, the Chelmsford Road car park and the Brisbane Street car park.</p> <p>The proposed use is acceptable for this site and area as it will add to the increasing activity and vibrancy of Beaufort Street. As such, in this instance the payment of cash-in-lieu for parking is considered acceptable.</p>

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

**Design Advisory Committee (DAC):**

Referred to Design Advisory Committee: No

**LEGAL/POLICY:**

- *Planning and Development Act 2005*;
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.11 – Mount Lawley Centre;
- Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Developments; and
- Policy No. 7.7.1 – Parking and Access.

The applicant will have the right to have Council's decision reviewed by the State Administrative Tribunal (SAT) in accordance with Part 14 of the *Planning and Development Act 2005*.

Delegation to Determine Applications:

This matter is being referred to Council as the proposal received more than five objections during the consultation period.

**RISK MANAGEMENT IMPLICATIONS:**

It is Administration's view that there are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a planning application.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2023 states:

*"Natural and Built Environment*

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

**SUSTAINABILITY IMPLICATIONS:**

The City's Strategic Plan 2013-2023 states:

*"Economic Development*

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

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

<b>ENVIRONMENTAL</b>
Use of existing infrastructure and services.

  

<b>SOCIAL</b>
The development will act as a social meeting place location providing a variety of food and beverage for the immediate and surrounding public.

  

<b>ECONOMIC</b>
The development will provide increased local employment opportunities.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

---

**COMMENTS:**

The proposal for an Eating House is a permitted use which will contribute to activation of the site and the economic sustainability of the Town Centre which is defined by the popular restaurant and shop activities. The proposed use is appropriate and consistent with existing land uses in the Town Centre.

The proposed built form will contribute to the existing and evolving streetscape. The development fronts both Beaufort Street and Chatsworth Road. The front façade in conjunction with the alfresco area will have good presence to the adjoining streets. To ensure interaction with the street is achieved, a condition is recommended requiring the windows on Beaufort Street and Chatsworth Road to be clear glazing. The proposed landscaping will soften the built form and make a contribution to the City's green canopy.

The built form is considerate of the adjoining residential buildings as the building faces away from the properties at Nos. 467-469 Beaufort Street used for residential purposes. All activity generated from this venue is directed to Beaufort Street and the eastern end of Chatsworth Road. A 1.8 metre high dividing brick fence is proposed on the common boundary in the front setback area in order to limit noise and light spill.

The hours of operation for this use have been restricted for the internal and external floor areas, and an acoustic report is required so that noise attenuation measures can be implemented.

The proposal meets the objectives of the Precinct Policy, however due to the site's limitations, is not able to provide the required car parking spaces on site. Given that this proposal must rely on using existing parking bays that are publically available, it is considered appropriate to require the payment of cash-in-lieu for the resultant car parking shortfall. Accordingly a condition requiring a cash-in-lieu payment for 5.368 car bays is recommended.

The proposed variations to the front fence, awnings and landscaping are acceptable in this instance and additional public art is welcome but requires approval from the City.

It is recommended that Council conditionally approves this proposal.

---



**9.1.5 Nos. 5-9 (Lot: 40; D/P: 41827) Britannia Road, Leederville – Amendment to Existing Approval: Alterations and additions to Institutional Building (Aged Care Facility)**

<b>Ward:</b>	North	<b>Date:</b>	2 September 2016
<b>Precinct:</b>	Precinct 3 – Leederville	<b>File Ref:</b>	PR11095; 5.2016.145.1
<b>Attachments:</b>	<u>1</u> – Consultation Map <u>2</u> – Development Application Plans <u>3</u> – Previous Council Approval and Plans		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Dyson, Statutory Planning Officer		
<b>Responsible Officer:</b>	P Di Perna, Acting Director Development Services		

**RECOMMENDATION:**

That Council, in accordance with Schedule 2, Part 9, Clause 77(1)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVES the application for an amendment to an existing approval granted on 24 May 2011 numbered 5.2010.596.2 for a proposed Institutional Building (Aged Care Facility) at Nos. 5-9 (Lot: 40; D/P: 41827) Britannia Road, Leederville as depicted by cross hatching on plans date stamped 21 April 2016, as shown on Attachment 2, subject to the following condition:

1. All conditions, requirements and advice notes detailed on the previous approval dated 24 May 2011 numbered 5.2010.596.2 shall remain.

**PURPOSE OF REPORT:**

To consider amendments to the previous approval to the approved Institutional Building (Aged Care Facility).

**BACKGROUND:**

The current proposal is an amendment to the previous planning approval 5.2010.596.2 granted by Council on 24 May 2011.

The approved Three Storey Institutional Building (Aged Care Facility) is currently under construction.

The current proposal does not amend the existing approved landscaping plan and therefore has not been assessed in accordance with the proposed Policy amendments to the City's Policy No. 7.5.11 – Commercial and Mixed-Use Developments.

It is noted a number of the conditions of Planning Approval (5.2010.296.1) have been progressed and are not applicable to this application but remain relevant to the subject property.

**History:**

The City has previously determined the following applications for the subject property:

Date	Comment
24 May 2011	Council resolved to approve an application for the Proposed Demolition of Existing Single Storey Institutional Building (Aged Care Facility) and Construction of Three- Storey Institutional Building (Aged Care Facility).
20 January 2014	Building Permit for Three Storey Institutional Building (Aged Care Facility).

**Previous Reports to Council:**

The Minutes of the previous reports to Council are available on the City's website.

**DETAILS:****Application Details:**

<b>Landowner:</b>	Rosewood Care Group
<b>Applicant:</b>	Morley Davis Architects
<b>Date of Application:</b>	21 April 2016

**Principal Statutory Provisions**

<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R60 Draft Town Planning Scheme No. 2 (TPS2): Residential R60
<b>Existing Land Use:</b>	Institutional Building (Aged Care Facility)
<b>Use Class:</b>	Institutional Building (Aged Care Facility)
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	4,940 square metres
<b>Right of Way (ROW):</b>	West side, 5 metres wide, sealed, City owned
<b>Heritage List:</b>	No

The application involves the following modifications to the current Planning Approval granted by the Council at its Ordinary Meeting held on 24 May 2011:

- (a) The existing approved outdoor terrace (F2 as denoted on the plans) on the first floor is proposed to be removed and the wall modified to be incorporated into the existing dining space on the first floor of the building. This results in an increase to the floor area (S2 as denoted on the plans); and
- (b) The existing approved dining room on the first floor is to be converted to be an activity room and the associated servery converted into a kitchenette and storage space.

The amendments to the internal floor space, outlined in (b) above, result in no amendments to the exterior of the building, pursuant to the Planning and Development (*Local Planning Schemes*) Regulations 2015 and does not require further approval.

The proposed changes have resulted from the operator needing to have larger dining and activity areas for the residents to improve supervision and are exempt from obtaining approval.

The application to amend an aspect of the development approved can be considered in accordance with Schedule 2, Part 9, Class 77(1)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Clause 77(4) provides the local government the ability to approve the application with or without conditions or refuse the application.

**ASSESSMENT:****Summary Assessment**

The proposed amendments to the internal areas of the first floor do not result in further discretion being sought. Although the proposed amendments result in a small increase to the plot ratio and a reduction to open space, the development complies with the deemed-to-comply provisions.

---

**CONSULTATION/ADVERTISING:**

Required by Legislation:	No	Required by City of Vincent Policy:	Yes
--------------------------	----	-------------------------------------	-----

Consultation Period:	23 June 2016 to 6 July 2016
Comments Received:	<p>One submission objecting to the development with no specific comment.</p> <p>In addition a submission was received from an adjoining landowner regarding the proposal and the development as a whole.</p>

A total of 50 letters were sent to owners and occupiers adjoining the development site and resulted in a response rate of 2%.

Comments Received in Objection:	Officer Technical Comment:
<p><u>Request for a Public Forum</u></p> <p>Request a public forum in relation to the overall development by the applicant.</p>	<p>It is noted that a public meeting was held on 6 July 2015 regarding the associated dewatering at the site.</p> <p>The City's Consultation Policy outlines the statutory consultation requirements. The request has been forwarded to the applicant who provided the following response: <i>"We are of the opinion that a public forum is not appropriate at this stage given the very minor nature of the amendment which does not impact any of the street elevations, and the rigorous public forum process that has been previously conducted during the original Development Application stage and the Building Permit extension stage."</i></p> <p>The City will continue to encourage the owner and builder to liaise with the local community in relation to this development.</p>

**Design Advisory Committee (DAC):**

Referred to Design Advisory Committee: No

The application was not referred to DAC as the amendments were predominately internal with minimal external impacts, given the changes are contained within the internal courtyards.

**LEGAL/POLICY:**

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 4.1.5 – Community Consultation; and
- Policy No. 7.1.3 – Leederville Precinct.

The applicant will have the right to have Council's decision reviewed by the State Administrative Tribunal (SAT) in accordance with Part 14 of the *Planning and Development Act 2005*.

Delegation to Determine Applications:

This application is being referred to Council as the original planning application was determined by Council.

**RISK MANAGEMENT IMPLICATIONS:**

It is Administration's view that there are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a planning application.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2023 states:

*"Natural and Built Environment*

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

**SUSTAINABILITY IMPLICATIONS:**

The City's Strategic Plan 2013-2023 states:

*"Economic Development*

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

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

<b>ENVIRONMENTAL</b>
Nil

<b>SOCIAL</b>
The provision of a larger dining and activity space within the Aged Care facility would provide a larger meeting and interaction space for residents.

<b>ECONOMIC</b>
The development will make use of existing infrastructure and services.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil

**COMMENTS:**

The application seeks approval for minor amendments to the approved Institutional Building (Aged Care Facility). The amendments including the alteration of the dining/activity areas to the first and second floor will enhance the facilities provided to residents of the aged care facility and enable a greater level of care and supervision to be provided by the operators.

The amendments requiring further approval relate to the central portion of the site and will not be visible to the existing streetscape and surrounding or adjoining residents and are acceptable.

It is recommended that the proposal is supported and that Council approves this proposal subject to the original conditions.

---

**9.1.6 No. 31 (Lot: 74; D/P: 32) Smith Street, Highgate – Proposed Additions and Alterations to Existing Public Place of Worship (Serbian Church Hall)**

<b>Ward:</b>	South	<b>Date:</b>	2 September 2016
<b>Precinct:</b>	Precinct 14 – Forrest	<b>File Ref:</b>	PR25404; 5.2016.228.1
<b>Attachments:</b>	<u>1</u> – Consultation Map <u>2</u> – Development Application Plans <u>3</u> – Applicant’s Planning Report <u>4</u> – Car Parking and Bicycle Tables <u>5</u> – State Heritage Office Comment <u>6</u> – Marked up plans showing proposed versus required setback <u>7</u> – Determination Advice Notes		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Dyson, Statutory Planning Officer		
<b>Responsible Officer:</b>	P Di Perna, Acting Director Development Services		

**RECOMMENDATION:**

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application for a proposed Two Storey Alteration and Additions to Existing Public Place of Worship (Serbian Church Hall) at No. 31 (Lot: 74; D/P: 32) Smith Street, Highgate on plans date stamped 9 June 2016, as shown on Attachment 2, subject to the Determination Advice Notes in Attachment 7 and the following conditions:

1. **Limitation on Use – Church Classroom**
  - 1.1 A maximum of 20 students are to be accommodated in the classroom at any one time;
  - 1.2 The proposed Friday classes shall operate at a separate time to the Place of Public Worship Use;
  - 1.3 The proposed Friday religious classes to operate from 6:00pm to 7:30pm;
  
2. **Car Parking and Access**
  - 2.1 A minimum of two car parking bays shall be provided onsite for the use;
  - 2.2 The car parking and access areas are to comply with the requirements of AS2890.1;
  - 2.3 The car parking areas on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans, completed to the satisfaction of the City and maintained thereafter by the owners/occupiers;
  
3. **Stormwater**

Prior to occupancy or use of the development all storm water produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City;

**4. External Fixtures**

All external fixtures shall not be visually obtrusive from Smith Street and neighbouring properties. External fixtures are such things as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like;

**5. Landscaping and Reticulation Plan**

5.1 A detailed landscape and reticulation plan for the development site and adjoining road verge is to form part of the application for a Building Permit and shall be approved by the City prior to commencement of the development. The plan shall be drawn to a scale of 1:100 and show the following:

5.1.1 The location and type of proposed trees and plants;

5.1.2 Areas to be irrigated and reticulated; and

5.1.3 The proposed landscaping treatment of the verge;

5.2 All works shown in the plans approved with the Building Permit shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

**6. Bicycle Bays**

Prior to occupancy or use of the development a minimum of 6 Class 3 bicycle facilities are to be provided onsite to the satisfaction of the City. Bicycle bays must be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3; and

7. Where any of the above conditions have a time limitation for compliance, and the condition is not met in the required time frame, the obligation to comply with the requirements of the condition continues whilst the approved development exists.

**PURPOSE OF REPORT:**

To consider an application for alterations and additions to the existing Serbian Church Hall.

**BACKGROUND:**

The property consists of the existing Serbian Church at the front of the property and an existing Church Hall at the rear of the property. The property is listed on both the State Heritage Register and Municipal Heritage Inventory (Category B) for its Cultural and Architectural Significance. The Church itself is noted by the State Heritage Council as an "*outstanding example of a Church in the Christian Orthodox church tradition, and with its curved form, domed roof and stark white walls and has an overall aesthetic quality that is both visually pleasing and peaceful.*"

The existing Sunday school classes associated with the Church operate concurrently to Church services.

It is noted under Clause 27(1) of the City's Town Planning Scheme No. 1, the City where desirable to facilitate the conservation of a heritage place, may vary any site or development requirement provided that the impact of the development is considered and comment from the affected landowners sought.

---

**DETAILS:**

**Application Details:**

<b>Landowner:</b>	The Parish of the Serbian Church of Sava Inc
<b>Applicant:</b>	Urbanista Town Planning
<b>Date of Application:</b>	27 May 2016

**Principal Statutory Provisions**

<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R80 Draft Town Planning Scheme No. 2 (TPS2): Residential R80
<b>Existing Land Use:</b>	Place of Public Worship
<b>Use Class:</b>	Place of Public Worship
<b>Use Classification:</b>	"AA"
<b>Lot Area:</b>	1,239 square metres
<b>Right of Way (ROW):</b>	No
<b>Heritage List:</b>	Yes

The proposal is for the construction of a second storey addition to the existing Church Hall and alterations to the existing ground floor including the following:

Ground Floor

- Alteration of toilet areas and the relocation of the kitchen area and store room from the western side of the building to the northern side;
- Creation of an eastern facing portico entry statement structure; and

First Floor

- The creation of a first floor including of two offices (Priest and Teacher), a classroom and library area to be used in conjunction with the Place of Public Worship and toilets.

The proposed classroom on the first floor of the Church Hall will provide the Serbian Church the opportunity to offer religious classes in addition to the current Sunday School. The specific classes proposed within the classroom are proposed to operate between 6:00pm – 7:30pm on Friday evenings.

The site includes the provision of two car parking bays. The car parking table is included as **Attachment 4**.

The City's car parking assessment has been based on the policy requirements for a Place of Public Worship use and Commercial Hall use. As the office and library rooms are integrated into the Commercial Hall and function as an incidental component of the Place of Public Worship they have no had parking calculated based on their independent use.

Smith Street itself is principally residential in nature and includes a number of multi-storey grouped and multiple dwelling developments.

This proposal does not include any alterations to the existing place of public worship building (Church).

**ASSESSMENT:**

**Summary Assessment**

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1, and the City's policies. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the section of the report following from this table both in relation to the deemed-to-comply provisions and the design principles.

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Land Use	✓	
Density/Plot Ratio	✓	
Street Setback	✓	
Rear Setback		✓
Front Fence	✓	
Building Setbacks/Boundary Wall		✓
Building Height/Storeys		✓
Roof Form	✓	
Open Space	✓	
Privacy	✓	
Parking & Access	✓	
Bicycles		✓
Solar Access	✓	
Site Works	✓	
Essential Facilities	✓	
Surveillance	✓	
Landscaping		✓

**Detailed Assessment**

The assessment is as follows:

Building Height		
Requirement	Proposed	Variation
<b>Residential Design Elements Policy 7.2.1 Clause BDADC5. Building Height</b>		
Top of External Wall – 6 metres	7.5 metres	1.5 metres
Top of External Wall (Concealed Roof) – 7 metres	9 metres	2 metres



The assessment against the principles is as follows:

<b>Building Height</b>
<b>Applicable Principles</b>
<p>The current policy framework does not prescribe any building height provisions for this type of use in a residential area, and due regard has been given to the provisions of the TPS1 and the Residential Design Codes.</p> <p><b>Town Planning Scheme No. 1 – Clause 6 Objectives and Intentions</b></p> <p>(c) To ensure that the use and development of land is managed in an effective manner within a flexible framework which:</p> <p style="padding-left: 40px;">(i) recognises the individual character and needs of localities within the Scheme Zone area.</p> <p><b>Residential Design Codes – Clause 5.1.6 Building Height</b></p> <p>P6 Building height that creates no adverse impact on the amenity of adjoining properties or the streetscape, including road reserves and public open space reserves; and where appropriate maintains:</p> <ul style="list-style-type: none"><li>• adequate access to direct sun into buildings and appurtenant open spaces;</li><li>• adequate daylight to major openings into habitable rooms; and</li><li>• access to views of significance.</li></ul>
<b>Applicant's Justification</b>
None provided.
<b>Officer Technical Comment</b>
<p>The existing Church Hall is located at the rear of the existing site behind the existing Church. The location of the Church Hall effectively limits the impact of view of the new additions when viewed from the street and ensures the new works will not impact the view or character of the existing Church from the street.</p> <p>The Church Hall roof itself is proposed to consist of both a flat roof section with the feature panel along the southern façade together with a pitched roof section which varies in degrees from the ground floor section to the first floor section at the rear of the building.</p> <p>The location of the additions to the rear of the Church Hall building itself limits the impact of the height variations proposed of 1.5 metres to the wall height and 2 metres to the concealed roof height. The inclusion of design features such as face brick assist to break up the height and bulk of the building when viewed from the adjoining properties.</p> <p>The proposed overshadowing is compliant with the requirements of the Residential Design Codes to the adjoining southern properties. A setback ranging from 4.23 to 4.35 meters to the southern boundary also assists to offset any potential for the impact of bulk of the building.</p> <p>The overall height of 9 metres is compliant with the permitted pitched roof height requirements of the Policy.</p> <p>It is noted under Clause 27(1) of the City's Town Planning Scheme No. 1, the City where desirable to facilitate the conservation of a heritage place, may vary any site or development requirement provided that the impact of the development is considered and comment from the affected landowners sought. In this instance the additions are principally located at the rear of the existing Church Hall building and will not impact the adjoining properties.</p> <p>On above basis the variations to the building height are supported.</p>

The assessment is as follows:

<b>Building Setbacks/Boundary Wall</b>		
<b>Requirement</b>	<b>Proposed</b>	<b>Variation</b>
<b>Residential Design Codes Clause 5.1.3</b>		
Northern		
Lower (Hall) – 2.3 metres	1.6 metres	0.7 metres
Upper (Hall) – 1.9 metres	1.6 metres	0.3 metres

The assessment against the principles is as follows:

<b>Building Setbacks/Boundary Wall</b>
<b>Applicable Principles</b>
<b>Development Guidelines for Commercial and Mixed Use Developments Clause 1.2 AC 1.2.1 which references the Residential Design Codes Clause 5.1.3</b>
<b>AC 1.2.1</b>
In accordance with the relevant Precinct Policy and the Residential Design Codes where applicable.
P3.1 Buildings set back from lot boundaries so as to: <ul style="list-style-type: none"> <li>• reduce impacts of building bulk on adjoining properties;</li> <li>• provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</li> <li>• minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</li> </ul>
<b>Applicant's Justification</b>
None provided.
<b>Officer Technical Comment</b>
The proposed lower and upper northern portions of wall present minimal variations to the northern boundary of between 0.3 metres to 0.7 metres. Both of the sections of wall on the lower and upper storey consist of design features such as varying building materials such as render and face brick and windows. These features will assist to ameliorate the impact of the walls when viewed from the adjoining property and ensure the impacts of building bulk is reduced.
The presence of the proposed window openings on both the ground floor and upper floor of the northern elevation will assist to provide adequate sun and ventilation to the existing building. The proposed windows along this elevation are not major openings and will not impact privacy.
The proposed walls abut an extensive vegetated open rear yard area and outbuilding structure of the adjoining northern property. Due to this there will be no impact to provision of light and ventilation to habitable areas of the adjoining property and dwelling which is located adjacent to the Church at the front of the property.
On this basis the variations to the building setback are supported.

The assessment is as follows:

<b>Rear Setback</b>		
<b>Requirement</b>	<b>Proposed</b>	<b>Variation</b>
<b>Development Guidelines for Commercial and Mixed Use Development A.C1.2.3 (ii) Abutting Residential R80 and Above to the Rear.</b>		
Lower (Hall) – 4.0 metres	1.4 metres	2.6 metres
Upper (Hall) – 4.0 metres	1.4 metres	2.6 metres

The assessment against the principles is as follows:

<b>Rear Setback</b>
<b>Applicable Principles</b>
<b>Development Guidelines for Commercial and Mixed Use Developments P1.2.3 Rear Setbacks</b>
Sufficiently ensures that the proposed development demonstrates no greater impact on the outdoor living area and habitable rooms with respect to privacy, light and overshadowing than a compliant setback to the property directly backing on to the proposed development.
<b>Applicant's Justification</b>
None provided.
<b>Officer Technical Comment</b>
The proposed additions to the ground and upper floor of the Church Hall immediately abuts an open lawn area of the adjoining property with no buildings within 28 metres of the subject property boundary.
Similarly to the northern elevation of the proposed additions, the western wall includes design features such as varying building materials such as render and face brick and windows. These features will assist to ameliorate the impact of the walls when viewed from the adjoining property and ensure the impacts of building bulk is reduced.
The proposed rear setback of the Church Hall is not dissimilar to the deemed-to-comply setback of the Residential Design Codes or the provisions of the City's Policy No. 7.2.1 – Residential Design Elements. The City is satisfied that there would not be any greater impact to the adjoining property in terms of loss of amenity from the proposed rear wall of the Church Hall.
Based on the above, the proposed walls and the setback will have no impact on any outdoor living areas or habitable areas of the adjoining property and any overshadowing will be contained to the southern end of the property.

The assessment is as follows:

<b>Bicycles</b>		
<b>Requirement</b>	<b>Proposed</b>	<b>Variation</b>
<b>Policy No. 7.7.1 – Parking and Access</b>		
4 Class 1 or 2 facilities and 8 Class 3 facilities.	Nil Class 1 or 2 and Nil Class 3	Shortfall of 2 Class 1 or 2 and 3 Class 3 bicycle bays.

The assessment against the principles is as follows:

<b>Bicycles</b>
<b>Applicable Principles</b>
<b>Policy No. 7.7.1 – Parking and Access</b>
5. To promote alternative transport modes by including requirements to provide bicycle parking and reducing parking requirements where alternatives exist.
<b>Applicant's Justification</b>
None provided.
<b>Officer Technical Comment</b>
The applicant is to provide the required bicycle parking facilities on-site for visitors and staff. It is considered that as the use involves transient access to the Church during limited times per week that the requirement of 6 Class 3 bicycle spaces in the form of three bike racks are sufficient to cater for those wishing to utilise bicycles for the Place of Public Worship/Church Hall use. A condition is recommended accordingly.

The assessment is as follows:

<b>Landscaping</b>		
<b>Requirement</b>	<b>Proposal</b>	<b>Variation</b>
<b>Policy No. 7.2.1 – Residential Design Elements</b>		
A minimum of 25% of the site area as landscaping (309.75 square metres)	211.92 square metres (as existing)	97.83 square metres

The assessment against the principles is as follows:

<b>Landscaping</b>
<b>Applicable Principles</b>
<b>Policy No. 7.5.11 – Development Guidelines for Commercial and Mixed Use Developments</b>
<b>P5.1</b> Landscape design shall be integrated into the overall site layout and building design of the development to reduce the urban heat island effect and enhance and improve micro-climate conditions and contribute to local biodiversity.
<b>Applicant's Justification</b>
None provided.
<b>Officer Technical Comment</b>
The proposal does not provide for any additional landscaping areas, as the existing site is afforded with significant existing landscaping area (211.92 square metres). Landscaping is located along the northern and southern boundaries and the curtilage areas around the existing Church Building. The landscaping is in the form of mature trees, plantings and grassed area. Based on this the landscaping is considered to be acceptable for the use and will maintain appropriate softening to the built form.

**CONSULTATION/ADVERTISING:**

Required by Legislation:	No	Required by City of Vincent Policy:	Yes
--------------------------	----	-------------------------------------	-----

Consultation Period:	8 July 2016 – 21 July 2016
Comments Received:	One comment of support.

A total of 131 letters were sent to owners and occupiers adjoining the surrounding properties and resulted in a response rate of 0.7%.

The rear setback variation proposed for the additions to the Church Hall was not advertised to the adjoining rear property as the property is in the same ownership as this development site.

**Design Advisory Committee (DAC):**

Referred to Design Advisory Committee: No

**External Referrals:**

State Heritage Office

The property is listed on the State Heritage Register and Municipal Heritage Inventory. The submitted plans were referred to the State Heritage Office who advised that the proposed additions and alterations to the existing Church Hall would not impact the cultural significance of the place and are supported. (Refer **Attachment 5**).

**LEGAL/POLICY:**

- *Planning and Development Act 2005*;
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.14 – Forrest Precinct;
- Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Developments;
- Policy No. 7.6.1 – Development Guidelines for Heritage and Adjacent properties;
- Policy No. 7.6.2 – Heritage Assessment;
- Policy No. 7.6.7 – Heritage Management – MHI Incentives and Development Bonuses; and
- Policy No. 7.7.1 – Parking and Access.

The City's Policy No. 7.5.11 – Development Guidelines for Commercial and Mixed Use Development's makes reference to height as provided in the specific Precinct Policy. The Forrest Precinct Policy (P14) does not provide a specific building height for non-residential development on residential zoned land. The Forrest Precinct Policy (P14) only states a specific number of storeys for land zoned commercial and mixed-use. In the absence of provisions within the precinct policy and given the residential zoning the assessment has had due regard to the height requirements of the Residential Design Codes.

The applicant will have the right to have Council's decision reviewed by the State Administrative Tribunal (SAT) in accordance with Part 14 of the *Planning and Development Act 2005*.

Delegation to Determine Applications:

This matter is being referred to Council as the application involves a Place of Public Worship, (Category 2) and no delegation exists to determine the application.

**RISK MANAGEMENT IMPLICATIONS:**

It is Administration's view that there are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a planning application.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2023 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 2013-2023 states:

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

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

<b>ENVIRONMENTAL</b>
The reuse of the existing building footprint has a lower environmental impact compared to the construction of a new building.

<b>SOCIAL</b>
The development contributes positively to the social sustainability of the area by increasing educational opportunities associated with the Church.

<b>ECONOMIC</b>
The development will make use of existing infrastructure and services.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The State Heritage Office is in support of the proposed application.

The proposed additions to the existing single storey Church Hall at the rear of the property is of a scale and bulk that will not impact the adjoining residential properties or detract from the heritage appeal of the existing Church. The proposed height will largely be obscured from the street and the design of the additions incorporates features such as finishes and materials to reduce any bulk and scale.

The use of the proposed classroom on the first floor of the Church Hall for religious classes is ancillary to the use of the existing Church on site and is unlikely to have an adverse impact on the adjoining property.

There are two designated car parking bays provided onsite for the use, however the Church principally operates one day per week on Sunday as its highest volume period. The car parking on-site includes a pre-existing car parking shortfall when calculated, will not be impacted by the proposed application as the religious classes and offices proposed are ancillary which will not be used concurrently with the Church. A condition is imposed that the required bicycle parking facilities are to be provided accordingly.

Overall the proposal aligns with the City's precinct policy objectives for the Forrest Precinct.

It is recommended that Council conditionally approves this proposal.

---

**9.1.7 No. 24 (Lots: 2 & 3; D/P: 75) Brisbane Street, Perth – Change of Use from Office and Multiple Dwelling to Office and Serviced Apartments (Retrospective)**

<b>Ward:</b>	South	<b>Date:</b>	2 September 2016
<b>Precinct:</b>	Precinct 13 – Beaufort	<b>File Ref:</b>	PR18666; 5.2016.183.1
<b>Attachments:</b>	<u>1</u> – Consultation Map <u>2</u> – Development Application Plans <u>3</u> – Applicant’s Justification and Management Plan/Code of Conduct <u>4</u> – Car Parking and Bicycle Tables <u>5</u> – Determination Advice Notes		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Dyson, Statutory Planning Officer		
<b>Responsible Officer:</b>	P Di Perna, Acting Director Development Services		

**RECOMMENDATION:**

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application for a Change of Use from Office and Multiple Dwelling to Office and Serviced Apartments (Retrospective) at No. 24 (Lots: 2 & 3; D/P: 75) Brisbane Street, Perth in accordance with plans date stamped 10 May 2016 and 19 July 2016, as shown on Attachment 2, subject to the Determination Advice Notes in Attachment 5 and the following conditions:

**1. Limitation on Use – Serviced Apartment**

**1.1 Maximum Lease Period**

Guests are not permitted to stay at the subject serviced apartment for a continuous period of more than six months within any 12 month period; and

**1.2 Management Plan**

**1.2.1** The serviced apartment shall continue to operate in accordance with the Management Plan dated 10 May 2016; and

**1.2.2** The terms and conditions outlined in the Management Plan shall be provided to occupants of the Serviced Apartment at the time of check-in and displayed in a prominent location within the entrance area within the service apartment;

**2. Car Parking and Access**

**2.1** A minimum of six car parking bays shall be provided onsite for the office and serviced apartment use;

**2.2** The car park shall be used only by residents, tenants and visitors directly associated with the development;

**2.3** The car parking and access areas are to comply with the requirements of AS2890.1;

2.4 Vehicle and pedestrian access points are required to match into existing footpath levels; and

2.5 Prior to occupancy or use of the development the car parking areas on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans, completed to the satisfaction of the City and maintained thereafter by the owner(s)/occupier(s);

3. **External Fixtures**

All external fixtures shall not be visually obtrusive from Bulwer and Brisbane Streets and neighbouring properties. External fixtures are such things as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like;

4. **Waste Management**

4.1 A Waste Management Plan is to be provided within 28 days of the date of approval and shall be approved by the City detailing a bin store to accommodate the City's specified bin requirement; and

4.2 Waste management for the development shall thereafter comply with the approved Waste Management Plan;

5. **Bicycle Bays**

Prior to occupancy or use of the development a minimum of one resident bay is to be provided onsite to the City's satisfaction. Bicycle bays must be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3; and

6. Where any of the above conditions have a time limitation for compliance, and the condition is not met in the required time frame, the obligation to comply with the requirements of the condition continues whilst the approved development exists.

**PURPOSE OF REPORT:**

To consider a retrospective change of use application from Office and Multiple Dwelling to Office and Serviced Apartments.

**BACKGROUND:**

**History:**

The City was alerted on 22 April 2016 to the existing multiple dwelling onsite being utilised as a serviced apartment through a written complaint relating to the operation of similar businesses within the City. A site inspection conducted by the City revealed the property was already operating and was being advertised on an "AirBnb" website. The applicant subsequently lodged a retrospective application for a "Serviced Apartment" use. Aside from this complaint there have been no other complaints received in relation to this use operating from these premises.

The property is a dual frontage lot with access to both Brisbane and Bulwer Streets.

The site is located in a locality with a mix of both residential and commercial uses and the nib Stadium recreational precinct.

---



The City has previously determined the following applications for the subject property:

Date	Comment
9 November 2010	Council at its Ordinary Meeting resolved to approve an application for a Change of Use from Warehouse to Office and One Multiple Dwelling and Associated Alterations and Additions (Retrospective)

**Previous Reports to Council:**

The Minutes of the previous reports to Council are available on the City's website.

**DETAILS:**

**Application Details:**

<b>Landowner:</b>	Sanpoint Pty Ltd
<b>Applicant:</b>	TPG – Town Planning, Urban Design and Heritage
<b>Date of Application:</b>	11 May 2016

**Principal Statutory Provisions**

<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential/Commercial R80 Draft Town Planning Scheme No. 2 (TPS2): Residential/Commercial R80
<b>Existing Land Use:</b>	Office and Serviced Apartment (Unauthorised)
<b>Use Class:</b>	Office "AA" Serviced Apartment "SA"
<b>Lot Area:</b>	687 square metres
<b>Right of Way (ROW):</b>	Not Applicable
<b>Heritage List:</b>	No

The property is currently being used for an office fronting Brisbane Street. The unauthorised serviced apartments are orientated towards the Bulwer Street frontage.

The Serviced Apartments are proposed to operate as follows:

- Serviced apartment No. 1 includes a four bedroom apartment and associated living/dining areas. The serviced apartment has a separate entrance from the north of the existing building.
- Serviced Apartment No. 2 includes two bedrooms with associated living/dining areas.
- The serviced apartments are managed through AirBnb with no onsite members or check in facilities associated with the short stay accommodation.
- The apartments are available nightly with a minimum three night stay.
- Check-ins generally occur after 2:00pm and check outs prior to 10:00am.
- No amendment to the existing commercial operation of the building or the building façade is proposed.
- A detailed management plan including in **Attachment 3** is included with the application which outlines the following in accordance with the requirements of the City's Policy No. 7.4.5 – Temporary Accommodation.

There are no physical changes proposed to the external appearance of the building.

**ASSESSMENT:**

**Summary Assessment**

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1, the Residential Design Codes and the City's policies. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the section of the report following from this table both in relation to the deemed-to-comply provisions and the design principles.

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Land Use		✓
Temporary Accommodation		✓
Parking	✓	
Bicycles	✓	

**Detailed Assessment**

The assessment is as follows:

Land Use		
Requirement	Proposal	Aspect for Consideration
<b>Town Planning Scheme No. 1</b>  Zone – Residential/Commercial R80	Serviced Apartment – “SA”	Requires discretion

The assessment against the-principles is as follows:

Land Use
<b>Applicable Principles</b>
<b>Policy No. 7.1.13 – Beaufort Precinct</b>
The re-use, conversion or extension of existing buildings is strongly encouraged.
In all cases, minimising the impact of development on adjacent residential areas through appropriate site layout and design is to be a priority.
<b>Applicant's Justification</b>
<i>“..the proposed land use is considered appropriate for the site on the basis that the short stay accommodation land use will assist in catering for a diversity of demands, interests and lifestyles within the City of Vincent through the provision of short-stay accommodation in a central location, with excellent access to surrounding transport, business and amenities, including the Perth CBD and NIB Stadium. The short-stay accommodation land use is considered compatible with the Residential/Commercial zoning under the TPS No.1 and will not have any adverse impact on adjoining properties, noting that the use is similar to a permanent residential land use.</i>
<i>“The nature of the proposed land use is appropriate with respect to the mix of land uses in the immediate locality and will not adversely impact adjoining site, noting that the serviced apartment land use is bound by a commercial car yard to the west, and a three storey mixed residential/commercial development to the east. The nature of the commercial car yard land use will ensure that there is no adverse impact on its operation as a result of the proposed short-stay accommodation land use, whilst the three –storey mixed-use development maintains an appropriate level of privacy through the triple height nil setback boundary wall along the common property boundary with the subject site. The nil setback wall has no openings or balconies, and is separated from the short-stay accommodation by the existing driveway to the east of the subject site.”</i>

<b>Land Use</b>
<b>Officer Technical Comment</b>
<p>The surrounding area of the property within Bulwer and Brisbane Streets are primarily mixed use in nature, in addition to the recreational precinct surrounding nib Stadium. The site also has strong linkages with the entertainment precinct along Beaufort Street. In addition there are some residential dwellings to the immediate north of the subject site.</p> <p>The serviced apartments will contribute to supply a diversity of accommodation options in the area. The serviced apartments are located in the rear of the building and easily accessible via existing access points.</p> <p>The City's draft Local Planning Strategy (LPS) identifies an increase in current and future demand for tourist accommodation in the City, given its close proximity to the Perth CBD and other amenities. The serviced apartment use aligns closely with this requirement.</p> <p>The submitted Management Plan for the premises aligns with the requirements of the City's Policy. There have been no complaints received so far on its use from adjoining and adjacent residents. On this basis the use is supported.</p>

<b>Temporary Accommodation</b>		
<b>Requirement</b>	<b>Proposal</b>	<b>Aspect for Consideration</b>
<p><b>Policy No. 7.4.5 – Temporary Accommodation Clause 2.5 Serviced Apartments</b></p> <p>The serviced apartments shall include within the entrance, foyer or lobby a reception desk which shall be attended by staff at all times when apartment check-in and check-out can occur.</p>	<p>No reception desk is provided at the subject property. The applicant proposes to operate the two apartments through the Airbnb online booking system.</p>	<p>No onsite reception desk.</p>

The assessment against the principles is as follows:

<b>Temporary Accommodation</b>
<b>Applicable Principles</b>
<p>Ensure a high standard of amenity for long-term residents and the occupants of temporary accommodation through management controls.</p> <p>Ensure properties used for temporary accommodation purposes do not have an undue impact on the residential amenity of the area.</p>
<b>Applicant's Justification</b>
<p><i>"The accommodation units are managed through AirBNB, and comprise one four bedroom apartment at the ground floor, and one two-bedroom apartment across the ground and first floor levels.</i></p> <p><i>The accommodation units offer a unique alternative to hotel accommodation, catering for high end business and leisure travellers seeking an authentic local experience, and providing facilities commensurate with a permanent residential dwelling.</i></p>

<b>Temporary Accommodation</b>
<p><i>The application is accompanied by a detailed Management Plan and Servicing Strategy outlining the House Rules, code of conduct and operational procedures for the management and use of the premises, in accordance with the requirements under the City's Temporary Accommodation Policy.</i></p> <p><i>.....the enclosed, Management Plan, which includes requirements pertaining to:</i></p> <ul style="list-style-type: none"> <li>- <i>Noise and other disturbances;</i></li> <li>- <i>Complaints management procedures;</i></li> <li>- <i>Security of guests, residents and visitors;</i></li> <li>- <i>Control of anti-social behaviour in accordance with the applicable code of conduct; and</i></li> <li>- <i>A statement regarding the impact of inappropriate car parking."</i></li> </ul>
<b>Officer Technical Comment</b>
<p>The City's Policy No. 7.4.5 – Temporary Accommodation does not contemplate online booking of self-managed serviced apartments which are conducted remotely. In this instance the use is small in scale with only two apartments and is capable of being managed without an onsite reception desk.</p> <p>In this instance, the applicant proposes to operate the subject serviced apartment through the online AirBNB system, whereby Guests book online and their keys are provided onsite. This operation is considered acceptable in this instance, as the use is to be conducted in accordance with the approved Management Plan and the conditions recommended in this approval.</p> <p>To ensure that occupants of the serviced apartments are aware of their obligations to adhere to the terms and conditions of the Management Plan, it is recommended a condition is imposed requiring the operator to provide the Management Plan's terms and conditions to all occupants at the time of check-in and display them in a prominent location within the serviced apartment.</p>

**CONSULTATION/ADVERTISING:**

Required by Legislation:	No	Required by City of Vincent Policy:	Yes
Consultation Period:	14 June 2016 – 4 July 2016		
Comments Received:	One comment received noting concern.		

A total of 48 letters were sent to owners and occupiers adjoining the subject site and resulted in a response rate of 2% and a sign was placed onsite and notice was included in the local paper.

The tables below summarise the comment received during the advertising period of the proposal, together with the City's response.

<b>Comments Received in Objection:</b>	<b>Officer Technical Comment:</b>
<p><u>Future Scale of Development</u></p> <p>Concern in relation to any future intention to increase the height of the property.</p>	<p>The proposed application seeks to change the use of the existing two multiple dwellings into two serviced apartments with no modification proposed to the building.</p> <p>Any proposal to increase the height of the existing building would be subject to a development application process, community consultation, would be assessed on its merits and determined accordingly.</p>

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

**Design Advisory Committee (DAC):**

Referred to Design Advisory Committee: No

**LEGAL/POLICY:**

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.13 – Beaufort Precinct;
- Policy No. 7.4.5 – Temporary Accommodation; and
- Policy No. 7.7.1 – Parking and Access.

The applicant will have the right to have Council's decision reviewed by the State Administrative Tribunal (SAT) in accordance with Part 14 of the *Planning and Development Act 2005*.

Delegation to Determine Applications:

This matter is being referred to Council as the application relates to an "SA" Use of the property for a Serviced Apartment and at least one objection has been received.

**RISK MANAGEMENT IMPLICATIONS:**

It is Administration's view that there are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a planning application.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2023 states:

*"Natural and Built Environment*

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

**SUSTAINABILITY IMPLICATIONS:**

The City's Strategic Plan 2013-2023 states:

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

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

<b>ENVIRONMENTAL</b>
The reuse of the existing building has a lower environmental impact compared to the construction of a new building.
<b>SOCIAL</b>
The development contributes positively to the social sustainability of the area by increasing tourist accommodation and workplace options within the local area.
<b>ECONOMIC</b>
Supports locally owned businesses and the tourism industry.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The proposed combination of the existing office and serviced apartments is considered appropriate within the area and is consistent with the Residential/Commercial zoning objectives of Policy No. 7.1.13 – Beaufort Precinct.

The serviced apartments use will contribute to the supply of small scale tourist accommodation within the City of Vincent. The serviced apartments are located at the rear portion of the building and is considered to appropriate within this mixed-use area.

The arrangement to operate the subject serviced apartments in conjunction with the online AirBNB operational system is acceptable subject to the proposed serviced apartments:

- Operating in accordance with the Management Plan approved with this application;
- Contact details of the person responsible for the serviced apartments being available to the guests.

Overall the proposal aligns with the City's precinct policy objectives and complies with the car parking requirements in **Attachment 4**.

It is recommended that Council conditionally approves this proposal.

---

**9.1.8 Nos. 53-65 (Lot: 12; D/P: 73684) Wasley Street, Dual Frontage to Forrest Street, North Perth – Proposed Part Demolition of Existing Institutional Building (Two Independent Living Units) and Construction of Associated Car Parking Bays**

<b>Ward:</b>	South	<b>Date:</b>	2 September 2016
<b>Precinct:</b>	Precinct 10 – Norfolk	<b>File Ref:</b>	PR26784; 5.2016.186.1; WAPC/151944; WAPC/146268
<b>Attachments:</b>	<u>1</u> – Consultation Map <u>2</u> – Development Application Plans <u>3</u> – Applicant’s Justification <u>4</u> – Car Parking Table <u>5</u> – Determination Advice Notes		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Dyson, Statutory Planning Officer		
<b>Responsible Officer:</b>	P Di Perna, Acting Director Development Services		

**RECOMMENDATION:**

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application for Proposed Demolition of Existing Institutional Building (Two Independent Living Units) and Construction of Associated Car Parking Bays at Nos. 53-65 (Lot: 12; D/P: 73684) Wasley Street, Dual Frontage to Forrest Street, North Perth in accordance with plans date stamped 12 May 2016, 7 June 2016 and 2 September 2016, as shown on Attachment 2, subject to the Determination Advice Notes in Attachment 5 and the following conditions:

**1. Car Parking and Access**

- 1.1 The car park shall be used only by residents and visitors directly associated with the development;
- 1.2 A minimum of five car parking bays shall be provided for the Independent Living Units;
- 1.3 The car parking and access areas are to comply with the requirements of AS2890.1;
- 1.3 The car parking areas on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans, completed to the satisfaction of the City and maintained thereafter by the owner(s)/occupier(s);
- 1.4 Wheel stops shall be provided at the end of each car parking bay;
- 1.5 Vehicle and pedestrian access points are required to match into existing footpath levels; and
- 1.6 All new crossovers shall be constructed in accordance with the City’s Standard Crossover Specifications;

**2. Fencing**

- 2.1 The proposed dividing fence abutting the proposed parking bays on the eastern boundary shall be constructed of masonry material;**
- 2.2 The fence shall be to a height of 1.8 metres as denoted on the site plans with the exception of the first 1.5 metres when measured from the front boundary which is to have a maximum height of 0.65 metres; and**
- 2.3 The owners of the subject land shall finish and maintain the surface of the dividing fencing facing No. 88 Forrest Street in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork to the satisfaction of the City;**

**3. Verge Trees**

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

**4. Landscape and Reticulation Plan**

- 4.1 A detailed landscape and reticulation plan for the development site and adjoining road verge is to form part of the application for a Building Permit and shall be approved by the City prior to commencement of the development. The plan shall be drawn to a scale of 1:100 and show the following:
  - 4.1.1 The location and type of existing and proposed trees and plants within the car park;**
  - 4.1.2 Areas to be irrigated or reticulated; and**
  - 4.1.3 The removal of redundant crossovers; and****
- 4.2 All works shown in the plans approved with the Building Permit shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;**

**5. Stormwater**

**Prior to occupancy or use of the development all storm water collected on the subject land shall be retained onsite, by suitable means to the satisfaction of the City; and**

- 6. Where any of the above conditions have a time limitation for compliance, and the condition is not met in the required time frame, the obligation to comply with the requirements of the condition continues whilst the approved development exists.**

**PURPOSE OF REPORT:**

To consider an application including a partial demolition of existing Institutional Building development and construction of associated car bays.

**BACKGROUND:**

The subject property includes two uses which comprise of a nursing home and Independent Living Units. The uses and their associated structures received Planning Approval from the City in 2003 and 2006 respectively.

---



There are thirteen independent living units and 65 car parking bays existing on site in the basement area of the Nursing Home. The car parking for the Independent Living Units is currently provided as part of the Nursing Home Car Parking.

The property was subject to two subdivision/amalgamation applications applicable to the site.

The first subdivision application proposed the amalgamation of all lots which comprised of the Nursing Home and Independent Living Units (Lots 12, 134, 135, 136), which was approved by the WAPC (reference WAPC/146266) in September 2012.

The second subdivision proposed the creation of two lots enabling the separation of the Nursing Home (northern lot along Wasley Street and Norfolk Streets) from the Independent Living Units (southern property) fronting Forrest Street. The application received conditional approval from the WAPC in September 2015 including a requirement for the provision of five car parking bays for the Independent Living Units. As the five car parking bays could not be provided onsite, the owners propose to demolish two of the existing Independent Living Units to facilitate the construction of the required car parking bays.

### History

The City has previously determined the following applications for the subject property:

Date	Comment
8 April 2003	Council at its Ordinary Meeting resolved to approve the Demolition of Two Existing Dwellings and Alterations and Additions to and Partial Demolition of an Existing Nursing Home.
25 July 2006	Council at its Ordinary Meeting resolved to approve the Demolition of the Existing Independent Living Units and Nursing Home and the Construction of Additional Nursing Home, Part Undercroft Parking, Shade Sails and carports to the Existing Independent Living Units and Nursing Home.
18 December 2007	Council at its Ordinary Meeting reconsidered a condition of approval relating the Previous Council Approval.

### Previous Reports to Council:

The Minutes of the previous reports to Council are available on the City's website.

### DETAILS:

#### Application Details:

<b>Landowner:</b>	Iles Investments Pty Ltd & JA Allanson
<b>Applicant:</b>	Rowe Group
<b>Date of Application:</b>	13 May 2016

### Principal Statutory Provisions

<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R40 Draft Town Planning Scheme No. 2 (TPS2): Residential R40
<b>Existing Land Use:</b>	Institutional Building (Nursing Home and Independent Living Units)
<b>Use Class:</b>	Institutional Building (Nursing Home and Independent Living Units)
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	7,068 square metres
<b>Right of Way (ROW):</b>	South Side, 5.03 metres wide, unsealed, privately owned.
<b>Heritage List:</b>	No

The proposal is for the demolition of two of the existing thirteen independent living units fronting Forrest Street and the construction of a car parking area comprising of six car parking bays (including one disabled bay) and associated landscaping areas.

The provision of car parking bays for the independent living units is proposed to satisfy a condition of the current subdivision approval for the property (WAPC/151944). The proposal provides one surplus bays for the site.

**ASSESSMENT:**

**Summary Assessment**

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1, the Residential Design Codes and the City's policies. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the section of the report following from this table both in relation to the deemed-to-comply provisions and the design principles.

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Land Use		✓
Density/Plot Ratio	✓	
Street Setback	✓	
Front Fence		✓
Building Setbacks/Boundary Wall	✓	
Building Height/Storeys	✓	
Roof Form	✓	
Open Space	✓	
Privacy	✓	
Parking & Access	✓	
Bicycles	✓	
Solar Access	✓	
Site Works	✓	
Essential Facilities	✓	
Surveillance	✓	
Landscaping	✓	

**Detailed Assessment**

The assessment is as follows:

Land Use		
Requirement	Proposal	Aspect for Consideration
Town Planning Scheme No. 1  Zone – Residential	Car parking bays to existing “SA” use (Institutional Building)	Requires discretion

The assessment against the-principles is as follows:

<b>Land Use</b>
<b>Applicable Principles</b>
<b>Policy No. 7.1.10 – Norfolk Precinct</b>
Adequate car parking is to be available to ensure that unreasonable vehicular traffic does not encroach into residential streets.
<b>Applicant's Justification</b>
<p><i>"The car parking area is small in nature and is necessary to provide residents at the subject site with car parking bays in order to satisfy condition 1 of the Subdivision Approval (WAPC) reference No. 151944) for the subject site which was granted 20 May 2015. Condition 1 of the subdivision approval states that five car parking bays are to be provided for the existing independent living units fronting Forrest Street.</i></p> <p><i>Landscaping between the car parking area and adjoining property is proposed which will assist in screening the car parking area from the adjoining property and will soften the impact of the car parking on the streetscape. Moreover, a dividing fence will physically screen the car parking area from the adjoining property to the east.</i></p> <p><i>It is further noted that the proposed car parking , in part, adjoins a carport to the adjoining properties immediately to the east of the subject site and the carport is not a habitable area. The car parking area is required to service the independent living on the subject site and is therefore residential in nature. The car parking is not commercial and does not serve a commercial function.</i></p> <p><i>The large verge on both sides of Forrest Street provides a significant degree of separation between the car parking, Forrest Street and adjoining residences. The separation also assists in ameliorating any potential adverse impact from the car parking area.</i></p> <p><i>The proposed car park and adjoining property to the east is separated by a dividing fence and sufficient landscaping therefore, limiting the impact of noise and lighting on adjoining residents.</i></p> <p><i>The movements to and from the subject site would be consistent with that of adjoining residences. That is movements to and from the site would match that of adjoining and surrounding dwellings. No late night or early morning vehicular movements are expected beyond that which would be expected in a residential zone.</i></p> <p><i>The proposed carpark is designed and will be constructed in accordance to Australian Standards therefore, the likelihood of damage occurring to the boundary fence and adjoining house by cars is limited. The perimeter of landscaping proposed between the car parking area and the dividing fence will act as buffer and suitable treatment will be provided to prevent cars from having any contact with the fence".</i></p>
<b>Officer Technical Comment</b>
<p>The proposed car parking bays will provide a dedicated car parking space for the remaining Independent Living Units and their visitors. The number of car parking bays complies with the requirements of the City's Policy No. 7.7.1 – Parking and Access. The provision of the car parking area will ensure cars are able to be accommodated on site.</p> <p>Conditions including wheel stops and the requirement to provide a masonry dividing fence have been included are proposed to assist in protecting the amenity of the adjoining property.</p> <p>Other minor works including the provision of extensive landscaped areas (of approximately 39 square metres) to the front and eastern boundaries with trees and shrubs, which will assist to offset the impact of the car parking area by softening the appearance and reducing the visual appearance from the street.</p>

The assessment is as follows:

Front Fence		
Requirement	Proposal	Variation
<p><b>Policy No. 7.2.1 – Residential Design Elements SADC 13</b></p> <p>Maximum Solid Height of 1.2 metres for fencing in the front setback area of 7 metres.</p>	1.8 metres	0.6 metres

The assessment against the principles is as follows:

Front Fence
<b>Applicable Principles</b>
<p><b>Policy No. 7.2.1 – Residential Design Elements</b></p> <p>(i) Street walls and fences are to be designed so that:</p> <ul style="list-style-type: none"> <li>• Buildings, especially their entrances, are clearly visible from the primary street;</li> <li>• A clear line of demarcation is provided between the street and development;</li> <li>• They are in keeping with the desired streetscape; and</li> <li>• Provide adequate sightlines at vehicle access points.</li> </ul>
<b>Applicant's Justification</b>
None provided.
<b>Officer Technical Comment</b>
<p>An existing 1.8 metre solid fibro cement side boundary fencing along the eastern boundary is proposed to be replaced with a new section of boundary wall to a height of 1.8 metres. The portion of fence relates to a 12 metre section, which represents a quarter of the overall length of the boundary.</p> <p>The proposed fence is mainly located alongside the existing carport on the adjoining eastern property and therefore is not likely to have an adverse effect on any habitable rooms or areas of the adjoining property.</p> <p>The existing streetscape and the sightlines of the dwellings will be maintained as the solid fencing is only proposed along the side boundary fencing within the front setback area. A requirement that the fencing is no greater in height than 0.65 metres within the first 1.5 metres is recommended to maintain visual truncations.</p> <p>Based on the above the variation is supported in part and conditions recommended accordingly.</p>

**CONSULTATION/ADVERTISING:**

Required by Legislation:	No	Required by City of Vincent Policy:	Yes
--------------------------	----	-------------------------------------	-----

Consultation Period:	5 July 2016 – 19 July 2016
Comments Received:	Two submissions were received objecting to the development and the submissions are noted below. One of the objections received also included a petition including four signatures.

A total of 34 letters were sent to owners and occupiers adjoining and adjacent to the property subject of this application and resulted in a response rate of 5.8%.

The tables below summarise the comments received during the advertising period of the proposal, together with the City's response to each comment.

<b>Comments Received in Objection:</b>	<b>Officer Technical Comment:</b>
<p><u>Location of Car Park</u></p> <p>Concern in relation to the placement of a car park in this area.</p>	<p>The proposed six car parking bays are associated with the Independent Living Units.</p>
<p><u>Residential Character of Street</u></p> <p>Forrest Street is residential in nature and any impact to it will have a large bearing on residential dwellings and the character within the street.</p>	<p>The proposed car parking area including manoeuvring area accounts for 29% of the overall Forrest Street frontage of the property and is required to be provided for the Independent Living Units.</p> <p>This is considered an acceptable proportion of the existing streetscape. The carports and garages in a residential setting can occupy up to 50% of a frontage in comparison.</p> <p>An extensive landscaping area of approximately 39 square metres along Forrest Street will assist to minimise the visibility of vehicles in this area.</p>
<p><u>Impact of Car Park</u></p> <p>Concern in relation to lighting from cars and the car park disturbing adjoining owners. Also the noise from car engines and persons moving to and from the car park during different periods of the day.</p> <p>Concern that cars may accidentally drive through the existing boundary fencing and cause damage to the adjoining housing if no associated safety protection.</p>	<p>The proposal will provide parking for the existing Independent Living Units only and a condition in respect to this has been conditioned accordingly.</p> <p>It is noted with any car park there would be some level of noise including doors being closed. However the use is residential in nature a deemed to be a low level activity. A condition has been recommended for the dividing fence to be masonry to assist in protecting the amenity of the adjoining property.</p> <p>The plans include a 0.5 metre landscape barrier between the car parking bays and the lot boundary fence. This is considered adequate to mitigate any potential for damage to the existing boundary fence. Furthermore a condition has been recommended for wheel stops to be placed for each car bay including a solid dividing fence.</p>

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

**Design Advisory Committee (DAC):**

Referred to Design Advisory Committee: No

**LEGAL/POLICY:**

- *Planning and Development Act 2005*;
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.10 – Norfolk Precinct; and
- Policy No. 7.7.1 – Parking and Access.

The applicant will have the right to have Council’s decision reviewed by the State Administrative Tribunal (SAT) in accordance with Part 14 of the *Planning and Development Act 2005*.

Delegation to Determine Applications:

This matter is being referred to Council as the application seeks approval for further development to an existing approved “SA” and at least one objection has been received.

**RISK MANAGEMENT IMPLICATIONS:**

It is Administration’s view that there are minimal risks to Council and the City’s business function when Council exercises its discretionary power to determine a planning application.

**STRATEGIC IMPLICATIONS:**

The City’s Strategic Plan 2013-2023 states:

“Natural and Built Environment

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

**SUSTAINABILITY IMPLICATIONS:**

The City’s Strategic Plan 2013-2023 states:

“Economic Development

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

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

ENVIRONMENTAL
The development provides for the use of existing infrastructure and services.

  

SOCIAL
Nil.

  

ECONOMIC
Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

---

**COMMENTS:**

The existing independent living units onsite are not on the City's Heritage List and there is no objection to the removal of two of these units.

The proposed construction of a six car parking bays to service the existing Independent Living Units is considered necessary as there are no on-site car parking bays. The car parking bays are designed in accordance with the Australian Standards and screened by a landscaping to soften the appearance from the street. It is also noted the presence of a large verge area at the front of the property will provide some separation and view of the car parking bays from the street.

The parking area represents only the 29% proportion of the overall frontage of Forrest Street and is not considered out of character in a residential setting.

It is recommended that Council conditionally approves this proposal.

---

**9.1.9 No. 28 (Lot: 146, D/P: 64743) Harley Street, Highgate – Proposed Alterations and Additions to Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	2 September 2016
<b>Precinct:</b>	Precinct 12 – Hyde Park	<b>File Ref:</b>	PR22085, 5.2016.238.1
<b>Attachments:</b>	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification 4 – Marked up plans showing proposed versus required setbacks 5 – Determination Advice Notes		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Spicer, Statutory Planning Officer		
<b>Responsible Officer:</b>	P Di Perna, Acting Director Development Services		

**RECOMMENDATION:**

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application for Alterations and Additions to Existing Single House at No. 28 (Lot: 146, D/P: 64743) Harley Street, Highgate in accordance with plans date stamped 2 September 2016, as shown on Attachment 2, subject to the Determination Advice Notes in Attachment 5 and the following conditions:

1. **Boundary Wall**

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 24 and 30 Harley Street in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork to the satisfaction of the City;

2. **Car Parking and Access**

The car parking and access areas are to comply with the requirements of AS2890.1;

3. **External Fixtures**

All external fixtures shall not be visually obtrusive from Harley Street and neighbouring properties. External fixtures are such things as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like;

4. **Verge Trees**

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

5. **Stormwater**

Prior to occupancy or use of the development all storm water collected on the subject land shall be retained onsite, by suitable means to the satisfaction of the City; and



**6. Landscape and Reticulation Plan**

**6.1 A detailed landscape and reticulation plan for the development site and adjoining road verge is to form part of the application for a Building Permit and shall be approved by the City prior to commencement of the development. The plan shall be drawn to a scale of 1:100 and show the following:**

- 6.1.1 The location and type of existing and proposed trees and plants;**
- 6.1.2 Areas to be irrigated or reticulated; and**
- 6.1.3 Include specific provision for landscaping in the setback area along the southern boundary, abutting the proposed addition**

**6.2 All works shown in the plans approved with the Building Permit shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers.**

**PURPOSE OF REPORT:**

To consider an application for alterations and additions including a loft to an existing single house.

**BACKGROUND:**

The City received a nomination to include Harley Street as a Character Retention Area. The City is progressing the draft Guidelines and have facilitated several meetings with the resident group. The Guidelines have not yet received Council's endorsement to formally advertise.

The adjoining property at No. 24 Harley Street is located on the City's Municipal Heritage Inventory (MHI) as Management Category of B – Conservation Recommended. Although the property is listed, it is the dwelling that is of cultural heritage value. The existing outbuilding, lightweight structures (patio/porch) and gardens have little heritage significance.

The City has previously determined the following applications for the subject property:

<b>Date</b>	<b>Comment</b>
19 July 2010	Planning approval is granted under delegated authority for Partial Demolition of and Alterations and Second – Storey Addition to Existing Single House.
9 April 2013	Planning approval is granted under delegated authority for Ancillary Addition to Existing Single House.

**DETAILS:**

**Application Details:**

<b>Landowner:</b>	M D Egan
<b>Applicant:</b>	A Johns
<b>Date of Application:</b>	15 June 2016

**Principal Statutory Provisions**

<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R50 Draft Town Planning Scheme No. 2 (TPS2): Residential R50
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	'P'
<b>Use Classification:</b>	Single House
<b>Lot Area:</b>	407 square metres
<b>Right of Way (ROW):</b>	At rear 3 metres owned by the City
<b>Heritage List:</b>	No

The proposal is for alterations and additions including a loft to the rear of the existing single house. The proposed development will comprise of the following:

- Single storey addition comprises of an open plan living/dining/kitchen area, a bathroom, a loft space which will be used as a study and an attic;
- Modification of the existing kitchen to a living room;
- A new deck area accessed via the existing dwelling; and
- A single carport to be access from the Right of Way.

The proposal was revised as follows:

Date	Comment
15 June 2016	Initial application received.
8 August 2016	Amended plans received.
18 August 2016	Further amended plans received proposing changes to address community concerns. These proposed changes include: <ul style="list-style-type: none"> <li>• Reduction in wall height to the single storey extension from 4 metres to 3.5 metres;</li> <li>• Reduction in wall height of the proposed northern and southern walls built up to the boundary to match the existing neighbouring walls built up to the boundary;</li> <li>• Install obscure glazed glass to the double doors along the southern elevation to provide additional privacy to the occupants of the neighbouring property; and</li> <li>• Widening of the gate entrance to ensure adequate vehicle access to the site.</li> </ul>
22 August 2016	Amended plans received amended the overshadowing diagram to include the existing dwelling's shadow cast on the adjoining lot. These plans also reflect the same changes made to plans dated 18 August 2016.

**ASSESSMENT:**

**Summary Assessment**

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1, the Residential Design Codes and the City's policies. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the section of the report following from this table both in relation to the deemed-to-comply provisions and the design principles.

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Density/Plot Ratio	✓	
Street Setback	✓	
Front Fence	✓	

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
<b>Building Setbacks/Boundary Wall</b>		✓
<b>Building Height/Storeys</b>	✓	
<b>Roof Form</b>	✓	
<b>Open Space</b>	✓	
<b>Privacy</b>	✓	
<b>Parking &amp; Access</b>	✓	
<b>Bicycles</b>	✓	
<b>Solar Access</b>	✓	
<b>Site Works</b>	✓	
<b>Essential Facilities</b>	✓	
<b>Surveillance</b>	✓	
<b>Landscaping</b>	✓	
<b>Development adjacent to heritage property</b>	✓	

**Detailed Assessment**

The assessment is as follows:

<b>Building Setbacks/Boundary Wall</b>		
Requirement	Proposal	Variation
<b>Residential Design Codes Clause 5.1.3 – Lot Boundary Setback</b>		
<u>Southern boundary</u> 1.5 metres	950mm	550mm

The assessment against the principles is as follows:

<b>Building Setbacks/Boundary Wall</b>
<b>Applicable Principles</b>
<b>Residential Design Codes Clause 5.1.3</b>
P3.1 Buildings set back from lot boundaries so as to: <ul style="list-style-type: none"> <li>• reduce impacts of building bulk on adjoining properties;</li> <li>• provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</li> <li>• minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</li> </ul>
<b>Policy No. 7.2.1 – Residential Design Elements</b>
<b>SPC 7. Side Setbacks</b>
(i) Side setbacks are to: <ul style="list-style-type: none"> <li>• Allow for significant landscaping between buildings, particularly for two storey structures to soften the visual appearance when viewed from the street and neighbouring properties;</li> <li>• Ensure adequate daylight, direct sun and ventilation for buildings;</li> <li>• Moderate the visual impact of building bulk and scale on neighbouring properties;</li> <li>• Assist with the protection of reasonable privacy between adjoining properties;</li> <li>• Complement the rhythm of the streetscape; and</li> <li>• Respect the setbacks of dwellings of heritage significance.</li> </ul>

<b>Building Setbacks/Boundary Wall</b>	
<b>Applicant's Justification</b>	
<p><i>"We are not intending to push the boundaries in an effort to over develop the site, but rather propose something simple and fitting for the property and its surrounds. Consideration were made to:</i></p> <ul style="list-style-type: none"> <li>• <i>continue the wall height of the existing building</i></li> <li>• <i>our final plan has new walls lower than the original house</i></li> <li>• <i>make the roof pitch height as close to possible as the existing</i></li> <li>• <i>only build to the boundary where neighbours already have existing buildings on the boundary</i></li> <li>• <i>the height of these walls do not exceed the neighbours existing walls</i></li> <li>• <i>orientate major openings to overlook our own yard rather than any neighbours</i></li> <li>• <i>maximising privacy for all parties."</i></li> </ul>	
<b>Officer Technical Comment</b>	
<p>The proposed minor reduction in setback is considered acceptable as:</p> <ul style="list-style-type: none"> <li>• the proposed extension follows the existing dwelling setback line. The total wall height of is not considered to result in undue building bulk on adjoining properties;</li> <li>• the development complies with the overshadowing requirement of the Residential Design Codes;</li> <li>• the setback provided will enable adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties;</li> <li>• the development complies with the privacy requirements of the Residential Design Codes;</li> <li>• the alterations and additions are located behind the main dwelling and are setback 17 metres from Harley Street and will not impact on the streetscape;</li> <li>• the proposal is considered to align with the setback of the existing house. The addition is located to the rear of the property. Whilst the adjoining property at No. 24 Harley Street is on the City's MHI the location proposed addition is not considered to impact on the heritage significance of the dwelling at No. 24;</li> <li>• the proposal does not currently provide for landscaping within the setback area. Whilst the proposal is only for a single storey addition, there is the opportunity for landscaping to be provided and a condition is recommended accordingly.</li> </ul>	

**CONSULTATION/ADVERTISING:**

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
--------------------------	-----	-------------------------------------	-----

Consultation Period:	8 July 2016 – 21 July 2016
Comments Received:	Eight submissions with seven objections and one neither support nor objecting comment were received during the advertising period.

A total of 11 letters were sent to owners and occupiers of adjoining properties and resulted in a response rate of 72.7%.

The plans that were advertised were dated 9 April 2016. Amended plans dated 22 August 2016 were submitted to address concerns raised by submitters. The plans dated 18 August 2016 and 22 August 2016 were not readvertised as changes made to these plans did not result in additional variations to the planning framework.

The tables below summarise the comments received during the advertising period of the proposal, together with the City's response to each comment.

<b>Comments Received in Neither Support nor Objecting:</b>	<b>Officer Technical Comment:</b>
<p><u>Overshadowing</u></p> <p>The plan illustrates significant overshadowing of neighbour property at No. 24 Harley Street due to overall height and south boundary setback of the proposed addition.</p>	<p>The development will cast approximately 44.64% of shadow on the southern neighbouring property, the overshadowing complies with the Residential Design Codes 50% overshadowing requirements.</p>
<p><u>Roof Pitch</u></p> <p>The overall height of the steeple shaped rear roofline also increases the visibility of the addition as viewed from the front of the property and is not empathetic or blend with the overall heritage ambiance of the streetscape.</p>	<p>The alterations and additions are located behind the main dwelling and are setback 17 metres from Harley Street. The existing house obscures the addition of the roofline and the roof line will not visually dominate the streetscape.</p> <p>Notwithstanding the above, the proposed roof pitch of 45 degrees complies with the requirements of the Residential Design Elements Policy.</p>

<b>Comments Received in Objection:</b>	<b>Officer Technical Comment:</b>
<p><u>Character Retention Area</u></p> <p>Owners and residents feel it is important that any changes to residential properties in the street conform to CRA principles and standards to ensure the unique character of Harley Street is maintained.</p>	<p>At this time that City has not advertised or adopted the Character Retention Areas Guidelines for Harley Street, however the City is working with owners in the street to develop the guidelines. At this point of time as the guidelines are currently in the early stages of drafting and the framework is not seriously entertained. This proposal is not able to be assessed against the guidelines.</p>
<p><u>Southern boundary setback</u></p> <p>The proximity of the proposed build denies the neighbour situated to the south of light and adequate ventilation.</p>	<p>The proposed addition being setback 950mm is considered not to determinately impact sunlight and ventilation to the neighbouring property.</p>
<p><u>Boundary wall heights</u></p> <p>The boundary wall height increased height adds to the bulk of the build and creates overshadowing of the outdoor space for the property to the south. The bulk of the property would be reduced if the R-Code height restrictions are applied.</p> <p>Height will affect amenity of neighbouring properties.</p>	<p>Amended plans dated 22 August 2016 reduce the wall height of the extension from 4 metres to 3.5 metres. This height complies with the requirements of the Residential Design Elements Policy.</p> <p>The proposed development will unlikely impact the amenity of the neighbouring properties.</p>

<b>Comments Received in Objection:</b>	<b>Officer Technical Comment:</b>
<p><u>Open space</u></p> <p>The proposed addition, in combination to the carport, would leave little consolidated open space remaining at 28 Harley Street. Note that the covered carport cannot be included in the open space calculations under the Residential Design Codes.</p>	<p>The open space is calculated as per the Residential Design Codes. The carport is considered part of the buildings onsite and was not included as open space.</p> <p>The proposal provides 42.7% of open space which complies with the 40% open space as required by the Residential Design Codes.</p>
<p><u>Tree canopy</u></p> <p>Vincent values its areas canopy coverage and proposals should be required to support this.</p>	<p>While tree canopy is an important part of the natural environment, the tree located on the subject site is not included on the Trees of Significance Register. The City does not control trees located on private property that is not nominated on the Trees of Significance Register and in this instance, the City is not able to require its retention.</p>
<p><u>Staggered setback</u></p> <p>Residential Design Elements Policy (RDE) at section 6.4.2 (iii) in that there is no staggered setback. Such a setback would provide relief from the current design and reduce the bulk and scale of the addition. Similarly the same at SPC7 that sets out side setbacks which will need to be satisfied.</p>	<p>The deemed-to-comply provisions of Clause 6.4.2(iii) of the RDE's was removed at the Ordinary Meeting of Council on 9 July 2013. As a result, the provisions of the Residential Design Codes are applicable.</p> <p>Where a proposal seeks to depart from the deemed-to-comply requirements of the Residential Design Codes, assessment using SPC7 of the RDE's and Clause 5.1.3 of the Residential Design Codes.</p>
<p><u>Amenity impact statement</u></p> <p>No "Amenity Impact Statement" has been provided in relation to this proposal. Because of the proposal's impact we feel such a statement is necessary to fully appreciate the impact of the development and to fully assess the proposal.</p>	<p>In this instance, the City has not requested an "Amenity Impact Statement" for this proposal as it relates to a single house seeking one variation to development requirements where it is considered that the proposal does not have a detrimental impact to the amenity of the streetscape or adjoining properties. The City may request an "Amenity Impact Statement" where a proposed development seeks an accumulation of variations where there might be an impact to the amenity of adjacent properties and the streetscape.</p>
<p><u>ROW Setbacks</u></p> <p>Setback from ROW is proposed to be 1m. As per SPC 9 the setback from the ROW should be 2 metres.</p>	<p>Residential Design Elements Policy SPC 9 applies when a development fronts a ROW. The development currently fronts Harley Street, therefore SPC 9 does not apply in this instance.</p>

Comments Received in Objection:	Officer Technical Comment:
<p><u>Precedent</u></p> <p>Concerned that if this is approved that it will set a precedent that building extensions will flow along the length of properties and neighbours fence lines.</p>	<p>Each application is assessed on its merits taking into account the site's context and the nature of the development proposed.</p>
<p><u>Overshadowing</u></p> <p>The plan illustrates significant overshadowing of neighbouring properties due to overall height and south boundary setback of the proposed addition.</p>	<p>As development will cast approximately 44.64% of shadow on the southern neighbouring property, the overshadowing complies with the Residential Design Codes 50% overshadowing requirement.</p>
<p><u>Roof Pitch</u></p> <p>The overall height of the steeple shaped rear roofline also increases the visibility of the addition as viewed from the front of the property and is not empathetic or blend with the overall heritage ambiance of the streetscape.</p>	<p>The alterations and additions are located behind the main dwelling and are setback 17 metres from Harley Street. The existing house obscures the addition of the roofline and the roof line will not visually dominate the streetscape.</p> <p>Notwithstanding the above, the proposed roof pitch of 45 degrees complies with the requirements of the Residential Design Elements Policy.</p>

Note: The table is a summary of submissions received during the advertising period. Submissions are considered and assessed by issue rather than by individual submitter.

Following the conclusion of advertising and a subsequent meeting with the adjoining neighbour, the applicant was requested to consider an alternative roof pitch with a raked ceiling, however has opted to maintain the proposal as presented.

**Design Advisory Committee (DAC):**

Referred to Design Advisory Committee: No

**Heritage Comments:**

The submitted plans illustrate setbacks of the new addition equivalent to the side setbacks of the adjacent heritage listed place. The new addition is located behind the existing house and does not have a detrimental impact on the existing vista or view line to the principal façade of the adjacent heritage listed property.

In accordance with the City's Policy No. 7.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties, Clause 5, it is considered that the proposed works will have no adverse impact on the heritage listed building at No. 24 Harley Street.

**LEGAL/POLICY:**

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.12 – Hyde Park Precinct;
- Policy No. 7.2.1 – Residential Design Elements; and
- Policy No. 7.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties.

The applicant will have the right to have Council's decision reviewed by the State Administrative Tribunal (SAT) in accordance with Part 14 of the *Planning and Development Act 2005*.

Delegation to Determine Applications:

This matter is referred to Council for determination as the proposal received more than five objections during the consultation period.

**RISK MANAGEMENT IMPLICATIONS:**

It is Administration's view that there are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a planning application.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

**SUSTAINABILITY IMPLICATIONS:**

The City's Strategic Plan 2013-2023 states:

"1.1 *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
The design of the building allows for adequate light and ventilation.
SOCIAL
Nil.
ECONOMIC
The development will make use of existing infrastructure and services available in an already built up area.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The addition is located to the rear of the site where only a small portion of the roof line will be visible from the street.

The proposal seeks to vary the southern boundary setback and although considered minor addresses the requirements of Policy No. 7.2.1 – Residential Design Elements and the Residential Design Codes. It is considered that the proposal is unlikely to have a detrimental impact on the amenity of the adjoining neighbouring properties. A condition regarding landscaping is recommended to address landscaping within the setback area.

It is noted that some objections received during the advertising period relate to the character of the street. The City is working with owners of Harley Street to develop the Guidelines. At this point of time, this proposal is not able to be assessed against the Guidelines as they are not seriously entertained.

The proposal addresses the requirement of Policy No 7.6.1, it is noted that the setback of the new development is consistent with the setback of the adjacent listed place and is not considered to have a detrimental impact.

It is recommended that Council conditionally approves this proposal.



**9.1.10 No. 148 (Lot: 1; STR: 57977) Carr Street, West Perth – Proposed Change of Use from Single House to Office (Retrospective)**

<b>Ward:</b>	South	<b>Date:</b>	2 September 2016
<b>Precinct:</b>	Precinct 5 – Cleaver	<b>File Ref:</b>	PR51740; 5.2016.165.1
<b>Attachments:</b>	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification 4 – Car Parking and Bicycle Tables		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Groom, Statutory Planning Officer		
<b>Responsible Officer:</b>	P Di Perna, Acting Director Development Services		

**RECOMMENDATION:**

1. That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **REFUSES** the application for change of use from Single House to Office (Retrospective) at No. 148 (Lot: 1; STR: 57977) Carr Street, West Perth on plans date stamped 4 May 2016, as shown on Attachment 2, for the following reasons:
  - 1.1 The development is not consistent with the orderly and proper planning and the preservations of the amenities in the locality; and
  - 1.2 The approval of the proposed development would create an undesirable precedent for other similar commercial use developments encroaching into established residential areas; and
2. Within 28 days of this notice, the unauthorised use and occupancy of the office is required to cease.

**PURPOSE OF REPORT:**

To consider a retrospective application of a change of use from single house to office.

**BACKGROUND:**

An application was submitted by the owner on 8 June 2015 for the change of use from Residential to Office. As part of this application:

- a request for further information and notice for “SA” advertising was sent on 3 September 2015. However, this information was not provided by the applicant;
- two further letters requesting information and confirmation of community consultation were sent to the applicant on 20 January 2016 and 2 February 2016;
- the information requested was still not provided and was deemed cancelled; and
- the matter was referred to Compliance Services to confirm whether the use had commenced operations.

On the 22 February 2016, the City’s Officers undertook a site visit of the property and confirmed that the office use had commenced operations. The owner was advised that the office use was unauthorised and that a retrospective planning application was required to be submitted for the use to be considered.

A retrospective change of use application was submitted on 4 June 2016.

**History:**

The City has previously received the following application for the subject property:

Date	Comment
18 February 2016	Change of Use from Residential to Office which was cancelled.

A further review of the City's records has not identified any documentation indicating that the premises has been used for anything other than residential purposes.

**DETAILS:**

**Application Details:**

<b>Landowner:</b>	A W Bruce
<b>Applicant:</b>	A W Bruce
<b>Date of Application:</b>	4 June 2016

**Principal Statutory Provisions**

<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R80 Draft Town Planning Scheme No. 2 (TPS2): Residential R80
<b>Existing Land Use:</b>	Residential
<b>Use Class:</b>	Office
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	1,014 square metres
<b>Right of Way (ROW):</b>	Not applicable
<b>Heritage List:</b>	No

The retrospective change of use seeks approval to permit the use of an Office within a residential property located along Carr Street.

The site includes three residential dwellings in separate ownership. This application involves the office use being located within the front residential dwelling. The two rear residential properties are accessed by a separate crossover and driveway.

The section of Carr Street between Loftus and Cleaver Streets includes 162 properties on the north side of Carr Street and 58 properties on the south side of Carr Street of which 100% of them are used for residential purposes excluding No. 148 Carr Street. This section of street is predominately residential in nature. It is acknowledged that Beatty Lodge is in this precinct and vehicular access is located adjacent to this site. The lodge is residential in nature and has therefore been included in this calculation.

Four bedrooms within the existing dwelling have been converted for office space. The remaining living room and kitchen areas are used as a lunch room and a meeting room.

The Office operates 9:00am to 4:30pm Monday to Friday and employs three full time staff and two part time staff. The office is used for administration purposes only.

One compliant car bay is provided on site with access from a separate crossover to the rear residential properties.

**ASSESSMENT:**

**Summary Assessment**

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1 and the City's policies. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the section of the report following from this table both in relation to the deemed-to-comply provisions and the design principles.

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Land Use		✓
Parking & Access		✓
Bicycles	✓	

**Detailed Assessment**

The assessment is as follows:

Land Use		
Requirement	Proposal	Aspect for Consideration
<b>Town Planning Scheme No. 1</b>		
Zone – Residential	Office – “SA” use	“SA” use  Requires discretion

The assessment against the-principles is as follows:

Land Use
<b>Applicable Principles</b>
<b>Policy No. 7.1.5 – Cleaver Precinct</b>
1. Residential Zone Developments that include a commercial component should consider the residential context and ensure the proposed commercial use will have minimal impact on the surrounding residential area.
<b>Applicant’s Justification</b>
None provided.
<b>Officer Technical Comment</b>
The site is zoned Residential. An office in this zone is an “SA” use, meaning the use is not permitted unless Council has exercised its direction and granted planning approval. The proposed expansion to include an office is expected to increase the intensity of the activity on this site beyond what is acceptable in a predominately residential area. Although the office is small in scale, the use is considered to result in additional vehicle traffic movements and parking along Carr Street due to the number of staff and the limited availability of onsite parking.
The proposal represents an intensification of commercial activity into a residential zone which is contrary to the City’s Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Developments.
The proposed expansion of this commercial activity is not considered desirable within this Residential Area.

The assessment is as follows:

Parking & Access		
Requirement	Proposal	Variation
<b>Policy No. 7.7.1 – Parking and Access</b>		
2 car bays	1 car bay	1 car bay shortfall

The assessment against the principles is as follows:

Parking & Access
<b>Applicable Principles</b>
<b>Policy No. 7.7.1 – Parking and Access</b>
<ol style="list-style-type: none"> <li>1. To define parking requirements that meet the needs of the users of developments without resulting in the oversupply of parking.</li> <li>2. To ensure safe, convenient, and efficient access for pedestrians, cyclists and motorists.</li> <li>3. To promote a high standard of design for parking areas.</li> <li>4. To ensure that parking and access facilities do not prejudice the environmental and amenity objectives of the City's Town Planning Scheme No. 1.</li> <li>5. To promote alternative transport modes by including requirements to provide bicycle parking and reducing parking requirements where alternatives exist.</li> <li>6. To enable to payment of cash-in-lieu for parking shortfalls and to provide a set of guidelines to enable the calculation of cash-in-lieu to be determined in a consistent and transparent manner.</li> <li>7. To ensure long term viability of parking proposals by defining the circumstances in which Parking Management Plans are required and providing guidelines for their content.</li> </ol>
<b>Applicant's Justification</b>
None provided.
<b>Officer Technical Comment</b>
<p>The applicant has shown two car parking bays on site. The car parking bay as depicted "Car Park 1" has insufficient space to comply with AS2890 specifications and has therefore not been included in the car parking calculation.</p> <p>The office use generates a greater number of vehicle movements and places additional stress on the limited on-street parking. The increased traffic and parking pressure is not considered to be appropriate to this site, particularly due to its location within a Residential Zone.</p>

**CONSULTATION/ADVERTISING:**

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
--------------------------	-----	-------------------------------------	-----

Consultation Period:	13 June 2016 – 5 July 2016
Comments Received:	Two submission including one objection and one general concern.

A total of 47 letters were sent to owners and occupiers and resulted in a response rate of 4.25%.

The table below summarises the comments received during the advertising period of the proposal, together with the City’s response to each comment.

Comments Received in Objection:	Officer Technical Comment:
<p><u>Use</u></p> <p>The property is zoned solely for Residential purposes.</p>	<p>The proposed use is a discretionary use. In this instance, the proposed use is not complementary to the surrounding residents and represents an ad hoc intensification of commercial activity within a residential area.</p>
<p><u>Car parking</u></p> <p>On-street parking shortage already exists.</p>	<p>The increased traffic generation is not in keeping with the objectives of the City of Vincent Town Planning Scheme No. 1 with respect to protecting amenity. It is therefore not considered to be compatible with the surrounding residential properties as it will increase traffic and place pressure on the existing on-street parking.</p>

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

**Design Advisory Committee (DAC):**

Referred to Design Advisory Committee: No

**LEGAL/POLICY:**

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.5 – Cleaver Precinct;
- Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Developments; and
- Policy No. 7.7.1 – Parking and Access.

The applicant will have the right to have Council’s decision reviewed by the State Administrative Tribunal (SAT) in accordance with Part 14 of the *Planning and Development Act 2005*.

Delegation to Determine Applications:

This matter is being referred to Council as the proposal is an “SA” use and two objections were received.

**RISK MANAGEMENT IMPLICATIONS:**

It is Administration’s view that there are minimal risks to Council and the City’s business function when Council exercises its discretionary power to determine a planning application.

**STRATEGIC IMPLICATIONS:**

The City’s Strategic Plan 2013-2023 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 2013-2023 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
Nil.

SOCIAL
Nil.

ECONOMIC
Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The site is located in an area consisting solely of residential properties. The proposal represents ad hoc intensification of commercial activity which is contrary to the City's Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Developments.

The proposed expansion has the potential to significantly impact the amenity of the surrounding residential properties in terms of traffic and parking.

The office use generates a greater number of vehicle movements and places additional stress on the limited on-street parking. The increased traffic and parking pressure is not considered to be appropriate to this site, particularly due to its location with a Residential Zone.

The use would result in an undesirable precedent for other commercial uses encroaching into established residential areas.

It is recommended that Council refuses this proposal.

---

**9.1.11 No. 52 (Lot: 66; D/P: 2324) Chelmsford Road, Mount Lawley – Proposed Alterations and Additions to Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	2 September 2016
<b>Precinct:</b>	Precinct 10 – Norfolk	<b>File Ref:</b>	PR19871; 5.2016.102.1
<b>Attachments:</b>	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification 4 – Marked up plans showing proposed versus required setbacks		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	C Sullivan, Statutory Planning Officer		
<b>Responsible Officer:</b>	P Di Perna, Acting Director Development Services		

**RECOMMENDATION:**

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application for Proposed Alterations and Additions to Existing Single House at No. 52 (Lot: 66; D/P: 2324) Chelmsford Road, Mount Lawley in accordance with plans date stamped 23 March and 17 August 2016, as shown on Attachment 2, subject to the following reasons:

1. The proposal does not comply with the:
  - 1.1 Criteria to obtain access from Chelmsford Road given a Right of Way is available (Policy No. 7.2.1 – Residential Design Elements Clause SADC8 and Residential Design Codes Clause 5.3.5); and
  - 1.2 Criteria for roof forms to be compatible with existing development and streetscape (Policy No. 7.2.1 – Residential Design Elements Clause BDADC3);
2. The proposal will negatively impact the amenity of the locality as it will require the removal of healthy mature verge trees to accommodate the associated vehicle crossover; and
3. The proposal is contrary to orderly and proper planning.

**PURPOSE OF REPORT:**

To consider a proposal for alterations and additions to the existing single house, including carport accessed from Chelmsford Road (primary street).

**BACKGROUND:**

The existing dwelling is an older style single house with a bull nosed verandah at the front and a lean to addition at the rear. An existing garage takes access from the right of way to the rear.

**DETAILS:**

**Application Details:**

<b>Landowner:</b>	R Kingdom & H Curtis
<b>Applicant:</b>	R Kingdom & H Curtis
<b>Date of Application:</b>	16 March 2016

**Principal Statutory Provisions**

<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R40 Draft Town Planning Scheme No. 2 (TPS2): Residential R40
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	'P'
<b>Lot Area:</b>	450 square metres
<b>Right of Way (ROW):</b>	At rear, approx. 4 metres wide
<b>Heritage List:</b>	No

The application includes minor alterations at the rear of the dwelling to insert windows, extend the eaves of the existing roof, and replace a wall of the existing house. The application also includes modifications to the study windows to the front facade. These elements are fully compliant.

The existing bull nosed verandah on the front elevation is proposed to be demolished and replaced with a smaller flat roofed porch/verandah. A flat roofed double car port within the street setback area is also proposed.

The proposal was revised as follows:

Date	Comment
28 July 2016	Amended Plans to provide for Visual Truncations and driveway offset from lot boundary
16 August 2016	Amended Plans to modify the front fence to comply with the City's Policy.

**ASSESSMENT:**

**Summary Assessment**

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1, the Residential Design Codes and the City's policies. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the section of the report following from this table both in relation to the deemed-to-comply provisions and the design principles.

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
<b>Street Setback</b>	✓	
<b>Front Fence</b>	✓	
<b>Building Setbacks/Boundary Wall</b>		✓
<b>Building Height/Storeys</b>	✓	
<b>Roof Form</b>		✓
<b>Open Space</b>	✓	
<b>Privacy</b>	✓	
<b>Parking &amp; Access</b>		✓
<b>Solar Access</b>	✓	
<b>Essential Facilities</b>	✓	
<b>Surveillance</b>	✓	
<b>Minor Incursion into Street Setback</b>		✓



**Detailed Assessment**

The assessment is as follows:

<b>Building Setbacks/Boundary Wall</b>		
<b>Requirement</b>	<b>Proposal</b>	<b>Variation</b>
<b>Residential Design Codes Clause 5.1.3 – Lot Boundary Setback</b>		
Eastern Boundary (carport)	Nil setback	1 metre setback required

The assessment against the principles is as follows:

<b>Building Setbacks/Boundary Wall</b>
<b>Applicable Principles</b>
<b>Residential Design Codes Clause 5.1.3 – Lot Boundary Setback</b>
P3.1 Buildings set back from lot boundaries so as to: <ul style="list-style-type: none"> <li>• reduce impacts of building bulk on adjoining properties;</li> <li>• provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</li> <li>• minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</li> </ul>
<b>Applicant's Justification</b>
None provided.
<b>Officer Technical Comment</b>
The proposed carport proposes a nil setback to the northern lot boundary. The carport is open on three sides and attached to the main house with a lightweight flat roof and piers. The reduced lot boundary setback is not considered to have a negative impact to the adjoining property or the streetscape as it does not increase the bulk of the building, nor restrict direct sun or ventilation to adjoining properties. There are no privacy implications and the proposal is considered acceptable.

The assessment is as follows:

<b>Roof Form</b>		
<b>Requirement</b>	<b>Proposal</b>	<b>Variation</b>
<b>Policy No. 7.2.1 – Residential Design Elements Clause – Roof Form – BDADC3</b>		
Roof Pitch between 30 and 45 degrees	Flat roof to porch/verandah and carport	30 – 45 degrees

The assessment against the principles is as follows:

<b>Roof Form</b>
<b>Applicable Principles</b>
<b>Policy No. 7.2.1 – Residential Design Elements – Roof Form</b>
BDPC 3
(i) 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>

<b>Roof Form</b>
<p><b>Applicant's Justification</b></p> <p><i>"Following the principles of the Burra Charter, any future changes should seek to remove intrusive fabric (verandahs) and either restore significant fabric, if known, or if new elements are added (proposed carport and porch) these should be designed to complement, not mimic previous styles...A flat roof that minimises visual impact – as opposed to a pitched roof that would block views of the house as well as suggest fake heritage – would be sympathetic to this approach.....A pitched roof would create an unnecessary and bulky architectural form close to the street. From a pedestrian perspective, a less obtrusive structure would be more suitable and more sympathetic to the public realm".</i></p>
<p><b>Officer Technical Comment</b></p> <p>The applicant has referred to the Burra Charter in support of the proposal. The Burra Charter defines basic principles and procedures to be observed with regards to new work added on to an older property (but not necessarily Heritage listed):</p> <ul style="list-style-type: none"> <li>• New work should be similar to (but not imitate) the existing significant fabric;</li> <li>• New work should be readily identifiable;</li> <li>• Designing an addition or new building in a modern manner is desirable but should not be an excuse to make the new work dominate or draw attention away from the existing place and its features.</li> </ul> <p>The existing dwelling has a colorbond pitched roof, in keeping with the older style character properties in the area. The proposed flat roof porch/verandah addition and carport result in a lower building height and reduces any impact from bulk or overshadowing. It also provides clear differentiation between the old and new parts of the dwelling. However, the proposed flat roof additions are not considered to reflect the character of the existing dwelling or streetscape and the additions to the front of the dwelling would appear unduly prominent due to their proposed location within the street setback area.</p>

The assessment is as follows:

<b>Parking &amp; Access</b>		
<b>Requirement</b>	<b>Proposal</b>	<b>Variation</b>
<p><b>Policy No. 7.2.1 – Residential Design Elements – Garages and Carports – SADC8</b></p> <p>Car Parking, garages and carports are to be located at the rear of the property and access via a ROW where a ROW exists and the property has legal right of access to the ROW.</p> <p>Notwithstanding the above, vehicle 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> <ul style="list-style-type: none"> <li>• The ROW is unsealed or not programmed to be sealed within the current, or subsequent financial year in accordance with the City's ROW upgrade program; or</li> </ul>	<p>Carport is located at the front with access from Chelmsford Road</p>	<p>Location of carport access is contrary to the City's policy for lots where a ROW can be used for access.</p>

Parking & Access		
Requirement	Proposal	Variation
<ul style="list-style-type: none"> <li>• More than 50 per cent of the 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</li> <li>• The applicant demonstrates there is a mobility or access issue by using the ROW; or</li> <li>• The applicant demonstrates there would be a major impact on the existing amenity or open space at the rear of the property.</li> </ul> <p><b>Residential Design Codes Clause 5.3.5 – Vehicular Access</b></p> <p>Access to onsite car parking spaces to be provided, where available, from a right of way available for lawful use to access the relevant lot and which is adequately paved and drained from the property boundary to a constructed street.</p>	<p>Vehicle access from Chelmsford Road</p>	<p>Vehicle access from Chelmsford Road where an alternative access way exists</p>

The assessment against the principles is as follows:

Parking & Access
<b>Applicable Principles</b>
<p><b>Policy No. 7.2.1 – Residential Design Elements – Clause SADC8</b></p> <p>SPC 8 (i) Garages and carports are not to visually dominate the site or the streetscape.</p> <p><b>Residential Design Codes Clause 5.3.5</b></p> <p>P5 Vehicular access provided for each development site to provide:</p> <ul style="list-style-type: none"> <li>• vehicle access safety;</li> <li>• reduced impact of access points on the streetscape;</li> <li>• legible access;</li> <li>• pedestrian safety;</li> <li>• minimal crossovers; and</li> <li>• high quality landscaping features.</li> </ul>
<b>Summary of Applicant's Justification</b>
<p>The rationale for relocating the current car parking from the rear of the property to the front is as follows:</p> <ul style="list-style-type: none"> <li>• Improving outdoor space – demolition of the existing garage etc. will more than double the useable outdoor space which is important with a growing family.</li> <li>• Reconnecting to the street – the current design with vehicle access from the ROW at the rear results in residents not interacting with their neighbours or wider community.</li> </ul>

<b>Parking &amp; Access</b>
<ul style="list-style-type: none"> <li>Reducing traffic speeds – reintroducing more vehicle activity onto Chelmsford Road will create a more complex environment for moving vehicles to navigate which will create a form of traffic calming.</li> <li>Supporting higher density – any future subdivision in the area will necessitate vehicle access being taken from both the ROW and Chelmsford Road, the applicant wishes to provide for this now to avoid the need for further changes in the future.</li> <li>Planning precedence – over 50% of the houses in the locality already have vehicle access from Chelmsford Road.</li> </ul>
<b>Officer Technical Comment</b>
<p>The applicant's future intention to subdivide is noted, however this is not a sufficient reason to seek discretion in relation to the current planning policy framework. It is noted that only 36.4% of the houses in the locality do have vehicle access from Chelmsford Road, the Residential Design Elements Policy specifically requires that more than 50% of the dwellings must have carports or garages accessed from the primary street to fulfil this criteria. Two of the properties in this calculation only have an uncovered hardstand area which are not counted in this calculation, therefore this criteria is not met.</p> <p>The proposed carport and associated crossover would necessitate the removal of a mature healthy verge tree which form an integral part of the Chelmsford Road streetscape, and is not compliant with the City's Residential Design Policy No. 7.2.1 – Residential Design Elements Clause SADC8 – Setback of Garages and Carports, and Residential Design Codes Clause 5.3.5 – Vehicular Access.</p>

The assessment is as follows:

<b>Minor Incursion into Street Setback Area</b>		
<b>Requirement</b>	<b>Proposal</b>	<b>Variation</b>
<p><b>Policy No. 7.2.1 – Residential Design Elements – Clause SADC6 – Minor Incursions into Street Setback Area</b></p> <p>A porch, verandah, chimney or the equivalent may project not more than 1 metre into the street setback area, provided that the maximum total width of such projections do not exceed 20 percent of the lot frontage at any level.</p>	<p>Porch/verandah projects to a depth of 2.5 metres</p> <p>Porch/verandah has a width of 4.8 metres, which equates to 40% of the lot frontage width</p>	<p>1.5 metres</p> <p>20% additional width</p>

The assessment against the principles is as follows:

<b>Minor Incursion into Street Setback Area</b>
<b>Applicable Principles</b>
<p><b>Policy No. 7.2.1 – Residential Design Elements – Clause SADC6</b></p> <p>SPC 6 (i) Minor incursions and projections may be permitted where it will not detract from the character of the streetscape or dominate the appearance of the existing dwelling.</p>
<b>Applicant's Justification</b>
<p>None provided.</p>

<b>Minor Incursion into Street Setback Area</b>
<b>Officer Technical Comment</b>
The proposal for a wider and deeper verandah can in principle be supported as many older properties have similar style porches/verandahs which are not strictly compliant with the deemed to comply criteria, but are appropriate to the character of the property.
The proposed flat roofed porch/verandah addition does result in a lower height to the addition, however the additional variation to the roof form (flat roof) that does not reflect any features of the existing house, combined with the larger width and depth views as a detrimental addition that dominates the appearance of the dwelling when viewed from the street.

**CONSULTATION/ADVERTISING:**

Required by Legislation:	No	Required by City of Vincent Policy:	Yes
Consultation Period:	7 June 2016 – 20 June 2016		
Comments Received:	One objection.		

A total of 13 letters were sent to owners and occupiers of the immediately adjacent properties and resulted in a response rate of 7%.

The plans advertised were those received on 23 March 2016. The plans which form the consideration of this report vary from the advertised version as follows:

- Visual Truncations provided to both sides of the proposed carport;
- Driveway offset from lot boundary by 0.5 metres ; and
- Front fence modified to comply with the City's Policy.

The tables below summarise the comments received during the advertising period of the proposal, together with the City's response to each comment.

<b>Comments Received in Objection:</b>	<b>Officer Technical Comment:</b>
<u>Streetscape</u>  The carport will dominate the front of the property and is not consistent with the surrounding streetscape of Chelmsford Road in relation to both scale and setback.  The design of the carport with a flat roof is not consistent with the rest of the property or the surrounding streetscape.	Carports can be considered in the front setback area subject to meeting the requirements of the Residential Design Elements (RDE) Policy Clause SADC8(b)(2). The City has discretion to consider carports within the front setback area.  It is noted that the proposed roof style differs from the main dwelling. The City has discretion to consider proposals which do not provide for a pitched roof design.
<u>Vehicle Access</u>  The property has access to a laneway at the rear and the owner should be encouraged to make use of this access for car parking.	The City's policy requires vehicular access to be taken from the ROW where one exists. The proposal in its current form is contrary to the City's RDE Policy and is not supported.

**Design Advisory Committee (DAC):**

Referred to Design Advisory Committee: No

**LEGAL/POLICY:**

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.10 – Norfolk Precinct; and
- Policy No. 7.2.1 – Residential Design Elements.

The applicant will have the right to have Council’s decision reviewed by the State Administrative Tribunal (SAT) in accordance with Part 14 of the *Planning and Development Act 2005*.

Delegation to Determine Applications:

This matter is referred to Council for determination as the applicant has requested it be determined by Council.

**RISK MANAGEMENT IMPLICATIONS:**

It is Administration’s view that there are minimal risks to Council and the City’s business function when Council exercises its discretionary power to determine a planning application.

**STRATEGIC IMPLICATIONS:**

The City’s Strategic Plan 2013-2023 states:

*“Natural and Built Environment*

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

**SUSTAINABILITY IMPLICATIONS:**

The City’s Strategic Plan 2013-2023 states:

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

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

<b>ENVIRONMENTAL</b>
The design of the building allows for adequate light and ventilation.

<b>SOCIAL</b>
Nil.

<b>ECONOMIC</b>
The development will make use of existing infrastructure and services available in an already built up area. The construction will also provide short term employment opportunities.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

---

**COMMENTS:**

The proposed alterations and additions to the rear of the dwelling are acceptable, with the exception of the proposed front porch/verandah due to the proposed flat roof being contrary to the City's RDE Policy and appearing as a dominant feature to the dwelling when viewed from the street.

The proposed carport is contrary to the City's RDE Policy where a ROW is available, as well as requiring the removal of a street tree to accommodate a vehicular crossover in order to access the carport, which would be to the detriment of the amenity of the streetscape, and is not supported.

Whist the owner has indicated future subdivision intention, until such time, there remains the ability for car parking and vehicular access to the site to be obtained from the ROW to the rear.

The proposed vehicle access from Chelmsford Road also cannot be achieved without the removal of a healthy street tree, which the City does not support.

It is recommended that Council refuses this proposal.

---

**9.1.12 No. 131 (Lot: 282; D/P: 2503) Coogee Street, Mount Hawthorn – Proposed Carport Addition to Existing Single House**

<b>Ward:</b>	North	<b>Date:</b>	2 September 2016
<b>Precinct:</b>	Precinct 1 – Mount Hawthorn	<b>File Ref:</b>	PR12043; 5.2016.124.1
<b>Attachments:</b>	<u>1</u> – Location Plan <u>2</u> – Development Application Plans <u>3</u> – Applicant's Photos		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Groom, Statutory Planning Officer		
<b>Responsible Officer:</b>	P Di Perna, Acting Director Development Services		

**RECOMMENDATION:**

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **REFUSES** the application for the Carport addition to Existing Single House at No. 131 (Lot: 282; D/P: 2503) Coogee Street, Mount Hawthorn in accordance with plans date stamped 5 August 2016, as shown on Attachment 2, subject to the following reasons:

1. The proposal does not comply with the requirement to provide a crossover with a minimum width of 3 metres (Australian Standards AS2890.1);
2. The proposal will negatively impact the amenity of the locality as it is likely to impact the long-term health of the existing well established mature “Weeping Peppermint Tree”, and potentially resulting in the tree having to be removed; and
3. The proposal is contrary to the orderly and proper planning.

**PURPOSE OF REPORT:**

To consider the construction of a carport at No. 131 Coogee Street, Mount Hawthorn.

**BACKGROUND:**

**History:**

The City has previously determined the following applications for the subject property:

<b>Date</b>	<b>Comment</b>
8 July 2003	Council resolved to approve the partial demolition of and alterations and two-storey additions to existing single house.
3 October 2003	Planning approval is granted under delegated authority for partial demolition of and alterations and additions to existing single house and demolition of existing garage.

**Previous Reports to Council:**

The Minutes of the previous reports to Council are available on the City's website.



**DETAILS:**

**Application Details:**

<b>Landowner:</b>	A & R van der Feltz
<b>Applicant:</b>	A & R van der Feltz
<b>Date of Application:</b>	4 April 2016, received 5 April 2016

**Principal Statutory Provisions**

<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R30 Draft Town Planning Scheme No. 2 (TPS2): Residential R30
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	488 square metres
<b>Right of Way (ROW):</b>	5 metres wide, City owned, sealed and drained
<b>Heritage List:</b>	No

The proposal is for a carport within the front setback area of No. 131 Coogee Street, Mount Hawthorn.

The site currently has vehicle access to the existing single house from the right of way to the western boundary. There is no existing crossover that provides access to the site from Coogee Street.

The property has an 11.3 metre frontage to Coogee Street. A significant verge tree is located within the verge. The tree trunk sits approximately 4 metres from the northern boundary and 6 metres from the southern boundary. A power pole is also located within the verge and positions on the northern side of the verge tree. A distance of 3.1 metres exists between the verge tree and the power pole.

The verge tree is a mature Weeping Peppermint and is estimated to be around 80 years old. The tree is currently in a sound and healthy state of growth with excellent branch structure and leaf canopy.

17 properties exist within this portion of Coogee Street. Of the 17 properties, 12 have existing verge trees. The mature tree at No. 131 Coogee Street is a landscape and amenity feature that contributes to the aesthetic appeal of Coogee Street.

The proposal was revised on one occasion as follows:

Date	Comment
1 August 2016	Amended plans received aligning the carport with the proposed crossover.

**ASSESSMENT:**

**Summary Assessment**

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1, the Residential Design Codes and the City's policies. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the section of the report following from this table both in relation to the deemed-to-comply provisions and the design principles.

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
<b>Parking &amp; Access</b>		✓

**Detailed Assessment**

The assessment against the principles is as follows:

Parking & Access (Carport)		
Requirement	Proposal	Variation
<p><b>Policy No. 7.2.1 – Residential Design Elements</b></p> <p><u>Carport location</u></p> <p>(a) Car parking, garages and carports are to be located at the rear of the property and access via a Right of Way where a Right of Way exists and the property has legal right of access to the Right of Way;</p> <p><u>Vehicle access</u></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 the 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>Existing garage located off the rear right of way. Carport proposed with access off Coogee Street.</p> <p>The applicant has provided a medical certificate to demonstrate a mobility issue with using the existing garage off the rear right of way.</p>	<p>Primary Street crossover from Coogee Street with existing parking being retained from the rear right of way.</p>



The assessment against the principles is as follows:

<b>Parking &amp; Access (Carport)</b>
<b>Applicable Principles</b>
<b>Policy No. 7.2.1 – Residential Design Elements</b>
SPC 8 (i) Garages and carports are not to visually dominate the site or the streetscape.
<b>Residential Design Codes</b>
5.3.5 P5.1 Vehicle access provided for each development site to provide: <ul style="list-style-type: none"><li>• Vehicle access safety;</li><li>• Reduced impact of access points on the streetscape;</li><li>• Legible access;</li><li>• Pedestrian safety;</li><li>• Minimal crossovers; and</li><li>• High quality landscaping features.</li></ul>
<b>Policy No. 2.2.4 – Verge Treatments, Plantings and Beautification</b>
Objective: define the City's requirements and conditions with regards to the installation of vehicles crossovers within the road reserve.
<b>Applicant's Justification</b>
Medical certificate submitted showing evidence of mobility issues.
<b>Officer Technical Comment</b>
<u>Carport location</u>  The proposed carport meets the deemed-to-comply criteria of SPC8 of the City's Residential Design Elements for the following reasons: <ul style="list-style-type: none"><li>• The carport is integrated into the development and includes compatible materials, colours, scale and roof pitch to the dwellings on site;</li><li>• The carport is 100% open on all sides except where it abuts the front main building wall of the dwelling; and</li><li>• The total width of the carport within the street setback area does not exceed 50% of the lot frontage.</li></ul>
<u>Vehicle Access</u>  The City's Policy No. 7.2.1 – Residential Design Elements considers access off the primary street when the applicant demonstrates that there is a mobility access with using the right of way. The applicant has demonstrated that there is a medical reason for direct access from Coogee Street with the submission of a medical certificate. With regard to this, the City does not oppose the construction of a new crossover and carport having access off Coogee Street, however the location of the proposed crossover is not supported for the following reasons: <ul style="list-style-type: none"><li>• The crossover does not meet the three metre crossover width stipulated by the Australian Standards AS2890.1 as the proposed crossover will be a maximum width of 2.1 metres; and</li><li>• The crossover will be to the detriment to the existing mature verge tree which is considered a quality landscape feature to the Coogee Street streetscape. The location of a crossover one metre from the base of the tree will impact the drip zone of the tree and the removal of substantial roots, and has the ability to impact the stability of the tree in the future; and</li><li>• The reduced crossover width will detrimentally impact safe vehicle and pedestrian access.</li></ul>

**Parking & Access (Carport)**

Crossover width

The City requires a minimum 3 metre crossover width to enable safe vehicle access. It is also a requirement that the crossover is located a minimum of one metre from the base of the tree and 0.5 metres from the power pole. There is insufficient space in this location to provide clearance from the tree, clearance from the power pole and a minimum crossover width.

Due to the lack of space, the proposal results in a crossover that does not comply with the minimum crossover width requirement of 3 metres as it tapers to a width of 2.1 metres to avoid the tree and power pole.

Two alternative options were offered to the applicant including the relocation of the crossover to the southern side of the verge tree where sufficient space exists for a crossover or the provision of an ACROD bay on the street directly in front of the property. The applicant rejected both of these options.

An additional alternative is the relocation of the power pole and as the power pole is situated adjacent to the crossover at No. 133 Coogee Street, and the pole would be required to be relocated to the other side of the road. The estimated cost of the relocation is \$6,000 and would be at the applicant's expense.

In its current form the proposal does not provide safe and compliant vehicle access to the site, impacts pedestrian safety and will have a negative impact on the long term health of the mature "Weeping Peppermint" tree which can be avoided if the crossover was relocated to the southern side of the tree.

**CONSULTATION/ADVERTISING:**

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	24 August 2016 – 6 September 2016		
Comments Received:	Nil.		

A total of seven letters were hand deliver to owners and occupiers adjoining the subject property and resulted in a response rate of nil.

**Design Advisory Committee (DAC):**

Referred to Design Advisory Committee: No

**LEGAL/POLICY:**

- *Planning and Development Act 2005*;
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes;
- Policy No. 2.2.4 – Verge Treatments, Plantings and Beautification;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.1 – Mount Hawthorn Precinct; and
- Policy No. 7.2.1 – Residential Design Elements.

The applicant will have the right to have Council's decision reviewed by the State Administrative Tribunal (SAT) in accordance with Part 14 of the *Planning and Development Act 2005*.

Delegation to Determine Applications:

This matter is referred to Council for determination at the applicant's request.

**RISK MANAGEMENT IMPLICATIONS:**

It is Administration's view that there are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a planning application.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2023 states:

*"Natural and Built Environment*

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

**SUSTAINABILITY IMPLICATIONS:**

The City's Strategic Plan 2013-2023 states:

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

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

<b>ENVIRONMENTAL</b>
The design may result in the loss of a mature verge tree.

<b>SOCIAL</b>
No comment.

<b>ECONOMIC</b>
Provide short term employment opportunities.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The provision of a new crossover and carport off Coogee Street meet the deemed to comply criteria and are acceptable, however the proposed location of the proposed crossover between the existing mature verge tree and power pole make this proposal unacceptable.

Due to the size of the tree, the City's Parks Services have advised that a clearance of 1 metre to the base of the tree. In addition, Western Power requires a 0.5 metre setback from a power pole. The maximum crossover width therefore able to be provided is 2.1 metres. This significantly deviates from the required 3 metre width of the Australian Standards AS2890.1.

The verge tree is estimated to be around 80 years old and plays a significant part in the landscape and aesthetic appeal of Coogee Street. The tree is currently in a sound and healthy state of growth with excellent branch structure and leaf canopy. The crossover will pose to have a significant impact on the health of the tree and is avoidable.

Two alternatives options exist for the applicant including the relocation of the crossover to the southern side of the tree or the provision of an ACROD bay on the street directly in front of the property. Both options have been rejected by the applicant.

In its current form it is determined that the proposed development is contrary to proper and orderly planning and it poses to significantly impact the health of the existing mature verge tree.

It is recommended that Council refuses this proposal.

---

**9.1.13 Proposed Amendment to Policy No. 7.5.11 – Exercise of Discretion for Development Variations**

<b>Ward:</b>	Both	<b>Date:</b>	2 September 2016
<b>Precinct:</b>	All	<b>File Ref:</b>	SC2320
<b>Attachments:</b>	<u>1</u> – Policy No. 7.5.11 – Exercise of Discretion for Development Variations <u>2</u> – Draft Amended Policy No. 7.5.11 – Exercise of Discretion for Development Variations		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	S Smith, Coordinator Policy and Place J O’Keefe, Manager Policy and Place		
<b>Responsible Officer:</b>	P Di Perna, Acting Director Development Services		

**RECOMMENDATION:**

That Council:

1. **ADOPTS** the amendment to Policy No. 7.5.11 – Exercise of Discretion for Development Variations included as Attachment 2 and shown by strike through and underline, pursuant to Schedule 2, Part 2, Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
2. **NOTES** that the amendment to Policy No. 7.5.11 – Exercise of Discretion for Development Variations included as Attachment 2 will not be advertised pursuant to Schedule 2, Part 2, Clause 5(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**PURPOSE OF REPORT:**

To consider adopting a minor administrative amendment to Policy No. 7.5.11 – Exercise of Discretion for Development Variations (Policy No. 7.5.11).

**BACKGROUND:**

At its meeting on 26 July 2016 Council resolved to adopt an amendment to Policy No. 7.5.11 (Item 9.1.12). The amendment added three new Essential Criteria to Table 1 and three new Essential Criteria to Table 3.

It is important that:

1. The Essential Criteria in Table 1 also apply to Table 2; and
2. The Essential Criteria in Table 3 also apply to Table 4.

Table 2 and Table 4 are proposed to be updated through this amendment to refer to the new Essential Criteria.

Administration is also proposing to correct the numbering of the Essential Criteria in Table 2 and the Additional Criteria in Table 3 and Table 4.

**History:**

Date	Comment
26 July 2016	Council resolved to adopt amendments to Policy No. 7.5.11 relating to landscaping.

**DETAILS:**

The proposed amendment to Policy No. 7.5.11 is included as **Attachment 2**.

The amendment involves removing the wording in Table 2, Essential Criteria which states “Refer to EC 1.1 to 1.3 (above); and” and replacing it with the following wording “Refer to the Essential Criteria in Table 1; and”.

It also involves removing the wording in Table 2, Essential Criteria which states “Refer to EC 2.1, EC2.2, EC2.3 and EC2.4 and 2.5 (above); and” and replacing it with the following wording “Refer to the Essential Criteria in Table 3; and”.

The numbering of the Essential Criteria in Table 2 and the Additional Criteria in Table 3 and Table 4 have also been updated.

**CONSULTATION/ADVERTISING:**

Required by Legislation:	Not required under Schedule 2, Part 2, Clause 5(2) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
Required by City of Vincent Policy:	Not required under Appendix 2, Item 10 in Policy No. 4.1.5 – Community Consultation.

**LEGAL/POLICY:**

- *Planning and Development (Local Planning Schemes) Regulations 2015*; and
- Policy No. 7.5.11 – Exercise of Discretion for Development Variations.

**RISK MANAGEMENT IMPLICATIONS:**

Nil.

**STRATEGIC IMPLICATIONS:**

The City’s Strategic Community Plan 2013-2023, Objective 1.1 states:

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

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost of advertising this proposal will be met through the existing operational budget.

**COMMENTS:**

This administrative amendment will ensure that all of the Essential Criteria in Tables 1 and 2 of Policy No. 7.5.11 apply to developments that propose additional height as necessary.

Administration recommends that Council adopts the proposed administrative amendment to Policy No. 7.5.11.

---



**9.1.14 Review of Planning Policy Framework**

<b>Ward:</b>	Both	<b>Date:</b>	2 September 2016
<b>Precinct:</b>	All	<b>File Ref:</b>	SC2320
<b>Attachments:</b>	<u>1</u> – Draft Policy No. 7.1.1 – Leederville Precinct <u>2</u> – Draft Policy No. 7.1.2 – North Perth Precinct <u>3</u> – Draft Policy No. 7.1.3 – Perth Precinct <u>4</u> – Draft Policy No. 7.1.4 – Mount Lawley/Highgate Precinct <u>5</u> – Draft Policy No. 7.1.5 – Mount Hawthorn Precinct <u>6</u> – Draft Policy No. 7.1.6 – Development Requirements and Building Design <u>7</u> – Draft Policy No. 7.1.1 – Built Form <u>8</u> – Summary of Submissions <u>9</u> – Building Setbacks Comparison Table		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	T Elliott, Strategic Planning Officer S Smith, Coordinator Policy and Place J O’Keefe, Manager Policy and Place		
<b>Responsible Officer:</b>	P Di Perna, Acting Director Development Services		

**RECOMMENDATION:**

That Council:

1. **DOES NOT PROCEED** with draft Policy No. 7.1.1 – Leederville Precinct Policy, draft Policy No. 7.1.2 – North Perth Precinct draft Policy No. 7.1.3 – Perth Precinct, draft Policy No. 7.1.4 – Mount Lawley/Highgate Precinct, draft Policy No. 7.1.5 – Mount Hawthorn Precinct and draft Policy No. 7.1.6 – Development Requirements and Building Design included as Attachments 1, 2, 3, 4, 5, and 6 pursuant to Schedule 2, Part 2, Clause 4(3)(b)(iii) of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
2. **ADOPTS** draft Policy No. 7.1.1 – Built Form included as Attachment 7 pursuant to Schedule 2, Part 2, Clause 4(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the purpose of public consultation; and
3. **NOTES:**
  - 3.1 The submissions received in relation to the advertising of draft Policy No. 7.1.1 – Leederville Precinct Policy, draft Policy No. 7.1.2 – North Perth Precinct draft Policy No. 7.1.3 – Perth Precinct, draft Policy No. 7.1.4 – Mount Lawley/Highgate Precinct, draft Policy No. 7.1.5 – Mount Hawthorn Precinct and draft Policy No. 7.1.6 – Development Requirements and Building Design included as Attachments 1, 2, 3, 4, 5, and 6, and **ENDORSES** Administration’s responses to those submissions included as Attachment 8;
  - 3.2 That draft Policy No. 7.1.1 – Built Form will be advertised for a period of 28 days pursuant to Schedule 2, Part 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Policy No. 4.1.5 – Community Consultation; and
  - 3.3 That Administration will give notice of the proposed Policy to the Western Australian Planning Commission pursuant to Schedule 2, Part 2, Clause 4(1)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**PURPOSE OF REPORT:**

To consider:

1. The outcomes of community consultation on the below suite of draft local planning policies:
  - Draft Policy No. 7.1.1 – Leederville Precinct (**Attachment 1**);
  - Draft Policy No. 7.1.2 – North Perth Precinct (**Attachment 2**);
  - Draft Policy No. 7.1.3 – Perth Precinct (**Attachment 3**);
  - Draft Policy No. 7.1.4 – Mount Lawley/Highgate Precinct (**Attachment 4**);
  - Draft Policy No. 7.1.5 – Mount Hawthorn Precinct (**Attachment 5**); and
  - Draft Policy No. 7.1.6 – Development Requirements and Building Design (Policy No. 7.1.6) (**Attachment 6**).
2. Not proceeding with the abovementioned suite of draft local planning policies; and
3. Endorsing a new draft Policy No. 7.1.1 – Built Form (Built Form Policy), for the purpose of public consultation, included as **Attachment 7**.

**BACKGROUND:**

At its meeting on 10 March 2015 Council resolved to adopt a suite of draft local planning policies for the purpose of advertising for public comment (Item 9.1.6).

This was as a result of the review of 19 local planning policies (including 15 precinct policies and four development policies) which consolidated them into six draft local planning policies (including five precinct policies and one development policy).

These policies were reviewed to update the local planning policy framework and support the implementation of draft Town Planning Scheme 2.

The suite of draft local planning policies were advertised for public comment between 31 July 2015 and 11 September 2015 in accordance with Council's resolution.

Date	Comment
10 March 2015	Council resolved to adopt a suite of draft local planning policies for the purpose of advertising for public comment including five precinct policies and one development policy.
31 July 2015 – 11 September 2015	The suite of draft local planning policies were advertised for public comment.
18 April 2016	Administration presented the outcomes of community consultation at the Council Workshop.
30 August 2016	Administration presented the draft Built Form Policy at the Council Workshop.
6 September 2016	A further Council Workshop was held to discuss the draft Built Form Policy.

**DETAILS:**

The City received 181 survey responses and 27 written submissions during the consultation period. The eight key issues raised and Administration's responses are summarised below.

1. Approach and Structure

The advertised suite of draft local planning policies included five precinct policies to provide guidance on development in specific areas of the City and one policy which set out the general development requirements that apply throughout the City. The suite of draft local planning policies set out development requirements based on the zones in the local planning scheme.

Feedback from the consultation identified that this approach was complex to understand as several provisions of each policy would potentially apply to the same development site. The community felt that guiding the built form of development was more important than the use of a building and wanted the buildings in an area to provide a consistent streetscape regardless of what the building is being used for.

The zones in the local planning scheme vary within town centres and along transport corridors so the development requirements of the advertised suite of draft local planning policies would not deliver consistent development outcomes in each area. Administration agrees that the suite of draft local planning policies could be simplified and be based on the built form of development in an area regardless of zone or land use.

Administration recommends consolidating the suite of draft local planning policies into one draft Built Form Policy to ensure that all of the provisions that apply to a development are in one document. Administration also recommends identifying new Built Form Areas (**Attachment 7** – Page 10) in the draft Built Form Policy to ensure that buildings in each area provide a consistent streetscape.

As a result of these changes it is also necessary to restructure the draft Built Form Policy to incorporate the individual development requirements for the new Built Form Areas.

2. Variations

The advertised draft suite of local planning policies maintained the ability, of the existing framework, to vary development requirements where applicants met certain criteria (**Attachment 6** – Page 6).

Feedback from consultation suggested that the City should not trade improved design for increased development potential, and that good design should be the standard.

Administration agrees that the minimum standard of development should be improved.

Administration recommends that the criteria for improvements to design and amenity, currently required to provide the exercise of discretion for development variations, be embedded into the 'Deemed-To-Comply' requirements of the Built Form Policy.

---

3. Plot Ratio

The advertised draft suite of local planning policies contained plot ratio requirements for residential development.

Feedback from consultation stated that plot ratio assessment is confusing and does not add value to development.

Administration disagrees and proposes to maintain plot ratio requirements for residential development as it is suitable when used in combination with the height and setback requirements of the draft Built Form Policy.

4. Height

Table 1 of draft Policy No. 7.1.6 contains permitted heights for each zone and also states where a height variation may be permitted (**Attachment 6** – Page 5).

Feedback from the consultation identified that the community wants clear and stringent height requirements.

Administration agrees that clear height requirements are necessary however there must be an alternate assessment pathway in the case that a development proposal seeks to depart from the stated maximum.

Administration recommends including maximum height requirements in the draft Built Form Policy to ensure the acceptable height is clear for developers and the community (**Attachment 7** – Page 11). The building heights stated in the policy are generally consistent with the maximum allowable building height proposed in draft Policy No. 7.1.6. Administration also recommends including a requirement to prepare a local development plan in any circumstance where a development above the maximum height is proposed. This would ensure that further work is undertaken to determine whether the proposed height is appropriate and that the nearby community is consulted.

5. Setbacks

Draft Policy No. 7.1.6 proposed various setbacks depending on the zone of the site and the zone of the adjoining sites (**Attachment 6** – Page 12 and 13; and **Attachment 9**).

The consultation outlined that this approach was confusing and did not provide clarity for applicants or the community. Feedback from the consultation also highlighted that the setback requirements should maintain the amenity of established residential areas whilst still allowing the development potential of higher density land.

Administration agrees that setbacks should achieve an appropriate interface between land of different densities.

Administration recommends maintaining the advertised setback requirements relating to the interface between different densities but simplifying them to ensure that they are easy to understand (**Attachment 7** – Page 14).

---

6. Landscaping

Draft Policy No. 7.1.6 contains various landscaping provisions that apply to different land uses. For commercial and mixed use development (**Attachment 6 – Page 21**) this includes:

- 30% of the front setback provided as soft landscaping; and
- 2 metres of the rear setback to be landscaping with 30% provided as soft landscaping.

And for multiple dwellings (**Attachment 6 – Pages 46-48**) this includes:

- 30% of the total site area is to be provided as landscaping;
- Half of any front setback is to be soft landscaping;
- 15% of the total site area to be provided as soft landscaping within the common property area of the development;
- A landscape plan designed by a registered landscape architect; and
- A landscaping maintenance schedule, provided by a landscape architect.

Feedback from the consultation highlighted the need for landscaping measures to reduce the urban heat island effect. It was noted that the most effective way to reduce the urban heat island effect was to provide space for appropriate plant and tree growth, to maturity, which produces the necessary canopy to cool the area.

At its meeting on the 26 July 2016 Council resolved to amend three of the City's development policies for the purpose of improving the amount and quality of landscaping in development.

Administration agrees that it is important to get an appropriate amount and quality of landscaping in developments however recognises these recent changes are an interim measure that fit within the existing policy framework and structure.

Administration recommends including a new approach to landscaping that fits with the proposed policy framework and structure. This new approach includes a requirement for a minimum percentage of the site to be a deep soil zone with minimum dimensions for this zone (**Attachment 7 – Pages 26-27**). This will ensure that trees can reach maturity and provide canopy coverage. This new approach also requires that a landscape plan, prepared by a registered landscape architect, be submitted with the development application.

7. Residential Vehicular Access

Draft Policy No. 7.1.6 includes a provision which allows vehicular access to be provided from the street, regardless of the existence of a right-of-way (ROW), where 50% or more dwellings have vehicular access directly to the street (**Attachment 6 – Page 34**).

Submitters did not agree with the proposed provision and suggested that access should be permitted from the primary street in all cases, regardless of the existence of a ROW.

Administration disagrees and believes that access should be taken from a ROW wherever possible unless justification is provided. This allows use of existing infrastructure and reduces crossovers on primary and secondary streets. This position is consistent with Clauses 5.3.5 and 6.3.5 in State Planning Policy 3.1 – Residential Design Codes (R Codes).

Administration recommends that provisions relating to residential vehicular access are not included in the draft Built Form Policy and are replaced by reference to the relevant provisions of the R Codes.

---

8. Town Centres – Ground Floor Design

Draft Policy No. 7.1.6 proposed new requirements for commercial and mixed-use development to guide the development of shopfronts (**Attachment 6** – Page 14).

Feedback from the consultation highlighted the need for provisions guiding shopfront design as many submitters raised concerns with the design of large scale developments which did not positively contribute to the existing streetscapes within the City.

Administration agrees that design of shopfronts is important in providing a pedestrian friendly environment.

Administration has generally maintained the proposed provisions and has expanded on these to provide further design guidance on façade design, tenancy size and materials (**Attachment 7** – Pages 18-20).

Further to the recommended changes above, Administration has also included new draft illustrations to assist with policy application and interpretation.

A full summary of submissions and Administrations recommended modifications are included as **Attachment 8**. The draft revised Policy is included as **Attachment 7**.

Role of the Western Australian Planning Commission (WAPC)

Administration has reviewed the various planning instruments to establish the role of the WAPC where provisions of a local planning policy are inconsistent with provisions of a State planning policy (R Codes).

Clause 7.3.1 of the R Codes lists the ‘deemed-to-comply’ criteria that can be amended by a local planning policy. Clause 7.3.2 of the R Codes outlines that amendments can be made to ‘deemed-to-comply’ criteria which are not listed, where it can be demonstrated to the satisfaction of the WAPC that the proposed amendment:

1. Is warranted due to a specific need related to that particular locality or region;
2. Is consistent with the objectives and design principles of the R Codes; and
3. Can be properly implemented and audited by the decision-maker as part of the ongoing building approval process.

Notwithstanding the provisions of the R Codes, the Regulations require a local government to give notice to the WAPC where the policy is inconsistent with any State planning policy but does not provide any mechanism to require the approval of the WAPC.

In light of the above, the draft Built Form Policy contains landscaping provisions that are inconsistent with the R Codes and therefore Administration intends to notify the WAPC pursuant to Schedule 2, Clause 4(1)(b) of the Regulations.

**CONSULTATION/ADVERTISING:**

Required by Legislation:	Yes, required by Schedule 2, Part 2, Clauses 4 and 5 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
Required by City of Vincent Policy No.:	Yes, required by the City’s Policy No. 4.1.5 – Community Consultation.
Consultation Period:	31 July 2015 – 11 September 2015
Consultation Type:	<ul style="list-style-type: none"> <li>• A community workshop for each precinct;</li> <li>• Three focus groups consisting of community members, industry representatives and council representatives;</li> <li>• A workshop with the Design Advisory Committee;</li> <li>• An open day;</li> <li>• Advertisements in the local newspapers;</li> <li>• A brochure sent to each household in the City; and</li> <li>• An online survey.</li> </ul>

Submissions	The City received 181 survey responses and 27 written submissions during the consultation period. The submissions supported for some areas of the suite of draft local planning policies and provided comments on other parts. The submissions covered all aspects of development and are summarised in <b>Attachment 8</b> .
-------------	---

Recommended Engagement for Policy No. 7.1.1 – Built Form

Policy No. 4.1.5 – Community Consultation requires an advertising period of 28 days, Council may wish to extend this period given the scope of the content and to ensure the public and industry have an opportunity to comment.

The advertising of Policy No. 7.1.1 – Built Form will comprise the following:

- Adverts in a local paper, alternating between the Voice and the Guardian;
- Notice in the Planning and Building newsletter;
- Notice on the City’s website;
- Notice on the City’s Social Media Platforms;
- Copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre;
- Two community open days;
- A focus group convergence, inviting the previous attendees of the focus groups to discuss the proposed changes;
- A design advisory committee focus group; and
- Direct consultation with those who made a submission on the draft suite of local planning policies and those on the City’s planning and building database.

**LEGAL/POLICY:**

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- *State Planning Policy 1: State Planning Framework Policy 2006*
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes (R Codes);
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.1 – Mount Hawthorn Precinct;
- Policy No. 7.1.2 – Mount Hawthorn Centre Precinct;
- Policy No. 7.1.3 – Leederville Precinct;
- Policy No. 7.1.4 – Oxford Centre Precinct;
- Policy No. 7.1.5 – Cleaver Precinct;
- Policy No. 7.1.6 – Smith’s Lake Precinct;
- Policy No. 7.1.7 – Charles Centre Precinct;
- Policy No. 7.1.8 – North Perth Precinct;
- Policy No. 7.1.9 – North Perth Centre Precinct;
- Policy No. 7.1.10 – Norfolk Precinct;
- Policy No. 7.1.11 – Mount Lawley Centre Precinct;
- Policy No. 7.1.12 – Hyde Park Precinct;
- Policy No. 7.1.13 – Beaufort Precinct;
- Policy No. 7.1.14 – Forrest Precinct;
- Policy No. 7.1.15 – Banks Precinct;
- Policy No. 7.2.1 – Residential Design Elements;
- Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings
- Policy No. 7.5.11 – Exercise of Discretion for Development Variations; and
- Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Development.

**RISK MANAGEMENT IMPLICATIONS:**

Nil.

**STRATEGIC IMPLICATIONS:**

The City of Vincent Corporate Business Plan 2016/17 – 2019/20 states:

“4 *Guiding Better Development Outcomes in the City*

4.1 *Review the local planning policy framework.”*

The City’s Strategic Community Plan 2013-2023, Objective 1.1 states:

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

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost of advertising this proposal will be met through the existing operational budget.

**COMMENTS:**

The City’s current local planning policies relating to development are outdated and due for review. They are too complex and could be improved to guide development outcomes more effectively. While the draft advertised framework improved upon the existing framework, the review following community consultation outlined that it could be further simplified into just one local planning policy. The revisions also provide a strict and clear framework to guide third party decision makers. The proposed draft Built Form Policy will provide consistency, certainty and flexibility in decision making.

The review also includes the rescission of 15 precinct policies and four development policies. Due to the extensive revisions presented in this report it was considered necessary that these rescissions be presented to Council at its meeting following the consultation period.

The draft Built Form Policy has significantly changed since the formal advertising period last year and Administration therefore recommends further advertising for public comment. The community consultation is recommended to be consistent with Schedule 2, Part 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Policy No. 4.1.5 – Community Consultation.

Administration recommends that Council:

- Adopts the draft Built Form Policy for the purpose of community consultation; and
  - Does not proceed with the suite of draft local planning policies.
-



**9.1.15 Leederville Farmers Market – Expression of Interest: Operations and Management**

<b>Ward:</b>	South	<b>Date:</b>	31 August 2016
<b>Precinct:</b>	Oxford Centre	<b>File Ref:</b>	5.2015.206.1
<b>Attachments:</b>	<u>1</u> – Expression of Interest Documentation: Leederville Farmers' Market Operations and Management <u>2</u> – EOI Questions and Answers following Site Inspection Confidential: Review Panel Summary		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	D Doy, Place Manager J O'Keefe, Manager Policy & Place		
<b>Responsible Officer:</b>	P Di Perna, Acting Director Development Services		

That Council **AUTHORISES** the Chief Executive Officer to negotiate a licence agreement with pSquared Communications to operate and manage a Farmers Market at Lot 1 Frame Court Car Park, Leederville subject to the following conditions:

1. the licence agreement not exceeding 12 months;
2. the Market being permitted to use the space on Sundays between 6:30am and 12:30pm;
3. a payable fee of \$19,305;
4. the Market operator paying any additional and relevant fees in accordance with the Schedule of Fees and Charges 2016/2017;
5. the market shall not include stalls that sell coffee or hot drinks;
6. all requirements outlined in the Expression of Interest document as shown in Attachment 1;
7. all relevant default, penalties and indemnity clauses; and
8. any other conditions deemed to be appropriate by the City.

**PURPOSE OF REPORT:**

For Council to authorise Administration to enter into a licence agreement with pSquared Communications to operate and manage the Leederville Farmers Market.

**BACKGROUND:**

The following is a list of recent Council decisions regarding the Farmers' Market.

<b>Date</b>	<b>Comment</b>
17 December 2013	Council at its Ordinary Meeting resolved to approve a proposed outdoor market (unlisted use) at No. 663 Newcastle Street, Leederville with a condition limiting the operation of the use to a period of 1 year.
26 December 2014	Council at its Ordinary Meeting resolved to approve a proposed renewal of approval for the existing outdoor market (unlisted use) at No. 663 Newcastle Street, Leederville with a condition limiting the operation of the use to a period of 5 years.
28 July 2015	Council at its Ordinary Meeting considered a request from Farmers' Market (WA) Pty Ltd T/A Leederville Farmers' markets to commence trading on the site with a licence agreement between the applicant and the City for an 18 month period. Council made this decision in its capacity as the owner of the land.
25 August 2015	Council at its Ordinary Meeting resolved to approve a planning application for a proposed Farmers' Market (unlisted use) at No. 62 (part of) frame Court Car park, Leederville with a condition limiting the operation of the use to a period of 18 months.

Date	Comment
28 June 2016	Council at its Ordinary Meeting resolved to approve an amendment to the approval granted on 25 August 2015 by removing conditions relating to the approval timeframe and the need for market guidelines from the former applicant.

Following the Planning Approval granted by Council at its 28 June 2016 OCM, Administration conducted an Expression of Interest (EOI) process to attract an operator and manager of the Farmers' Market.

**Previous Reports to Council:**

The Minutes of the previous reports to Council are available on the City's website.

**DETAILS:**

In July, Administration commenced an EOI process for the operations and management of the Leederville Farmers' Market. This EOI process ran for four weeks and concluded on 10 August 2016. The EOI documentation is contained in **Attachment 1**.

On 27 July 2016, during the EOI process, Administration facilitated a site inspection for prospective respondents to inspect the Frame Court Car park location and ask technical questions. A total of 15 questions were asked and Administration subsequently provided answers on the City's website. These questions and answers are contained in **Attachment 2**.

At the conclusion of the EOI process two submissions were received to operate and manage the Leederville Farmers' Market following the conclusion of the EOI process. Submissions were received from:

- pSquared Communications; and
- The Event Agency.

A Review Panel convened on 24 August 2016 to discuss and review the submissions in detail. Each panel member provided an independent evaluation of the submission against the selection criteria in the EOI documentation. The score of each panel member was combined and the submissions ranked. pSquared Communications was ranked as the preferred candidate on the strength of their submission and ability to meet the selection criteria.

A summary of the review is contained in confidential **Attachment 3**.

Should Council accept Administrations recommendation the next step will be for Administration to prepare a licence agreement for further refinement and discussion with the preferred operator for a 12 month period. The operator will then begin planning and preparing for the Market to open by the end of 2016 following the execution of the contract.

**CONSULTATION/ADVERTISING:**

The EOI was advertised for a four week period on the City's website, social media platforms and in the local newspaper. The City also contacted a variety of potential operators personally inviting them to express interest.

**LEGAL/POLICY:**

The use of land owned in freehold by the City of Vincent (Lot 1 Frame Court Car Park) is subject to the provisions of the *Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996*.

The Farmers' Market is considered an exempt disposition of property under Clause 30(2)(e) of the *Local Government (Functions and General) Regulations 1996* which states that:

“(2) A disposition of land is an exempt disposition if

(e) it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land.”

Therefore the Farmers' Market is exempt from the application of Section 3.58 of the *Local Government Act 1995* because the licence agreement is intended to be for a 12 month period and will not result in the exclusive use of the land as a Farmers Market (it is a car park from Monday through to Saturday).

In relation to naming of the market, pSquared Communications have recommended that the Market be renamed as the 'Leederville Growers Market'. This name change provides a distinct separation from the previous weekly market and the new market. The new name will generate a new brand identity for the market.

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

There is a low risk that the small amount of responses did not provide a large enough comparison of operators to properly assess the strength of pSquared Communications submission. Administration is comfortable that pSquared Communications can deliver a high quality and financially sustainable Farmers' Market that meets the requirements of the EOI.

#### **STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013 – 2023 states:

*“Community Development and Wellbeing*

3.1 *Enhance and promote community development and wellbeing;*

3.1.3 *Promote and provide a range of community events to bring people together and to foster a community way of life.”*

#### **SUSTAINABILITY IMPLICATIONS:**

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

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

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

<b>ENVIRONMENTAL</b>
The adaptive alternative use of this existing space has a lower environmental impact than the creation of a new space for the market.
<b>SOCIAL</b>
The Farmers' Market at the Frame Court Car Park will provide a good experience for patrons and space for social interaction.
<b>ECONOMIC</b>
The Farmers' Market will continue to attract patrons to the Leederville Town Centre and provide a wider clientele base for local businesses.

**FINANCIAL/BUDGET IMPLICATIONS:**

Council has already determined the financial implications of this proposal which will require the preferred operator to pay an annual fee for the use of the car park. The respondent's demonstrated ability to pay this annual fee is outlined in **Attachment 3**.

**COMMENTS:**

The Farmers' Market previously operated for 18 months at the nearby 'Leederville Village' car park and demonstrated its popularity by drawing people from the wider Perth community to the local precinct. A Farmers' Market at the Frame Court Car Park site will be more appealing and provide a better user experience for patrons.

The City received two EOI submissions to operate and manage the Leederville Farmers' Market. Following the review process Administrations preferred respondent is pSquared Communications.

Pending Councils decision, the next task for Administration is to enter into a licence agreement with the preferred operator. The operator will then begin planning and preparing for the Farmers Market to open by the end of 2016, following the execution of the agreement.

It is recommended that Council authorise the Chief Executive Officer to enter into a licence agreement with pSquared Communications subject to the identified conditions, to operate and manage the Leederville Farmers Market.

---

**9.1.16 LATE ITEM: Mt Hawthorn Hawkers Market – Expression of Interest:  
Operations and Management**

**TO BE ISSUED PRIOR TO MEETING.**

## 9.2 TECHNICAL SERVICES

### 9.2.1 Further Report No 4: Proposed Traffic Management Improvement on Vincent Street near Norfolk Street, North Perth/Mount Lawley

<b>Ward:</b>	South	<b>Date:</b>	2 September 2016
<b>Precinct:</b>	Precinct 10 - Norfolk	<b>File Ref:</b>	SC979; SC228
<b>Attachments:</b>	<u>1</u> - Plan No 3347-CP-01A		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

#### RECOMMENDATION:

##### That Council:

1. **NOTES** the feedback received from residents regarding the proposed installation of speed humps on Vincent Street near Norfolk Street;
2. **APPROVES** the installation of speed humps along Vincent Street as shown on attached Plan No 3347-CP-01A (Attachment 1) estimated to cost \$15,000; and
3. **ADVISES** the respondents of its decision.

#### PURPOSE OF REPORT:

To consider the outcome of community consultation on the installation of speed humps on Vincent Street in the vicinity of the Norfolk Street intersection.

#### BACKGROUND:

##### Ordinary Meeting of Council held on 26 July 2016

Council considered a number of possible road safety improvements at both the intersection of Norfolk and Vincent Streets, and on Vincent Street between Throssell and Norfolk Streets, where the following decision was made (in part):

*"That Council...*

2. *APPROVES the installation of a permanent '½ seagull' island, and associated works, at the intersection of Norfolk and Vincent Streets as shown on attached Plan No. 3144-CP-01B estimated to cost \$15,000; and*
3. *APPROVES IN PRINCIPLE the installation of speed humps along Vincent Street as shown on attached Plan No 3347-CP-01A estimated to cost \$15,200;*
4. *CONSULTS with the residents adjacent to the proposed speed hump locations as shown on attached Plan No 3347-CP-01A;*
5. *PROCEEDS with the installation of the speed humps, should no adverse comments be received; and*
6. *ADVISES the respondents of its decision in relation to the installation of a permanent '½ seagull' island."*

#### DETAILS:

Council recently approved the installation of a permanent '½ seagull' island, and associated works, at the intersection of Norfolk and Vincent Streets and requested that residents on Vincent Street be consulted regarding the installation of a number of speed humps on Vincent to compliment the approved traffic treatment.

---

Works on the installation of the permanent '½ seagull' island, previously approved by Council, have been placed on hold pending Council's decision on installation of speed humps as it would be more cost effective to implement the works as one project.

**CONSULTATION/ADVERTISING**

On 3 August 2016, 19 letters were hand delivered to potentially affected residents on Vincent Street seeking their views on the proposed installation of speed humps in the street. Council requested Administration to proceed with the installation of the speed humps, should no adverse comments be received.

At the close of consultation 19 August 2016, five responses were received with three in favour and two against the proposal.

In favour	Comments
One in favour with no further comment	Noted
Recommend pedestrian level crossing with speed humps either side of raised pavement, or no speed humps and raised pedestrian crossing.	This is not part of the current proposal. It is considered that the improvements at the Norfolk Street intersection together with the speed humps will enhance pedestrian safety.
Suggest Vincent St be single lane.	Not supported. Vincent is a District Distributor B road and is current single lane in both directions with the exception of locations opposite intersections to ensure traffic flows are not impeded when vehicles are turning right.
Against	Comments
Not near my driveway, tree already in my driveway. No need for anymore obstructions. In a City wide plan not the current bit responses of the past few years.	Not supported. None of the proposed speed hump locations will be near crossovers and will definitely not cause an obstruction. Four speed humps are proposed with two on the south side of the street (no impact on residents) and two on the north side of the street.
Don't think it's necessary	This is a subjective comment.

**LEGAL/POLICY:**

Vincent Street is classified as a District Distributor B road in accordance with the metropolitan Functional Road Hierarchy and is under the care control and management of the City of Vincent.

**RISK MANAGEMENT IMPLICATIONS:**

**Medium:** Council previously approved the implementation of a permanent right hand turn ban at the intersection of Vincent Street and Norfolk Street as the intersection is listed as a Black Spot given the high recorded number of accidents (14, *including a fatality*, over the five year period). The proposed speed humps on Vincent Street will complement the above proposal.

**STRATEGIC IMPLICATIONS:**

In accordance with the City's *Strategic Plan 2013-2023*, Objective 1 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.*

*1.1.5(a) Implement the City's Car Parking Strategy and associated Precinct Parking Management Plans."*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The estimated cost of installing speed humps either side of the Norfolk Street intersection on Vincent Street is \$15,200. The 2016/17 budget has \$20,000 allocated for this project.

**COMMENTS:**

The installation of speed humps along Vincent Street will complement the permanent right hand turn ban from Norfolk Street in Vincent Street by lowering vehicle speeds on Vincent Street and may assist in reducing potential future accidents at this location.

It is considered that the proposed speed humps will not have an adverse impact on the amenity of nearby residents for the following reasons:

- Two of the 'low profile' speed humps will be located on the south side of the street adjacent to existing median islands; and
- With the two proposed speed humps on the north side of the street, one will be located near Norfolk Street, away from the existing dwelling and the other will straddle the boundary of two properties neither of which have an existing crossover.

It is therefore considered that the proposal as shown on Plan No 3347-CP-01A as outlined in **Attachment 1**, be implemented.

---



**9.2.2 Proposed Parking Restrictions - Smith, Lincoln and Wright Streets, Perth**

<b>Ward:</b>	South	<b>Date:</b>	1 September 2016
<b>Precinct:</b>	Precinct 14 - Forrest	<b>File Ref:</b>	SC948, SC853, SC1006, SC1201
<b>Attachments:</b>	1 - Consultation Summary 2 - Plan No. 3343-PP-01		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	A Brown, Engineering Technical Officer S Butler, Manager and Community Safety		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**RECOMMENDATION:**

**That Council:**

1. **NOTES** the comments received during the public consultation regarding the implementation of parking restrictions in Smith, Lincoln and Wright Streets, Perth as shown in Attachment 1;
2. **APPROVES** the introduction of 3P parking restrictions 8am to 5.30pm Monday to Friday, in Smith, Lincoln and Wright Streets, Perth as shown on attached Plan No 3343-PP-01 (Attachment 2); and
3. **ADVISES** the respondents of its decision.

**PURPOSE OF REPORT:**

To consider the outcome of the recent consultation regarding the proposal to implement parking restrictions in Smith, Lincoln and Wright Streets, Perth.

**BACKGROUND:**

In 2005 parking restrictions were implemented on Smith, Lincoln and Wright Streets as a result of commuters moving into the area after ticketed parking was implemented along Pier and Brewer Streets, Perth.

Extensive consultation was undertaken at the time, and Administration met with the Salvation Army Women's Centre in Smith Street (which operates 24 hours per day) and with Silver Chain whose main centre and cottage homes are located in Wright Street.

At the conclusion of the consultation Council, at its Ordinary Meeting 14 February 2006, made the following decision in part,

*"That the Council;*

- "(ii) APPROVES the introduction of three (3) hour parking restrictions on the east sides of Wright and Smith Streets between Bulwer and Lincoln Streets and on the north side of Lincoln Street between Smith and Lord Streets, as shown on attached amended plan 2381-PP-03;"*

**DETAILS:**

The current restrictions have been in place since 2006 however Administration recently received a request to review the current parking restrictions along sections of Smith, Lincoln and Wright Streets, Highgate and consider implementing restrictions on the sides of the streets that currently have unrestricted parking.

The resident claimed that the situation has been exacerbated, with the demise of Bulwer Street parking.

**Proposal - 3P Parking Restrictions:**

In June 2016 residents/businesses were consulted regarding a proposal to implement parking restrictions, in the existing unrestricted sections of Smith, Lincoln and Wright Streets as shown on Plan No. 3343-PP-01 (**Attachment 2**).

As with any proposal to restrict parking, the majority of feedback received was regarding residents, and their visitors, still being able to access parking on road in excess of the time restrictions.

Ranger and Community Safety Services assessed the existing residential and visitor parking permits issued to residents in the streets as listed below:

- Smith Street - Bulwer to Lincoln, 16 valid Residential and Visitors permits approx. 46 on road parking bays available;
- Wright Street, Bulwer to Lincoln, 10 valid Residential and Visitors permits approx. 46 on road parking bays available; and
- Lincoln Street, Smith to Lord, 55 valid Residential and Visitors permits, approximately 69 on road parking bays available.

Therefore of the 161 on road bays available 81 parking permits have been issued.

**CONSULTATION/ADVERTISING:**

A total of 240 consultation packs were distributed to potentially affected residents/businesses, requesting their comments for each street.

At the close of consultation on 15 July 2016 responses were received as indicated in the following table (refer **Attachment 1** for comments):

Street	In Favour	Against	Neither in Favour nor Against
Smith	8	2	1
Lincoln	5	3	1
Wright	6	1	2
<b>Total</b>	<b>19</b>	<b>6</b>	<b>4</b>

The manager of the women's refuge located in Smith Street indicated that the parking at the front of their premises is the only all-day parking that their residents can use as there is not enough onsite parking. The manager indicated that if the three hour parking were implemented they would need all-day parking permits for their clients.

It has since been confirmed that the property comprises 12 residential units with provision to park 8 vehicles. The City recently issued four residential parking permits so the address now has the ability to park 12 vehicles corresponding to the 12 residential units. The residents are now able to park either at the units, or on the street. The City does not provide parking permits for staff of any organisation.

The City has also provided contact details and information relating to a vacant property directly opposite where staff vehicles could be parked, subject to approval of the Department of Housing.

**LEGAL/POLICY:**

The City of Vincent Parking and Parking Facilities Local Law 2007 regulates the parking or standing of vehicles in all or specified thoroughfares and reserves under the care, control and management of the City and provides for the management and operation of parking facilities.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** This proposal will improve the level of service and the amenity for residents and their visitors.

**STRATEGIC IMPLICATIONS:**

In accordance with the City's *Strategic Plan 2013-2023*, Objective 1 states:

*"Natural and Built Environment*

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

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

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost to Council to install restrictions as outlined on Plan No 3343-PP-01 (**Attachment 2**) is approximately \$1,100.

**COMMENTS:**

Prior to undertaking the consultation, site inspections verified that the unrestricted on road parking area on the eastern side of Wright and Smith Streets between Bulwer and Lincoln Streets and on the southern side of Lincoln Street, between Smith and Lord Streets, were always fully utilised, while there were some parking bays available on the opposite (time restricted) sides of the street.

There is anecdotal evidence that inner city workers were taking advantage of the unrestricted parking availability in such close proximity to the CBD now made worse with the loss of parking on Bulwer Street.

There is ample on road 'paid' parking available nearby in Pier Street, Brewer Street and the Stadium Carpark, off Pier Street however this parking is underutilised.

It is recommended that Council approves the implementation of the 3P restrictions in the existing unrestricted sections of Smith Street, Lincoln Street and Wright Street, to better protect the amenity of residents and their visitors.

---

**9.2.3 Tender No 522/16 - Supply and Delivery of Sprinklers, Controllers, Solenoid Valves, PVC Pipes/Fittings and Associated Products**

<b>Ward:</b>	Both	<b>Date:</b>	2 September 2016
<b>Precinct:</b>	All	<b>File Ref:</b>	SC2727
<b>Attachments:</b>	Confidential Attachment – Pricing Schedule		
<b>Tabled Items:</b>	Nil.		
<b>Reporting Officer:</b>	J van den Bok, Manager Parks and Property Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**RECOMMENDATION:**

That Council **ACCEPTS** Tender No 522/16 from Elliotts Irrigation for the supply and delivery of sprinklers, controllers, solenoid valves, PVC pipes/fittings and associated products for a three year period, as per the pricing schedule (Confidential Attachment) in the tender submission and general conditions of tendering.

**PURPOSE OF REPORT:**

To consider awarding Tender No 522/16 for the supply and delivery of sprinklers, controllers, solenoid valves, PVC pipes/fittings and associated products.

**BACKGROUND:**

As the term of the City’s current contact for the supply of sprinklers, controllers, solenoid valves, PVC pipes/fittings and associated products, is coming to an end this report deals with seeking approval to award a new contract.

The City has over eighty automatic and manual in-ground irrigation systems located within its parks and streetscapes.

In today’s climate where water is becoming increasingly precious, it is imperative that irrigation systems are maintained to the highest level to ensure that water wastage is minimised. Having a reliable supplier of quality irrigation parts and accessories is therefore very important in ensuring that irrigation systems are maintained to the required standard during the summer season.

**DETAILS:**

Tender 522/16 for the supply and delivery of Sprinklers, Controllers, Solenoid valves, PVC Pipes/Fittings and Associated Products was advertised on 20 July 2016.

<b>Contract Type</b>	<b>Schedule of rates</b>
Contract Term:	Three years.
Commencement date:	Subject to Council approval at the Ordinary Meeting to be held on 20 September. Commencement date to be determined.
Expiry Date:	Three years from the date contract is signed.

**Tenders Received:**

At the close of the tender advertising period on 3 August 2016 two submissions were received from the following registered companies:

- Elliotts Irrigation;
- Total Eden

**Tender Assessment:**

The tenders were assessed by a Tender Evaluation Panel and each tender was assessed using the selection criteria, in accordance with the tender documentation.

CRITERIA	WEIGHTING
Price	60%
Capacity to deliver quality products	20%
Demonstrated previous experience in the provision of similar products/services	10%
Financial capacity of company	5%
Organisational structure	5%
Total	<b>100%</b>

Tender Evaluation Ranking:

Scores were allocated accordingly by the panel for each Criteria, as noted above, and the table exhibited in the **Confidential Attachment 1** indicates the prices submitted.

Selection Criteria	Weighting	Elliotts Irrigation	Total Eden
Price	60%	60	56.4
Capacity to deliver quality products	20%	17.3	17.3
Demonstrated previous experience in the provision of similar products/services	10%	8.7	8.3
Financial capacity of company	5%	3.8	3.8
Organisational structure	5%	4.2	4.0
Total	<b>100%</b>	<b>94.0</b>	<b>89.8</b>
<b>Ranking</b>		<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>

Total Eden provided two (2) submissions both priced identically. One submission was marked "Alternative Tender" and contained numerous clause amendments to the General Conditions of contract.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY**

The tender was advertised and assessed in accordance with the *Local Government Act* Tender Regulations and the City's Policy No. 1.2.2 – Code of Tendering and Policy No. 1.2.3 – Purchasing.

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

In accordance with the City's *Strategic Plan 2013-2023*, Objective 1 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."*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Costs associated with the purchasing and installation of reticulation pipes and accessories are charged against the reticulation maintenance code for each respective park or reserve or a capital works project if applicable.

Totals vary from year to year dependant on various factors including vandalism and general wear and tear, however it is estimated that around \$100,000 in parts and accessories will be purchased in the 2016/17 financial year.

**COMMENTS:**

The City currently uses both Elliotts Irrigation and Total Eden under a similar contract for the supply of irrigation equipment. Based on past experience and reference checks, both companies have the necessary structure and capacity in providing this service to the City.

In addition, the submissions by both Elliotts Irrigation and Total Eden were very competitive, however following a detailed assessment the panel considered that Elliotts Irrigation's submission provided the best value overall.

It is therefore recommended that Council approves Tender No 522/16 from Elliotts Irrigation for the supply and delivery of Sprinklers, Controllers, Solenoid valves, PVC Pipes/Fittings and Associated Products.

---

**9.2.4 Tender No 521/16 - Bi-annual Bulk Verge Green Waste and Annual Bulk Verge General Waste Collection**

<b>Ward:</b>	Both	<b>Date:</b>	2 September 2016
<b>Precinct:</b>	All	<b>File Ref:</b>	SC2689
<b>Attachments:</b>	Confidential Attachment – Pricing Schedule		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	C Wilson, Manager Asset and Design S Cross, Waste Minimisation Officer		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**RECOMMENDATION:**

That Council **ACCEPTS** Tender No 521/16 from Steann Pty Ltd to undertake the bi-annual bulk verge green waste collection and annual bulk verge general junk collection for a period of three years, as per the pricing schedule (Confidential Attachment 1) in the tender submission and general conditions of tendering.

**PURPOSE OF REPORT:**

To consider awarding Tender No 521/16 for a suitably qualified contractor to undertake the bi-annual bulk verge green waste and annual bulk verge general waste collections.

**BACKGROUND:**

As part of the City's broader Waste Management Strategy it currently undertakes two green waste collections and one general junk collection each financial year.

**DETAILS:**

Tender 521/16 was advertised in the West Australian Newspaper on Wednesday 8 June 2016.

<b>Contract Type</b>	<b>Schedule of rates</b>
Contract Term:	Three years.
Commencement date:	Subject to Council approval at the Ordinary Meeting to be held on 20 September 2016. Commencement date to be determined.
Expiry Date:	Three years from the date contract is signed.

At the close of the tender advertising period on Wednesday 22 June 2016, five tenders were received, from the following registered companies:

- Steann Pty Ltd
- Goldshore Enterprises
- D & M Waste
- Western Maze Pty Ltd trading as W.A. Recycling Services
- Cleanaway Pty Ltd

**Tender Assessment:**

The tenders were assessed by a Tender Evaluation Panel and each tender was assessed using the selection criteria below in accordance with the tender documentation.

<b>CRITERIA</b>	<b>WEIGHTING</b>
Demonstrated experience supplying similar services	25%
Contract price (based upon tonnages as per the pricing schedule) Part 2 – Specification	25%
Demonstrated understanding of methodology and plant requirements for both Bulk Verge Greens and General Junk collections.	20%
Capacity to deliver the service	20%
Skills and knowledge of Key Personnel	10%
Total	<b>100%</b>

Annual Tonnages:

Historical collection tonnages, were provided to the tenderers, for both 'Green Waste' and the 'General Junk' as outlined in the following table:

Year	Green Waste Tonnages	No. of collections	General Junk Tonnages	No. of collections
2010	526	2	620	1
2011	410		721	
2012	470		675	
2013	478		720	
2014	479		662	
2015	531		618	
2016	453		648	
	<b>Average 478</b>		<b>Average 666</b>	

The average tonnes for green waste and hard waste collected throughout the City over the past seven years were used as a basis to determine comparative costs. The table exhibited in **Confidential Attachment 1** indicates the prices submitted, summary and overall scoring.

Tender Evaluation Ranking:

Scores were allocated accordingly by the panel for each Criteria, as noted above, and the table exhibited in the **Confidential Attachment 1** indicates the prices submitted.

Selection Criteria	Weighting	Steann	D & M Waste	WA Recycling	Cleanaway	Goldshore
Demonstrated experience supplying similar services	25%	25	24	19	16	11
Contract price	25%	22	19.6	24	18.6	25
Demonstrated understanding of methodology and Plant Requirements	20%	20	19	15.5	17	9
Capacity to deliver the service	20%	20	19	14	17	10
Skills and knowledge of Key Personnel	10%	10	9.5	7.5	8	6
Total	<b>100%</b>	<b>97.0</b>	<b>91.1</b>	<b>80.0</b>	<b>76.6</b>	<b>61.0</b>
<b>Ranking</b>		<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>	<b>3<sup>rd</sup></b>	<b>4<sup>th</sup></b>	<b>5<sup>th</sup></b>

The bulk verge collections are an important, high profile waste management service provided to residents which if not managed correctly can generate negative response from the community.

The recommended contractor, Steann Pty Ltd, who is the City's current provider of this service, has complied with all of the requirements of the tender specification. In their provision of the service, to the City, very few if any complaints have been received from residents and they have fully cooperated in terms of ensuring the collections were undertaken in a timely manner with a willingness to return to areas if and when required, separating out/collecting electrical and white goods as a separate exercise, liaising with the mattress collection contractor as and when required all at no additional cost to the City.



Tender 521/16 made provision for a tenderer to submit an 'alternative' tender if the proponent could offer a 'better value' service. Specific to the annual junk collection portion of the tender Steann Pty Ltd nominated a 'flat fee' per property rather than one based on tonnage.

Based upon past tonnages, averaging 666 tonnes over the past seven years the flat fee, which is all inclusive of collection, separating the recyclables (metal, e-waste and mattresses), transportation, with no variations, specific to Steann's tender pricing only, represents best value when compared with the other submissions received.

From experience 'variations' can comprise a significant item as some contractors deliberately submit a 'low' price and then depend upon variations to make the job viable, which in turn requires significant staff resources to monitor to the contractors activities.

The evaluation of the qualitative criteria submitted supports the submission by Steann Pty Ltd, as being the best value. Steann Pty Ltd scored highly in the qualitative criteria and their tender provides Council with excellent levels of service and good economic value.

When assessing the other, aforementioned tenderers, it is apparent that their level of service is likely to vary significantly. As an example the national company provides an 1800 number as their primary point of contact down to an unmanned office for some of the smaller contractors. Steann has three points of contact and has always provided an immediate response.

#### Current Market Conditions:

It was also borne out that, in current market conditions, two out of the five tender submissions received, were from companies who in the past may not have tendered for this service. One of the tenderers is primarily a civil contractor who has not been involved in a bulk verge collection since 2006 while the other is a national company whose focus tends to be on the commercial sector and larger Local Government contracts.

#### **CONSULTATION/ADVERTISING**

Not applicable.

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

The tender was advertised and assessed in accordance with the *Local Government Act 1995* Tender Regulations and the City's Policy No. 1.2.2 - Code of Tendering and Policy No. 1.2.3 - Purchasing.

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

**Medium:** The tender is an important project for the City. It must be carried out in an efficient and effective manner. Failure to do so results in rubbish remaining on the City's verges for an unacceptable period of time and also results in complaints from the residents.

#### **STRATEGIC IMPLICATIONS:**

In accordance with the City's *Strategic Plan 2013-2023*, Objective 1 states:

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

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

(g) *Create, promote and facilitate more efficient management of waste.*

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

---

**SUSTAINABILITY IMPLICATIONS:**

The green waste is mulched and re-used, with a significant proportion of the general junk material collected being recycled.

**FINANCIAL/BUDGET IMPLICATIONS:**

The amount of \$450,000 has been allocated in the 2016/2017 budget for bulk verge collections.

**COMMENTS:**

For the past three years the green waste collected was delivered to JFR (Jim) McGeough Resource Recovery facility in Shenton Park, where it is mulched. For general junk, in 2016 all scrap metal, e-waste and mattresses collected were recycled. The remaining non-recyclable component of the collected material was disposed of at the Tamala Park landfill.

From the assessment it is considered that all five (5) tenders are capable of providing a bulk verge collection service but not all received unequivocal endorsement of their ability to complete the collections in accordance with the specification. References, including that of the City, for the recommended tenderer, Steann Pty Ltd, were very positive with particular emphasis on their customer service and flexibility and prompt response times.

As mentioned previously, Steann is the City's current provider of this service. The Tender Evaluation Panel unanimously recommended that the tender for the *Bi-Annual Bulk Verge Green Waste collection and the Annual Bulk Verge General Waste collection*, in accordance with the terms and conditions detailed in Tender No 521/16 be awarded to Steann Pty Ltd.

**9.2.5 Proposed Parking Restrictions in Scott Street between Bourke and Tennyson Streets, Leederville**

<b>Ward:</b>	North	<b>Date:</b>	5 September 2016
<b>Precinct:</b>	Precinct 3 - Leederville	<b>File Ref:</b>	SC902, SC1201
<b>Attachments:</b>	1 - Plan No 3328-PP-01 2 - Plan No 3328-PP-02		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Brown, Engineering Technical Officer		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**RECOMMENDATION:**

**That Council:**

1. **NOTES** the comments received regarding the implementation of parking restrictions in Scott Street, Leederville as shown within the report;
2. **APPROVES** the introduction of 2P parking restrictions 8am to 5.30pm Monday to Friday, in Scott Street, between Bourke and Tennyson Streets, as shown on attached Plan No 3328-PP-01 (Attachment 1) and Plan No 3328-PP-02 (Attachment 2); and
3. **ADVISES** the respondents of its decision.

**PURPOSE OF REPORT:**

To consider the outcome of the recent consultation regarding the proposal to implement parking restrictions in Scott Street, Leederville.

**BACKGROUND:**

A request was received from a Scott Street resident regarding the inability for her and her visitors to park near her property on Scott Street as she alleged that TAFE Students, and other, park all day in the street.

**DETAILS:**

Scott Street between Tennyson Street and Bourke Street comprises a 6.0m wide carriageway. Currently there is a no parking restriction on the eastern side of the street with unrestricted parking permitted on the western side of the street.

Following the request, an assessment was undertaken by the City's officers over three working days. The average usage over the assessment period was 72% with the highest usage on any one day being 82%.

**CONSULTATION/ADVERTISING:**

July 2016 residents were consulted regarding a proposal to implement parking restrictions, in the existing unrestricted section of Scott Street as shown on Plan No 3328-PP-01 (Attachment 1).

A total of 17 consultation packs were distributed to potentially affected residents, requesting their comments for each street.

At the close of consultation on 12 August 2016 six responses were received with all respondents in favour of the proposal.

**LEGAL/POLICY:**

The City of Vincent Parking and Parking Facilities Local Law 2007 regulates the parking or standing of vehicles in all or specified thoroughfares and reserves under the care, control and management of the City and provides for the management and operation of parking facilities.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** This proposal will improve the level of service and the amenity of the intersection.

**STRATEGIC IMPLICATIONS:**

In accordance with the City's *Strategic Plan 2013-2023*, Objective 1 states:

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

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

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost to Council to install restrictions as outlined on Plan No 3328-PP-01 (**Attachment 1**) is approximately \$1,000.

**COMMENTS:**

Plan No 3328-PP-02 at **Attachment 2** shows the existing on road parking restrictions in the area bounded by Loftus Street, Bourke Street, Oxford Street and Tennyson Street. As can be seen Scott Street, North of Bourke Street, Galway Street east of Scott Street and Tennyson Street, east of Rae Street currently have unrestricted parking.

While Administration supports the proposal for the introduction of time restrictions on the western side of Scott Street between Bourke and Tennyson Streets, this action may result in the problem experienced by Scott Street residents moving to other unrestricted streets in the vicinity. Therefore, should the recommendation be adopted, the other streets in the vicinity will be monitored by Administration.

---

### 9.3 CORPORATE SERVICES

#### 9.3.1 Investment Report as at 31 August 2016

<b>Ward:</b>	Both	<b>Date:</b>	2 September 2016
<b>Precinct:</b>	All	<b>File Ref:</b>	SC1530
<b>Attachments:</b>	1 – Investment Report		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	S Teoh, Accounting Officer G Garside, Manager Financial Services		
<b>Responsible Officer:</b>	J Paton, Director Corporate Services		

#### RECOMMENDATION:

That Council **NOTES** the Investment Report for the month ended 31 August 2016 as detailed in Attachment 1.

#### PURPOSE OF REPORT:

To advise Council of the level of investment funds and operating funds available, the distribution of surplus funds in investments and the interest earned to date.

#### BACKGROUND:

Surplus funds are invested in Bank Term Deposits for various terms, to maximise investment returns in compliance with good governance, legislative requirements and Council's Investment Policy No 1.2.4. Details are attached in **Attachment 1**.

The City's Investment Portfolio is diversified across several Financial Institutions in accordance with the Investment Policy.

#### DETAILS:

Total funds held for the period ended 31 August 2016 including on call in the City's operating account were \$26,167,645 as compared to \$32,600,029 for the period ended 31 August 2015.

Total Investments for the period ended 31 August 2016 were \$22,573,297 as compared to \$18,420,252 for the period ended 31 July 2016 and \$26,961,000 for the period ended 31 August 2015 respectively.

Investment comparison table:

	2015/16		2016/17	
	Total Funds Held	Total Investments	Total Funds Held	Total Investments
July	\$17,885,002	\$14,961,000	\$19,683,412	\$18,420,252
August	\$32,600,029	\$26,961,000	\$26,167,645	\$22,573,297
September	\$33,331,757	\$31,361,000		
October	\$32,212,324	\$30,701,564		
November	\$32,694,298	\$31,206,505		
December	\$29,737,925	\$27,239,542		
January	\$30,282,430	\$29,229,172		
February	\$31,529,914	\$29,221,565		
March	\$28,785,278	\$27,983,289		
April	\$27,011,580	\$26,587,166		
May	\$24,348,546	\$23,486,917		
June	\$23,024,830	\$21,005,952		

Total accrued interest earned on Investments as at 31 August 2016:

	Original Budget	Budget YTD	Actual YTD	% of FY Budget
Municipal	\$390,000	\$59,000	\$46,028	11.80%
Reserve	\$206,000	\$28,000	\$32,845	9.47%
Leederville Gardens Inc Surplus Trust*	\$0	\$0	\$22,791	0.00%
Total	\$596,000	\$87,000	\$101,664	17.06%

\*Interest estimates for Leederville Gardens Inc Surplus Trust was not included in 2016-17 City of Vincent's budget; actual interest earned is restricted.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

Funds are invested in accordance with the City's Investment Policy No. 1.2.4.

City of Vincent Investment Report Grouping*	Long Term Rating (Standard & Poor's) or Equivalent	Short Term Rating (Standard & Poor's) or Equivalent	Direct Investments Maximum % with any one institution		Managed Funds Maximum % with any one institution		Maximum % of Total Portfolio	
			Policy	Actual	Policy	Actual	Policy	Actual
	AAA Category	A1+	30%	Nil	45%	Nil	100%	Nil
Group A	AA Category	A1+	30%	15.6%	30%	Nil	90%	56.9%
Group B	A Category	A1	20%	17.5%	30%	Nil	80%	43.0%
Group C	BBB Category	A2	10%	Nil	n/a	Nil	20%	Nil

\*As per subtotals on **Attachment 1**

**RISK MANAGEMENT IMPLICATIONS:**

**Moderate:** As per the City's Investment Policy No. 1.2.4, funds are invested with various financial institutions with high Long Term and Short Term Rating (Standard & Poor's or equivalent), obtaining more than three quotations for each investment. These investment funds are spread across various institutions and invested as Term Deposits from one to 12 months to reduce risk.

Section 6.14 of the *Local Government Act 1995*, section 1, states, Subject to the regulations:

"(1) *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.*"

### **STRATEGIC IMPLICATIONS:**

In keeping with the City's Strategic Plan 2013-2023:

*"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:**

The City exercises sound financial management in accordance with the City's Investment Policy No. 1.2.4 to effectively manage the City's cash resources within acceptable risk parameters.

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

The financial implications of this report are as noted in the details and comments section of the report. Overall the conclusion can be drawn that appropriate and responsible measures are in place to protect the City's financial assets and to ensure the accountability of the management.

### **COMMENTS:**

The funds for investment have increased from the previous period due to excess funds available from receipt of rates revenue after creditors and other payments.

The City has obtained a weighted average interest rate of 2.44% for current investments including the operating account, and 2.83% excluding the operating account respectively. The Reserve Bank 90 days Accepted Bill rate for August 2016 is 1.76%.

As at 31 August 2016, the City's total investment earnings exceed the budget estimate by \$14,664 (17%). However, of this, \$22,791 was earned by the Leederville Gardens Inc Surplus Trust and funds in this trust are restricted. Investment earnings from this trust were excluded from the 2016-17 budget calculations. If the earnings from the Leederville Gardens Inc Surplus Trust funds are excluded, the year to date earnings of the City are under budget by \$8,147 (9%). This reduction in investment earnings is due mainly to lower earnings from Municipal funds \$12,972 (15%) resulting from the budget being adopted two weeks later than originally planned, causing follow-on delays in the issue of rates notices and cash collections. This causes a reduced level of average funds invested during the month of August. It is anticipated that the impact of the reduced earnings will be diluted as the year progresses.

The investment report (**Attachment 1**) consists 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 August 2016 to 31 August 2016**

<b>Ward:</b>	Both	<b>Date:</b>	2 September 2016
<b>Precinct:</b>	All	<b>File Ref:</b>	SC347
<b>Attachments:</b>	1 – Creditors Report – Payments by EFT 2 – Creditors Report – Payments by Cheque 3 – Credit Card Transactions		
<b>Tabled Items:</b>	-		
<b>Reporting Officers:</b>	O Dedic, Accounts Payable Officer; G Garside, Manager Financial Services		
<b>Responsible Officer:</b>	J Paton, Director Corporate Services		

**RECOMMENDATION:**

That Council **RECEIVES** the list of accounts paid under Delegated Authority for the period 01 August 2016 to 31 August 2016 as detailed in Attachment 1, 2 and 3 as summarised below:

<b>Cheque numbers 80190 - 80258</b>	\$134,297.47
<b>Cancelled Cheques</b>	- \$300.00
<b>EFT Documents 1968 - 1979</b>	\$2,616,572.26
<b>Payroll</b>	\$1,088,205.57

**Direct Debits**

- **Lease Fees** \$8,049.90
- **Loan Repayment** \$145,736.82
- **Bank Fees and Charges** \$15,353.82
- **Credit Cards** \$4,900.16

<b>Total Direct Debit</b>	\$174,040.70
<b>Total Accounts Paid</b>	<b>\$4,012,816.00</b>

**PURPOSE OF REPORT:**

To present to Council the expenditure and list of accounts paid for the period 01 August 2016 to 31 August 2016.

**BACKGROUND:**

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(1) of the Local Government (Financial Management) Regulations 1996* a list of accounts paid by the Chief Executive Officer is to be provided to Council, where such delegation is made.

The list of accounts paid must be recorded in the minutes of the Council Meeting.



**DETAILS:**

The Schedule of Accounts paid, covers the following:

<b>FUND</b>	<b>CHEQUE NUMBERS/ PAY PERIOD</b>	<b>AMOUNT</b>
<b>Municipal Account (Attachment 1 and 2)</b>		
Cheques	<b>80190 - 80258</b>	\$134,297.47
Cancelled Cheques	<b>80199</b>	-300.00
EFT Payments	<b>1969 - 1979</b>	\$2,616,572.26
<b>Sub Total</b>		<b>\$2,750,569.73</b>
<b>Transfer of Payroll by EFT</b>		
	<b>09/08/16</b>	\$545,099.96
	<b>23/08/16</b>	\$543,105.61
	<b>August 2016</b>	<b>\$1,088,205.57</b>
<b>Corporate Credit Cards (Attachment 3)</b>		<b>\$4,900.16</b>
<b>Bank Charges and Other Direct Debits</b>		
Lease Fees		\$8,049.90
Loan Repayment		\$145,736.82
Bank Charges – CBA		\$15,353.82
<b>Total Bank Charges and Other Direct Debits (Sub Total)</b>		<b>\$169,140.54</b>
<b>Less GST effect on Advance Account</b>		<b>0.00</b>
<b>Total Payments</b>		<b>\$4,012,816.00</b>

**LEGAL/POLICY:**

*Regulation 12(1) & (2) of the Local Government (Financial Management) Regulations 1996 refers, i.e. -*

12. *Payments from municipal fund or trust fund, restrictions on making*

- (1) *A payment may only be made from the municipal fund or the trust fund —*
  - *if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*
  - *otherwise, if the payment is authorised in advance by a resolution of the council.*
- (2) *The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.*

*Regulation 13(1), (3) of the Local Government (Financial Management) Regulations 1996 refers, i.e. -*

---

13. *Lists of Accounts*

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared -*
- the payee's name;
  - the amount of the payment;
  - the date of the payment; and
  - sufficient information to identify the transaction.
- (3) *A list prepared under sub regulation (1) is to be —*
- presented to the council at the next ordinary meeting of the council after the list is prepared; and
  - recorded in the minutes of that meeting.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** Management systems are in place to establish satisfactory controls, supported by internal and external audit function.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2013-2023:

*“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:**

Not applicable.

**ADVERTISING/CONSULTATION:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

All Municipal Fund expenditure included in the list of payments is in accordance with Council's adopted Annual Budget.

**COMMENT:**

If Councillors require further information on any of the payments, please contact the Manager Financial Services.

---

### 9.3.3 Financial Statements as at 31 July 2016

<b>Ward:</b>	Both	<b>Date:</b>	2 September 2016
<b>Precinct:</b>	All	<b>File Ref:</b>	SC357
<b>Attachments:</b>	1 – Financial Reports		
<b>Reporting Officers:</b>	N Makwana, Accounting Officer G Garside, Manager Financial Services		
<b>Responsible Officer:</b>	J Paton, Director Corporate Services		

#### RECOMMENDATION:

That Council **RECEIVES** the Financial Statements for the month ended 31 July 2016 as shown in Attachment 1.

#### PURPOSE OF REPORT:

To present the Financial Statements for the period ended 31 July 2016.

#### 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.

Financial reports as presented are an estimate of the July month end position. There are still a number of transactions and adjustments that need to be prepared before the accounts can be finalised for the 2015-16 financial year. Some of these adjustments may have a flow-on impact on 2016-17 results.

A Statement of financial activity 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.

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, included as **Attachment 1** represent the Statement of Financial Activity for the period ending 31 July 2016:

Note	Description	Page
1.	Statement of Financial Activity by Programme Report and Graph	1-3
2.	Statement of Comprehensive Income by Nature and Type Report	4
3.	Net Current Funding Position	5
4.	Summary of Income and Expenditure by Service Areas	6-51
5.	Capital Works Schedule and Funding and Graph	52-63
6.	Cash Backed Reserves	64
7.	Rating Information and Graph	65-66
8.	Receivables	67
9.	Beatty Park Leisure Centre Report – Financial Position	68

The following table provides a summary view of the year to date actual, compared to the Year to date Budget.

**Summary of Financial Activity By Programme as at 31 July 2016**

	Adopted Budget 2016/17 \$	YTD Budget 2016/17 \$	YTD Actual 2016/17 \$	Variance 2016/17 \$	Variance 2016/17 %
Operating Revenue	27,515,406	2,853,172	1,748,492	(1,104,680)	-39%
Operating Expenditure	(56,304,295)	(4,949,974)	(2,544,739)	2,405,235	-49%
Add Deferred Rates Adjustment	0	0	19,163	19,163	0%
Add Back Depreciation	10,087,180	840,586	0	(840,586)	-100%
(Profit)/Loss on Asset Disposals	(1,020,686)	(470)	0	470	-100%
	<b>9,066,494</b>	<b>840,116</b>	<b>19,163</b>	<b>(820,953)</b>	<b>-98%</b>
"Percent for Art" and "Cash in Lieu" Funds Adjustment	1,544,740	0	0	0	0%
<b>Net Operating (excluding Rates and Non-cash Items)</b>	<b>(18,177,655)</b>	<b>(1,256,686)</b>	<b>(777,084)</b>	<b>479,602</b>	<b>-38%</b>
<b>CAPITAL REVENUE</b>					
Proceeds from Disposal of assets	1,450,166	45,000	0	(45,000)	-100%
Transfers from Reserves	1,310,020	109,167	19,148	(90,019)	-82%
	<b>2,760,186</b>	<b>154,167</b>	<b>19,148</b>	<b>(135,019)</b>	<b>-88%</b>
Capital Expenditure	(13,761,598)	(722,037)	(364,015)	358,022	-50%
Repayments Loan Capital	(818,840)	(65,892)	(65,891)	1	0%
Transfers to Reserves	(5,337,045)	(241,609)	(227,850)	13,759	-6%
	<b>(19,917,483)</b>	<b>(1,029,538)</b>	<b>(657,756)</b>	<b>371,782</b>	<b>-36%</b>
<b>NET CAPITAL</b>	<b>(17,157,297)</b>	<b>(875,371)</b>	<b>(638,608)</b>	<b>236,763</b>	<b>-27%</b>
<b>TOTAL NET OPERATING AND CAPITAL</b>	<b>(35,334,952)</b>	<b>(2,132,057)</b>	<b>(1,415,691)</b>	<b>716,365</b>	<b>-34%</b>
Rates	31,075,530	30,725,530	30,716,049	(9,482)	0%
Opening Funding Surplus/(Deficit)	4,259,422	4,259,422	4,583,066	323,644	8%
<b>CLOSING SURPLUS/(DEFICIT)</b>	<b>0</b>	<b>32,852,895</b>	<b>33,883,424</b>	<b>1,030,528</b>	<b>3%</b>

Note: Totals and sub-totals may include rounding differences.

**Comments on Summary of Financial Activity by Programme:**

**Operating Revenue**

There is a difference in classification in revenue reported by programme or by nature and type. Operating revenue in programme reporting includes 'Non-Operating Grants, Subsidies and Contributions' and 'Profit on Sale of Assets'. Revenue reporting by nature and type excludes these, but adds 'Rates Revenue'.

Revenue by programme is showing a negative variance of 39% (\$1.1m). This is due to reduced revenue in Recreation and Culture (\$72k) and Transport (\$931k).

Operating Revenue as presented on the 'Nature and Type' report (Page 4 of **Attachment 1**) is showing a negative variance of 1%.

**Operating Expenditure**

The favourable variance is currently at 49%. Depreciation of \$840,586 has not yet been charged for July 2016, this will be processed once end of year processes are completed, including asset revaluation. The favourable variance would be 31% if the depreciation was charged.

**Transfer from Reserves**

This is on budget for the month of July 2016. Transfer from Reserves is aligned to the timing of commencement for Capital Works projects that are Reserves funded.

**Capital Expenditure**

The variance is attributed to the timing on receipt of invoices for the projects. For further detail, refer to Note 5 on **Attachment 1**.

**Transfer to Reserves**

Monthly transfer to reserves commenced in July 2016, based on budget phasing. This will be reviewed quarterly and transfers based on actuals will be adjusted after the review.

**Opening Funding Surplus/(Deficit)**

The surplus Opening Balance brought forward from 2015-16 is \$4,583,066, as compared to adopted budget opening surplus balance of \$4,258,422. The actual balance will change once the end of year process is completed and the accounts are audited.

**Closing Surplus/(Deficit)**

There is currently a surplus of \$33,883,424, compared to year to date budget surplus of \$32,852,895. This is substantially attributed to the positive variance in operating expenditure (lack of depreciation) and the current level of Capital Expenditure.

It should be noted that the July 2016 closing balance does not represent cash on hand (please see the Net Current Funding Position on page 5 of the attachment).

Comments on the financial performance as set out in the Statement of Financial Activity (**Attachment 1**) and an explanation of each report is detailed below:

**1. Statement of Financial Activity by Programme Report (Note 1 Page 1)**

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

---

**2. Statement of Comprehensive Income by Nature and Type Report (Note 2 Page 4)**

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

**3. Net Current Funding Position (Note 3 Page 5)**

Net Current Asset is the difference between the current asset and current liabilities, less committed assets and restricted assets. This amount indicates how much capital is available for day to day activities.

The net current funding position as at 31 July 2016 is \$33,883,424.

**4. Summary of Income and Expenditure by Service Areas (Note 4 Page 6 – 51)**

This statement shows a summary of Operating Revenue and Expenditure by Service Unit.

**5. Capital Expenditure and Funding Summary (Note 5 Page 52 - 63)**

The following table is a Summary of the 2016/2017 Capital Expenditure Budget by programme, which compares Year to date Budget with actual expenditure to date. The full Capital Works Programme is listed in detail in Note 5 of Attachment 1.

	Original Budget \$	Year to date Budget \$	Year to date Actual \$	Full Year Budget Remaining %
Furniture & Equipment	737,070	0	0	100%
Plant & Equipment	3,537,050	8,000	8,002	99%
Land & Building	1,597,398	65,000	63,547	96%
Infrastructure	7,890,080	649,037	292,466	96%
<b>Total</b>	<b>13,761,598</b>	<b>722,037</b>	<b>364,015</b>	<b>97%</b>

	Original Budget \$	Year to date Budget \$	Year to date Actual \$	Full Year Budget Remaining %
Capital Grants and Contributions	2,551,355	0	0	100%
Cash Backed Reserves	1,287,534	20,000	19,148	99%
Other (Disposal/Trade In)	533,500	0	0	100%
Own Source Funding – Municipal	9,389,209	702,037	344,867	96%
<b>Total</b>	<b>13,761,598</b>	<b>722,037</b>	<b>364,015</b>	<b>97%</b>

Note: Detailed analysis are included on page 52 – 63 of Attachment 1.

**6. Cash Backed Reserves (Note 6 Page 64)**

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

The balance as at 31 July 2016 is \$6,651,318. The balance as at 30 June 2016 was \$6,442,616.

The actual balance of Reserves may change once the end of year process is completed and the accounts are audited.

**7. Rating Information (Note 7 Page 65 - 66)**

The notices for rates and charges levied for 2016/17 were issued on 08 August 2016.

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

First Instalment	14 September 2016
Second Instalment	14 November 2016
Third Instalment	16 January 2017
Fourth Instalment	20 March 2017

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)	\$13.00 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.

The Rates debtors balance as at 31 July 2016 is \$30,098,292 (this includes deferred rates of \$133,556). This represents 94.52% of the collectable income compared to 89.39% at the same time last year. It should be noted that the Rate strike was processed on 27<sup>th</sup> July 2016 after budget adoption, but the rates notices were issued on 8<sup>th</sup> August 2016 which has an impact on the collectable income. So, the bulk of the Rates debtors balance as at 31 July represents rates which have been raised, but rates notices not yet issued.

**8. Receivables (Note 8 Page 67)**

Receivables of \$3,609,544 are outstanding at the end of July 2016, of which \$2,712,960 has been outstanding over 90 days. This is comprised of:

\$466,327 (17.2%) relates to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangements for more than one year.

\$174,790 (6.4%) relates to Other Receivables, including recoverable works and property.

\$2,071,843 (76.4%) relates to unpaid infringements (plus costs) over 90 days. Infringements that remain unpaid for more than two months are sent to Fines Enforcement Registry (FER), who then collect the outstanding balance and return the funds to the City for a fee.

Council resolved at its 26 July 2016 Council meeting to write off \$253,660.89 that have been withdrawn by the Fines Enforcement Registry. The write-off is not reflected in this report, but will be processed in the 2015-16 financial year.

Administration has been following up outstanding items which relate to Other Receivables by issuing reminders when they are overdue and formal debt collection when payments remain outstanding.

**9. Beatty Park Leisure Centre – Financial Position Report (Note 9 Page 68)**

As at 31 July 2016 the operating surplus for the Centre was \$71,950 in comparison to the year to date budgeted deficit of \$154,893.

The cash position showed a current cash surplus of \$71,950 in comparison to year to date budget estimate of a cash deficit of \$95,020.

---

All material variance as at 31 July 2016 has been detailed in the variance comments report in **Attachment 1**.

#### **10. Explanation of Material Variances**

The materiality thresholds used for reporting variances are 10% and \$10,000. This means that variances will be analysed and separately reported when they are more than 10% (+/-) of the YTD budget, where that variance exceeds \$10,000. This threshold was adopted by Council as part of the Budget adoption for 2016-17 and is used in the preparation of the statements of financial activity when highlighting material variance in accordance with *Financial Management Regulation 34(1) (d)*.

#### **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 prepare each month, a statement of financial activity reporting on the source and application of funds as set out in the adopted Annual Budget.

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.

#### **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 Council.

#### **STRATEGIC IMPLICATIONS:**

Strategic Plan 2013-2023:

*“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.”*

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

Not applicable.

#### **COMMENT:**

All expenditure included in the Financial Statements is incurred in accordance with Council's adopted budget.

---



**9.3.4 Review of Registers maintained by the City with a view to publication on the City's website**

<b>Ward:</b>	-	<b>Date:</b>	2 September 2016
<b>Precinct:</b>	-	<b>File Ref:</b>	(SC FY1-03)
<b>Attachments:</b>	1 – Format of registers proposed for publication		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	Tim Evans, Manager Governance and Risk		
<b>Responsible Officer:</b>	Len Kosova, Chief Executive Officer		

**RECOMMENDATION:**

That Council:

1. **RECEIVES** this report relating to statutory and non-statutory registers maintained by the City and the appropriateness of making those registers available for public inspection on the City's website;
2. **AGREES** to publish the following information on the City's website under the 'Accountability and Governance' portal, to the extent depicted in Attachment 1:
  - a. **Tender Register;**
  - b. **Register of Complaints referred to under Section 5.121 of the *Local Government Act 1995*;**
  - c. **Electoral Gift Register;**
  - d. **Register of Freedom of Information Requests;**
  - e. **Register of Common Seal Usage;**
  - f. **Contracts Register;**
  - g. **Lease Register;**
  - h. **Register of Building Approvals;**
  - i. **Register of Lodging Houses;**
  - j. **Register of Food Businesses; and**
3. **AUTHORISES** the Chief Executive Officer to publish any further information on the City's 'Accountability and Governance' portal that, in the Chief Executive Officer's opinion would meet the following criteria:
  - a. **Is a register or list kept by the City; and**
  - b. **Is in the public interest to make available for public inspection on the City's website; and**
  - c. **Would not divert a substantial portion of the City's resources to make available.**

**PURPOSE OF REPORT:**

To consider making various registers available for public inspection on the City's website.

**BACKGROUND:**

The City has adopted a proactive stance in relation to introducing improved governance, accountability and transparency and to this end, Council resolved at its Ordinary Meeting on 30 June 2015:

*"That Council REQUESTS the Chief Executive Officer to:*

1. *By 31 July 2015, make the City of Vincent's Register of Gifts and Hospitality to Council Members and Employees publicly accessible on the City's website; and*

2. *Review other statutory and non-statutory registers maintained by the City and to submit a report to Council to consider making those registers available for public inspection on the City's Website."*

The information described in Council's resolution 1 was uploaded to the City's website in July 2015. Since then, the 'Accountability and Governance' portal was created and the following additional information added to the portal including:

- Council Member Sitting Fees, Allowances & Meeting Attendances;
- Register of Council Member Contact with Developers;
- Senior Staff Remuneration, including CEO Contract Term; and
- Register of Interests Disclosed at Council Meetings.

This report is intended to address Council's Resolution 2 above, by outlining the findings of a review undertaken of the City's registers and their suitability for publication on the City's website.

**DETAILS:**

As with all Local Governments, the City of Vincent is subject to extensive legislation and regulation. The *Local Government Act 1995*, when combined with its associated regulations comprises some 1,000 pages of legislation across 12 separate instruments. Other significant pieces of legislation applicable to the City include the *Planning & Development Act 2005*, *Building Act 2011*, *Food Act 2008*, *Health Act 1911*, *Dog Act 1976*, *Cat Act 2011*, *Occupational Safety And Health Act 1984*, *Freedom of Information Act 1992*, all of which, taken together, run to many thousands of pages.

Administration employed the following methodology to identify statutory registers and other information suitable to be made available for public inspection:

1. A search of the *Local Government Act 1995* (the Act) and all associated regulations was performed for the keywords "register", "public", "CEO" and "inspection".
2. A review of the information published in the annual report.
3. Consultation across the City's management team to determine awareness of any other such information that would meet the following criteria:
  - a) Is a register or list kept by the City;
  - b) Is in the public interest to make available for public inspection on the City's website.
  - c) Would not divert a substantial portion of the City's resources to make available.
4. Items that the City already has available on its website were not included in the review.

A number of items were identified using the methodology above. These items are listed and discussed in the table below:

Item	Purpose	Suitability	Recommended to Publish on Website?
Tender Register	To keep a record of each tender called by the City. <u>Local Government (F&amp;G) Regulation 17</u>	The tender register is specifically listed under <u>Local Government (Admin) Regulation 29(e)</u> as needing to be made available for public inspection.	Yes
Register of Complaints referred to under <u>Local Government Act 1995 s5.121</u>	To record complaints of minor breaches defined in <u>Local Government Act 1995 s5.105</u>	The Register of Complaints is specifically listed under <u>s5.94(ab)</u> as needing to be made available for public inspection.	Yes

Item	Purpose	Suitability	Recommended to Publish on Website?
Register of acceptance or rejection of electoral enrolment eligibility claims.	To ensure that enrolment eligibility claims are adequately assessed. <u>Local Government Act 1995 s4.32(6)</u>	There is no requirement to make this information accessible to the public, and for reasons of privacy, it is not considered to be in the public interest to do so.	No
Electoral Gift Register	To record details of electoral gifts. <u>Local Government (Election) Regulation 30G(1)</u>	Suitable, however only relevant for period of time around elections specified in regulations. This would likely be included within the existing section relating to gifts registers on the website.	Yes
Register of Financial Interests	To make available Annual and Primary Return information. <u>Local Government Act 1995 s5.75 and 5.76</u>	The Register of Financial Interests is listed under <u>Local Government Act 1995 s5.94(b)</u> as needing to be made available for public inspection. This information is currently available for inspection on request. However, the register contains the personal address and financial details of Council Members and relevant employees and publishing this information on the web, without control, the need for a request, or redacting those details has the potential to compromise the safety and security of those affected.	No
Freedom Of Information (FOI) Requests	To record details of FOI requests received and dealt with by the City. <u>FOI Act 1992, s111(3)</u>	Information relating to FOI requests are already required to be given to the Information Commissioner who publishes them in the Commission's annual report.	Yes
Register of Common Seal	To keep a record of the uses of the City's common seal. No statutory requirement.	There is no requirement to make this information accessible to the public. However, this information would be made available if it were the subject of a Freedom of Information request.	Yes

Item	Purpose	Suitability	Recommended to Publish on Website?
Contracts Register	<p>No statutory Requirement.</p> <p>It should be noted that there is a statutory requirement in NSW under the NSW <i>Government Information (Public Access) Act 2009</i> for Local Governments in that state to publish contracts over \$150,000.</p>	<p>This information is suitable to be published. It is proposed that the City of Vincent publishes a register of its contracts above the value of \$150,000 in the first instance. In future, it may be considered appropriate to have a lower threshold in place.</p>	Yes
Lease Register	<p>Register of leases entered into by the City.</p> <p>No statutory requirement</p>	<p>Lease information is generally already publicly available through Council Minutes. It is considered appropriate for the public to have knowledge of lease agreements entered into in relation to City facilities.</p>	Yes
Prosecutions Register	<p>Register of prosecutions entered into by the City.</p> <p>No statutory requirement</p>	<p>Prosecution listings are available via the Court's own website.</p> <p>Publishing this information may not be seen so much as making the City's processes more transparent as focussing additional attention on defendants. If Council were of a mind to publish this information then administration would seek a specialist opinion on the specific information that could be published.</p>	No.
Register of Building Approvals	<p>A permit authority must keep a register of all building permits, demolition permits, occupancy permits and building approval certificates granted by it, and all building orders made by it.</p> <p><u><i>Building Act 2011, s128</i></u></p>	<p>The register is prescribed to be made available for public inspection (<u><i>Building Act 2011, s129</i></u>). However, the City does receive complaints from time to time about information being made publicly available as it has been known for suppliers / vendors to target properties that have just had an application approved, for marketing purposes.</p>	Yes

Item	Purpose	Suitability	Recommended to Publish on Website?
Register of Lodging Houses	Every local government shall keep a register in which shall be entered the names and residences of the keepers of all lodging-houses within its district. <i>Health Act 1911, s146</i>	<i>Health Act 1911, s146</i> allows for any person to be supplied with a certified copy of any entry on the register.	Yes
Register of Food Businesses	A register of food businesses is to be maintained. <i>Food Act 2008, s115</i>	Suitable, although there is nothing in the Act that requires this to be available to the public.	Yes

It is proposed that new registers will generally cover entries that are current from 1 July 2016 onwards, rather than re-working any existing registers. However, registers will be made retrospective if the historical information is readily available in a format that is conducive to being published online, or if the effort required to re-work then is minimal. Should Council endorse the recommendations for publishing, much of the information could be published within one month, with the balance published by March 2017 at the latest. **Attachment 1** provides details of the specific information that would likely be published on each register.

The list above is considered to be comprehensive but is not guaranteed to be exhaustive. Recommendation 3 of this report has been added in order to provide the CEO and with a mandate to continue publishing additional information that meets the criteria above and is in keeping with Council's transparency agenda.

One such opportunity exists in relation the potential to publish information relating to the exercise of delegations. The Act specifies that records of such decisions are required to be kept, however they are not required to be kept in "register" form. Administration believes this information is appropriate to be published on the City's website. However, there will be a substantial body of work required to systematically identify all the records kept for each delegation and to implement systems and processes to capture that information and make it available online. As such, Administration intends to pursue this as a separate project to be scheduled with regard to available resources.

### **PRIVACY**

Several of the registers that are proposed to be published may contain the names of third parties, including the *Register of FOI Requests* and the *Register of Complaints referred to under the Local Government Act 1995 s5.121*. Where an organisation plans to disclose personal information (including names), it must consider *Privacy Principle 6 — use or disclosure of personal information*, which prohibits disclosure unless consent is obtained or it falls into one of the specified exemptions.

In the case of the *Register of Complaints* referred to under the *Local Government Act 1995 s5.121*, Administration considers that this information is exempt under part 6.3(b) of the privacy principles because the register is required to be kept (s105) and made available (s94(ab)) for public inspection under the *Local Government Act 1995*.

In the case of the *Register of FOI Requests*, Administration would seek to gain the consent of the applicant at the time that the FOI application is made. Where consent is not given, the name will not be displayed. Until such time as Administration has made the necessary changes to the FOI application process, names will not be published. It is noted that the Office of the Information Commissioner (OIC) displays applicant names when it publishes its notices of decisions of FOI appeals. The City has contacted the OIC for its views on this issue and is awaiting a response.

Once the registers are published online, they will be available to be discovered by search engines and therefore open for any internet user to discover via name searches or potentially through data mining techniques. In the past it has been possible to avoid discovery by search engines by publishing a scanned copy of a document, however this is no longer the case. Google, for example has been using optical character recognition (OCR) to index scanned documents since 2008.

There can be no doubt that publishing a register online goes a step beyond making a register available for inspection at the City's offices because of the level of accessibility to which that information is now exposed. The City is setting the standard in terms of transparency and making information accessible and is therefore having to deal with new challenges. If Council decides to publish these registers, then the City no longer has complete control of the information and even if the City were to remove the information in future, it is likely that it will still be discoverable. This issue was unlikely to have been contemplated when the *Local Government Act 1995* was written in the early 1990s. Nevertheless, Administration considers that the modern expectation of the community is that if information is made "available", then it is available online.

**CONSULTATION/ADVERTISING:**

Nil

**LEGAL/POLICY:**

The publishing of the information and registers referred to in this report is not required by legislation or policy. However, it is considered that this initiative provides for greater accountability of local government to the community which is described in section 1.3(2)(c) as one of the objectives of the *Local Government Act 1995*.

- (2) *This Act is intended to result in –*
- (a) *better decision making by local governments; and*
  - (b) *greater community participation in the decisions and affairs of local governments; and*
  - (c) *greater accountability of local governments to their communities; and*
  - (d) *more efficient and effective local government.*

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** There is an increased risk that the City may publish information that may be considered sensitive or private by members of the community. However, this must be balanced against the public interest of publishing this information.

**STRATEGIC IMPLICATIONS:**

Plan for the Future – Strategic Plan 2013 – 2023 – Strategic Objectives

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

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

---

**FINANCIAL/BUDGET IMPLICATIONS:**

There is a small Administrative overhead involved in publishing these registers to the City's website which will be absorbed within the City's ordinary activities.

**COMMENT:**

Administration is fully supportive of the push for transparency and is committed to leading the way in the Local Government sector in this area. It is Administration's intention to pro-actively seek to make available additional information that is appropriate and aligns with the City's approach to being an open and accountable local government.

### 9.3.5 Approval of Council Briefing and Council Meeting Dates for 2017

<b>Ward:</b>	-	<b>Date:</b>	31 August 2016
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0016 & ADM0066
<b>Attachments:</b>	1- Council Briefing and Council Meeting Schedule 2017		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	Pia Rasal, Governance & Council Support Officer		
<b>Responsible Officer:</b>	Len Kosova, Chief Executive Officer		

#### RECOMMENDATION:

That Council **ADOPTS** the **2017 Council Briefing and Council Meeting Schedule** included as **Attachment 1**, consisting of a **four-weekly meeting cycle** of:

1. **Twelve (12) Council Briefing Sessions, commencing Tuesday 31 January 2017; and**
2. **Twelve (12) Council Meetings, commencing Tuesday 7 February 2017.**

#### PURPOSE OF REPORT:

To consider and adopt the schedule of Council Briefings and Council Meetings for 2017.

#### BACKGROUND:

Under the *Local Government Act 1995* (Section 5.3) and the *Local Government (Administration) Regulations 1996, (Regulation 12)*, Council must set its Ordinary Meeting dates and times for the next twelve (12) months and these must be published at least once a year.

Council adopted the 2015 Council Meeting Schedule at its meeting on 4 November 2014 (Item 9.5.2) and, in doing so, changed from the previous fortnightly Council meeting cycle to a four-weekly Council Meeting cycle preceded by a Council Briefing Session on the Tuesday of the week before each Council Meeting. The four-weekly Ordinary Council Meeting cycle commenced with an Ordinary Council meeting on 20 January 2015.

At its meeting on 20 January 2015, Council adopted guidelines for the operation of Council Briefings. These are reflected in the Council Briefing Principles at the front of the Council Briefing Agenda and have been incorporated in Policy No. 4.2.3: Council Briefings, Meetings & Forums – Format, Procedures and Maximum Duration.

#### DETAILS:

Administration has prepared a draft 2017 Council Briefing and Ordinary Council Meeting Schedule (see **Attachment 1**) based on the current four-weekly cycle, commencing with a Council Briefing on 31 January 2017 followed by a Council Meeting on 7 February 2017.

There is a public holiday for ANZAC Day on Tuesday, 25 April 2017. As per the schedule, a Council Briefing Session for April 2017 was due on Tuesday 25 April 2017, however, due to the public holiday it is proposed to hold the Council Briefing on Wednesday 26 April 2017 at 6.00pm.

Further, the Local government ordinary elections are scheduled on the third Saturday in October every two years. The last local government ordinary elections were held on 17 October 2015 and for 2017, the elections will be held on 21 October 2017. The proposed schedule aligns well with the elections, with the October Council Meeting falling on Tuesday 17 October 2017.



All meetings are scheduled to commence at 6.00pm with the exception of the Briefing Session scheduled for Tuesday 31 January 2017. It is proposed to hold the Annual General Meeting of Electors prior to the Briefing Session. Therefore, the Briefing Session is proposed to commence at 6.30pm.

**CONSULTATION/ADVERTISING:**

The Council Briefing and Ordinary Council Meeting dates will be published in both local newspapers and on the City's website.

**LEGAL/POLICY:**

Section 5.3 of the *Local Government Act 1995* states:

*"Ordinary and Special Council meetings:*

- (1) *A Council is to hold ordinary meetings and may hold special meetings;*
- (2) *Ordinary meetings are to be held not more than three months apart; and*
- (3) *If a Council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure. "*

Regulation 12 of the *Local Government (Administration) Regulations 1996* states:

- "12 (1) *At least once a year a local government is to give local public notice of the dates on which and the time and place at which –*
- (a) *The ordinary Council meetings; and*
  - (b) *The Committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public;*
- are to be held in the next 12 months;*
- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub regulation (1);"*

Policy No. 4.2.3: Council Briefings, Meetings & Forums – Format, Procedures and Maximum Duration sets out additional guiding principles for the management of Council Briefings and Meetings.

**RISK MANAGEMENT IMPLICATIONS:**

Nil.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's Strategic Plan – Plan for the Future 2013-2017, Objective 4.1 – *"Provide Good Strategic Decision Making, Governance, Leadership and Professional Management"* and, in particular, Objective 4.1.2 – *"Manage the organisation in a responsible, efficient and accountable manner"*.

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

The advertising of the Meeting and Briefing Session dates will cost approximately \$250.

**COMMENTS:**

It is recommended that Council adopts the Council Briefing and Council Meeting Schedule for 2017 as shown in **Attachment 1**.

---

**9.3.6 Review of City of Vincent Local Laws under Section 3.16 of the Local Government Act 1995**

<b>Ward:</b>	-	<b>Date:</b>	5 September 2016
<b>Precinct:</b>	-	<b>File Ref:</b>	SC2688
<b>Attachments:</b>	<u>1</u> – Local Law Review 2016 Schedule		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	Tim Evans, Manager Governance and Risk		
<b>Responsible Officer:</b>	Len Kosova, Chief Executive Officer		

**RECOMMENDATION:**

**That Council:**

1. In accordance with *section 3.16* of the *Local Government Act 1995*, **AUTHORISES** Administration to provide Statewide and local public notice stating that:
  - a) the City proposes to review the following local laws:
    - i) Dogs Local Law 2007;
    - ii) Fencing Local Law 2008;
    - iii) Health Local Law 2004;
    - iv) Local Government Property Local Law 2008;
    - v) Parking and Parking Facilities Local Law 2007;
    - vi) Standing Orders Local Law 2008;
    - vii) Trading in Public Places Local Law 2008; and
  - b) submissions about the local laws are invited for a period of 6 weeks; and
2. **NOTES** that the results of the above advertising will be presented to Council for consideration of any submissions received.

**PURPOSE OF REPORT:**

To consider initiating a review of the City’s Local Laws in accordance with *section 3.16* of the *Local Government Act 1995* (the Act).

**BACKGROUND:**

*Section 3.5* of the Act provides the power for local governments to make local laws to help perform their functions.

*Section 3.16* of the Act requires local governments to review their local laws every eight years. A number of the City’s Local Laws are currently due for review and as such Administration is proposing to review each of the City’s seven local laws at the same time.

*Section 3.12* of the Act describes the process the City must follow to make (or amend) a Local Law. This process is separate to the review process and any changes that Council proposes to make to the City’s Local Laws will require a further consultation and submission period before being adopted and gazetted.

**DETAIL:**

The City has the following local laws in place:

- *Dogs Local Law 2007;*
- *Fencing Local Law 2008;*
- *Health Local Law 2004;*
- *Local Government Property Local Law 2008;*
- *Parking and Parking Facilities Local Law 2007;*
- *Standing Orders Local Law 2008;*
- *Trading in Public Places Local Law 2008.*

Section 3.16 (2) – (4) of the Act sets out the process for reviewing the currency and suitability of gazetted local laws:

- “(2) *The local government is to give Statewide public notice stating that —*
- (a) *the local government proposes to review the local law; and*
  - (b) *a copy of the local law may be inspected or obtained at any place specified in the notice; and*
  - (c) *submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
- (2a) *A notice under subsection (2) is also to be published and exhibited as if it were a local public notice.*
- (3) *After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.*
- (4) *When its council has considered the report, the local government may determine whether or not it considers that the local law should be repealed or amended.”*

The review is intended to be a broad review of the City’s local laws and will address questions such as:

- Do we still have a need for all of our local laws?
- Are there known issues with the City’s Local Laws?
- Are there gaps in our current Local Laws?
- Are there emerging issues or societal changes that should be better addressed by the City’s Local Laws?
- Are the provisions within our Local Laws still current and applicable?

If the outcome of the review finds that it is necessary to change an aspect of the law, the City must then commence the process outlined in *section 3.12* of the Act to implement any changes. Such changes will be undertaken as a second phase of this project.

The City has committed to undertaking changes to the Trading in Public Places Local Law 2008 in its Corporate Business Plan in order to reduce red tape for businesses. Administration considers that first undertaking this local law review will complement that project and allow the community and other stakeholders to provide early input into the process of amending that local law. As noted in the above paragraph, this does not negate the need for due consultation and advertising throughout the amendment process.

---

It is also noted that there are two outstanding Council Resolutions in relation to Local Laws, namely:

- NOM 10.1 OMC 8 March 2016 - Review of Local Law provisions relating to Storage of Items on Verge.
- NOM 10.1 OMC 27 October 2015 - Review of Laws, Policies and Practices relating to the impact of construction activity on the public realm.

Work on each of these reviews will continue to take place and be reported to Council this year. Should these reviews identify proposed changes to Local Laws then it is appropriate that these changes will be made at the same time as any other changes that come out of the Local Law Review, in accordance with *section 3.12*. That process would be scheduled to commence in early 2017, in line with the schedule included as **Attachment 1**.

**CONSULTATION/ADVERTISING:**

The consultation process is prescribed in the Act and requires the placing of local and state-wide public notices, and inviting submissions over a period of not less than 6 weeks.

In accordance with the City's Community Consultation Policy, information about the review will also be made available on the City's website and via social media. The City will write to business and community groups and the review will also be listed on the agenda for the next scheduled Business Advisory Group meeting.

**LEGAL/POLICY:**

A number of the City's local laws are due for review this year in accordance with *section 3.16* of the *Local Government Act 1995*. If Council decides to amend the Local Laws after it has completed the review process stipulated under *section 3.16*, then it must initiate the formal Local Law amendment process prescribed by *section 3.12* of the Act.

**RISK MANAGEMENT IMPLICATIONS:**

Nil

**STRATEGIC IMPLICATIONS:**

Plan for the Future – Strategic Plan 2013 – 2023 – Strategic Objectives

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

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

There are nominal costs associated with placing advertisements calling for submissions as part of the review.

The second phase of the project will deal with any potential amendments to the local laws and may incur legal and consulting fees. An amount of \$50,000 has been budgeted for both phases of this project.

**COMMENT:**

Administration recognises that it represents good practice to undertake a full periodic review of all local laws in order to ensure that they remain current and appropriate to the community.

---

## 9.4 COMMUNITY ENGAGEMENT

### 9.4.1 City of Vincent and Nyoongar Outreach Services – Partnership Understanding Agreement (PUA)

<b>Ward:</b>	Both	<b>Date:</b>	7 September 2016
<b>Precinct:</b>	All	<b>File Ref:</b>	SC1826
<b>Attachments:</b>	<u>1</u> – Partnership Understanding Agreement (PUA) <u>2</u> – Nyoongar Outreach Services – Request to Review MOU		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer(s):</b>	R Slavin, Acting Manager Community Development		
<b>Responsible Officer:</b>	M Quirk, Director Community Engagement		

#### RECOMMENDATION:

##### That Council:

- APPROVES** the establishment of a Partnership Understanding Agreement with Nyoongar Outreach Services for the purposes of providing outreach services to Aboriginal homeless and youth at risk within public spaces; and
- AUTHORISES** the Chief Executive Officer to sign the Partnership Understanding Agreement with Nyoongar Outreach services for and on behalf of the City of Vincent.

#### PURPOSE OF REPORT:

To consider entering into a new Partnership Understanding Agreement (**Attachment 1**) with Nyoongar Outreach Services to provide outreach services to Aboriginal homeless and youth at risk within public spaces.

#### BACKGROUND:

Nyoongar Outreach Services is an Aboriginal controlled, community based service provider that delivers street present outreach services in response to social and welfare issues within the Perth Metropolitan Area. Nyoongar Outreach Services, formerly known as Nyoongar Patrol System Incorporated, was established in 1998 and operates as a not-for-profit organisation through a range of funding partnerships with Federal, State and Local Governments. Significant funding is provided by the Department of Aboriginal Affairs for the provision of a patrol and intervention service based on geographical hotspots with localised services reliant upon funding from the relevant Local Government.

They commenced servicing the Vincent community in September 2000 in response to considerable disturbances within Birdwood Square, Highgate. While this short-term intervention proved effective and the amenity of the area improved the levels of anti-social behaviour, and resident discontent, increased again over time. Given the complexity and difficulty of managing these social issues within Vincent's public places the City (then Town) entered into a Memorandum of Understanding with Nyoongar Patrol System Incorporated in April 2005.

This formal relationship was established to specifically address and resolve antisocial behaviour issues, alcohol consumption, and littering within parks and reserves. It also provided a mutual obligation to progress long term strategies to address antisocial behaviour, alcohol abuse and homelessness in consultation with other Government and service delivery agencies. The obligations for Nyoongar Patrol System Incorporated were principally to provide patrol services within Vincent parks and reserves from Monday to Friday between the hours of 1.00pm and 8.30pm. These patrols were undertaken in close collaboration with Rangers. The City provided initial funding of \$50,000 and it has remained at this level since establishment of the MOU.

In June 2015, Nyoongar Patrol System Incorporated advised that as a result of an evidence based evaluation of its services the organisation now operates under a revised business model with an increased focus on joined-up outreach services rather than simply providing patrols (**Attachment 2**). This independent evaluation, jointly funded by the Western Australian Law Society, identified a range of necessary actions to improve their organisational capacity and also resulted in them being renamed as Nyoongar Outreach Services.

With a new business model in place using paid staff rather than 'Work for the Dole' resources to deliver the services as per the MOU, and increased expectations from the City in relation to response times and referrals, Nyoongar Outreach Services advised that the actual cost of delivery now equates to \$195,000 per annum. As per the Funding Review clause within the MOU they formally requested a review of the partnership on the basis that funding would need to be increased or 'patrol hours' would need to be decreased.

Unfortunately, a subsequent review by Administration led to a misinformed and inaccurate report being included within the Council Briefing Session Agenda on 26 April 2016 recommending that that MOU be terminated. This report was immediately withdrawn by the City's Chief Executive Officer and a more comprehensive, balanced review process put in place.

#### **DETAILS:**

Through negotiations with Nyoongar Outreach Service a modified arrangement has been in place since September 2015 with patrol services on Thursday and Friday only from 11.00am to 7.00pm. The City's Rangers provide initial response to any reported issues outside these modified hours and Police attendance is utilised for anti-social or criminal activities.

Monthly Performance Reports from Nyoongar Outreach Services have identified that these modified arrangements did not result in an increased number of complaints or incidents within public places. These reports indicate ongoing interaction with Aboriginal homeless and youth at risk, and provision of important assistance and referral services:

<b>Month</b>	<b>Number of Contacts</b>	<b>Transport Assistance</b>	<b>Outreach Referral</b>
September 2015	87	9	2
October	170	9	0
November	117	11	1
December	76	3	2
January 2016	97	3	0
February	116	4	0
March	123	19	2
April	95	17	6
May	89	19	6
June	147	5	0
July	90	2	0
<b>TOTAL</b>	<b>1,207</b>	<b>101</b>	<b>19</b>

These outcomes have demonstrated the ongoing value of the City's partnership with Nyoongar Outreach Services to maintain safe public spaces, enable responsiveness to anti-social behaviour issues and related impacts on residents, and effectively manage transient Aboriginal people locating within Vincent.

Based upon these outcomes, and clear direction from the City's Chief Executive Officer, Administration has undertaken a complete review of the existing MOU in collaboration with Nyoongar Outreach Services. This review recognised that the initial purpose of the MOU, as well as the needs of both organisations, have changed since its inception in 2005. Through these discussions it was identified that the partnership arrangement should reflect an increased focus on the provision of joined-up services and outreach support rather than simply focussing on the delivery of patrols within public places. As a result, a draft

Partnership Understanding Agreement (PUA) has been developed to accurately reflect the intended partnership between the City and Nyoongar Outreach Services.

This Agreement is based upon a collaborative approach to the range of social issues impacting Aboriginal people in community, and includes the following specific responsibilities for Nyoongar Outreach Services:

- Maintain a street presence by undertaking regular foot patrols within Vincent at various times and days throughout areas identified as 'hotspots'
- Make appropriate referrals to relevant health and welfare agencies as required to meet the needs of Aboriginal people as identified through patrol services
- Work with homeless people to arrange short and long term accommodation
- Develop and improve public relations with the local business community surrounding areas experiencing trending social issues as identified by the City
- Continue to work collaboratively with communities agencies which provide related services that meet the needs of the Aboriginal community
- Contribute to the City's Reconciliation Action Plan
- Provide advice, guidance and collaboration on all cultural matters relevant to the Aboriginal community including NAIDOC Week and Reconciliation Week
- Provide input and support on cultural awareness for City employees with the aim of increasing cultural understanding and team work

The provision of patrol services remain within the Agreement however there is now improved flexibility to adopt locations, days and times in response to community demands. And while these patrols remain a priority there is increased focus on the delivery of outreach and referral services to enable movement towards long lasting outcomes. The level of services to be delivered by Nyoongar Outreach Services are consistent with Council's financial commitment within the 2016/17 budget.

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

The City's Chief Executive Officer, Director Community Engagement and A/Manager Community Development have directly consulted with the Nyoongar Outreach Services Chief Executive Officer. These communications were for the purposes of both relationship building and negotiation of a revised partnership agreement that better suits the needs of each organisation as well as the local community.

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

Nil.

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

**Medium:** The management of Aboriginal homeless and youth at risk within public spaces remains a complex matter, and necessitates a strong partnership with an agency with specific knowledge and resources.

While the perceived reduction in anti-social behaviour issues and reduced impact on residents may give cause to withdraw from such a partnership it is considered that the ongoing provision of outreach services and patrols are key to managing this risk.

#### **STRATEGIC IMPLICATIONS:**

This Agreement with Nyoongar Outreach Services aligns with the City's *Strategic Community Plan 2013-2023*, where the following Objectives state:

- “2.1.2 *Develop and promote partnerships and alliances with key stakeholders*
  - 3.1.2 *Promote and foster community safety and security*
-

3.1.3 *Celebrate, acknowledge and promote the City's cultural and social diversity."*

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

An amount of \$50,000 has been allocated within Council's 2016/17 budget for the purposes of continuing the partnership with Nyoongar Outreach Services. Administration will monitor performance on a quarterly basis to measure adherence to the Agreement and allocate payments.

**COMMENTS:**

Nyoongar Outreach Services has proven to be an effective partner in addressing anti-social behaviour and other issues within public places associated with Aboriginal homeless and youth at risk. Their direct intervention over an extended period has made a positive impact on the number of incidents and overall community safety within particular locations throughout Vincent. Based on the reduction of incidents involving Aboriginal people within public places it could be deemed appropriate to discontinue such patrol and outreach services; however, it is considered vitally important that services be maintained to avoid historical issues re-emerging.

The existing MOU focusses on patrol services with some elements of outreach services, and this no longer aligns with the City's requirements nor the Nyoongar Outreach Services business model. The delivery and effectiveness of outreach services has matured significantly since the MOU was first established, and therefore a new PUA has been developed which reduces the primary emphasis on patrols but provides the opportunity for more wide-ranging solutions. On this basis, Administration supports the establishment of this new partnership arrangement with Nyoongar Outreach Services.

---



**9.4.2 Tender No. 517/16 Beatty Park Leisure Centre Café Supply Contracts**

<b>Ward:</b>	Both	<b>Date:</b>	7 September 2016
<b>Precinct:</b>	All	<b>File Ref:</b>	SC2619
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	D Morrissy, Manager Beatty Park Leisure Centre		
<b>Responsible Officer:</b>	M Quirk, Director Community Engagement		

**RECOMMENDATION:**

That Council **ACCEPTS** the following Tenders for the Beatty Park Leisure Centre Café supply categories within Tender No. 517/16 as per the pricing schedule in the tender submissions and general conditions of tendering:

Tenders	Supply Category
Unilever Australia Ltd	Ice creams
Coca Cola Amatil Pty Ltd	Non-alcoholic beverages
PFD Food Services Pty Ltd	Frozen foods

**PURPOSE OF REPORT:**

To consider awarding Tender No. 517/16 through several café supply contracts for the Beatty Park Leisure Centre Café.

**BACKGROUND:**

The Beatty Park Leisure Centre Café provides a range of food, snacks and drinks through both a Poolside Café servicing aquatics users and a Lounge Café servicing health/fitness users. The Leisure Centre attracts approximately 880,000 visitations per annum with the Café generating an annual turnover in excess of \$700,000 per annum.

Given the expiration of supply contracts a tender was required for four major product categories within the Café, as follows:

- Ice creams including but not limited to 'ready to eat' individually wrapped products
- Non-alcoholic beverages including but not limited to water, carbonated soft drinks, fruit juice, sport drinks and energy drinks
- Dairy products including but not limited to milk, flavoured milk, cream and sour cream, yoghurt and speciality milks
- Frozen foods including but not limited to chips, beef and chicken burger patties, vegetables, pastry and pizza bases, and berries

**DETAILS:**

Tenders for Café Supplies at the Beatty Park Leisure Centre for a three year period were advertised in the West Australian on 26 March 2016. Tenders closed at 2.00pm on 13 April 2016 after an 18 day advertising period and a total of five Tenders were received. Present at the opening of the Tenders were the City's Finance Officer and Manager Beatty Park Leisure Centre.

**Tenders Received**

Tenderers were open to submit a tender for one or more supply contracts with each supply contract assessed individually. The details of all Tenders received for Tender No. 517/16 are listed below:

Company	Category
Peters Ice Cream	Ice creams
Unilever Australia Ltd/Streets Ice Cream	Ice creams
Schweppes Australia Pty Ltd	Non-alcoholic beverages
Coca Cola Amatil Pty Ltd	Non-alcoholic beverages/Dairy
PFD Food Services Pty Ltd	Frozen foods/Dairy

### Tender Assessment

The tenders were assessed by a Tender Evaluation Panel using the selection criteria below in accordance with the tender documentation:

Selection Criteria	Weighting
Product pricing structure	30%
Product range	20%
Service agreement	15%
Promotional package	15%
Supply of equipment	5%
Point of sale material and signage	5%
Market share	5%
Referees	5%
	<b>100%</b>

### Tender Evaluation Panel

Manager of Beatty Park Leisure Centre  
Administration Coordinator – Beatty Park Leisure Centre  
Accountant – Finance

### Tender Summary

#### Ice Creams

Two tenders were received in this category from Unilever Australia Ltd (Streets Ice Creams) and Peters Ice Cream.

Unilever Australia Ltd clearly demonstrated their resource capacity to meet the requirements of the contract and provided a competitive price schedule. An excellent promotional package was also offered including point of sale materials and they also provided suitable referees including Perth Zoo, Adventure World and Domain Stadium.

Peters Ice Cream have supplied ice creams to the Centre for the past six years and did demonstrate resource capacity to meet the requirements of the contract, however their proposed service lacked key details and they have a lower market share.

Selection Criteria	Weighting	Unilever Ltd (Streets)	Peters Ice Cream
Product pricing structure	30%	19.6	21
Product range	20%	14	14
Service agreement	15%	11.6	5.5
Promotional package	15%	12.6	12
Supply of equipment	5%	4.1	3.9
Point of sale material and signage	5%	4.5	4.2
Market share	5%	4.7	3.7
Referees	5%	4.3	1.7
<b>TOTAL/SCORE</b>	<b>100%</b>	<b>75.5</b>	<b>65.9</b>
<b>RANK</b>		<b>1</b>	<b>2</b>

The Tender submitted by Unilever Australia Ltd for ice cream supply has been assessed as being the most suitable for the City's requirements as per Tender No. 517/16.

#### Non Alcoholic Beverages

Two tenders were received in this category from Coca Cola Amatil Pty Ltd and Schweppes Australia Pty Ltd.

Coca Cola Amatil Pty Ltd provided a detailed tender submission demonstrating their ability to meet the requirements of the contract, a comprehensive pricing schedule and confirmed their ability to meet all equipment and service needs. Market share, point of sale materials and the promotional package were very strong elements within the submission.

Schweppes Australia Pty Ltd provided a competitive submission and demonstrated their ability to meet the service requirements of the contract noting that they have provided supplies to Beatty Park Leisure Centre for the past nine years.

Selection Criteria	Weighting	Coca Cola Amatil	Schweppes Australia Pty Ltd
Product pricing structure	30%	20.8	24.8
Product range	20%	16.7	18
Service agreement	15%	10.8	12.4
Promotional package	15%	13.5	10.2
Supply of equipment	5%	4.3	4.4
Point of sale material and signage	5%	4.5	3.3
Market share	5%	4.5	3.5
Referees	5%	4.2	4.3
<b>TOTAL/SCORE</b>	<b>100%</b>	<b>83.4</b>	<b>81</b>
<b>RANK</b>		<b>1</b>	<b>2</b>

The Tender submitted by Coca Cola Amatil Pty Ltd for non-alcoholic beverages supply has been assessed as being the most suitable for the City's requirements as per Tender No. 517/16.

#### Dairy Products

Two tenders were received in this category from PFD Food Services Pty Ltd and Coca Cola Amatil Pty Ltd, however they were not deemed to meet the required scope of supply services. Coca Cola Amatil Pty Ltd could only supply iced coffee products and PFD Food Services Pty Ltd could only offer limited products that do not meet the needs of the Café as identified within the tender specifications.

The Tenders submitted by PFD Food Services and Coca Cola Amatil Pty Ltd for dairy products supply have been assessed as not being suitable for the City's requirements as per Tender No. 517/16.

Further investigation will need to be progressed with individual suppliers or distributors for the ongoing supply of dairy products. As annual procurement on dairy products is approximately \$40,000 a standalone Request for Quotation will be sought from suitable suppliers.

#### Frozen Foods

One Tender was received in this category from PFD Food Services Pty Ltd.

The PFD Food Services Pty Ltd submission demonstrated that they are adequately resourced to meet the café supply requirements, included a suitable pricing structure and identified an acceptable service agreement. Referees confirmed excellent customer service and delivery standards. In particular, they provide a rewards program for customer loyalty allowing for the purchase of café equipment through reward points earned by regular purchases.

<b>Selection Criteria</b>	<b>Weighting</b>	<b>PFD Food Services Pty Ltd</b>
Product pricing structure	30%	21
Product range	20%	16.7
Service agreement	15%	10.1
Promotional package	15%	7.5
Supply of equipment	5%	2.1
Point of sale material and signage	5%	1.7
Market share	5%	3.7
Referees	5%	4.5
<b>TOTAL/SCORE</b>	<b>100%</b>	<b>67.2</b>
<b>RANK</b>		<b>1</b>

The Tender submitted by PFD Food Services Pty Ltd for frozen foods supply has been assessed as being suitable for the City's requirements as per Tender No. 517/16.

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

The Tender was advertised in the West Australian Newspaper on 26 March 2016.

**LEGAL/POLICY:**

The Tender was advertised for a total of 18 days and assessed in accordance with the *Local Government Act 1995* Tender Regulations as well as the City's Policy No. 1.2.2 – Code of Tendering and Policy No. 1.2.3 – Purchasing.

As per the Tender Terms and Conditions, the Tenderer agrees that the Tender will remain open for acceptance for a maximum period of 90 days after the closing date for Tenders or 45 days from the Council's resolution for determining the tender whichever is the later. All prospective Tenderers have confirmed that their submissions for Tender No. 517/16 remain open for acceptance.

**RISK MANAGEMENT IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

The City's *Strategic Community Plan 2013-2023* states:

*“Leadership, Governance and Management*

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

An amount of \$280,000 has been included within the 2016/17 Beatty Park Leisure Centre operating budget for café supplies, and this remains consistent with \$290,000 expenditure in 2015/16.

**COMMENTS:**

It is recommended that café supply contracts be awarded to Unilever Australia Ltd (ice creams), Coca Cola Amatil Pty Ltd (non-alcoholic beverages) and PFD Food Services Pty Ltd (frozen foods) for the Beatty Park Leisure Centre Café Supplies in accordance with the specifications detailed in Tender No. 517/16.

---

<b>9.4.3 Amendment to Schedule of Fees &amp; Charges 2016/17 – Concert and Event Fees</b>
---

<b>Ward:</b>	Both	<b>Date:</b>	7 September 2016
<b>Precinct:</b>	All	<b>File Ref:</b>	SC1897
<b>Attachments:</b>	<u>1</u> – Amendments to the Schedule of Fees and Charges 2016/2017 <u>2</u> – Other Local Government Comparisons <u>3</u> – Festivals and Events Information Pack		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	A Curtin, Acting Coordinator Arts and Creativity		
<b>Responsible Officer:</b>	M Quirk, Director Community Engagement		

**RECOMMENDATION:****That Council:**

- APPROVES BY ABSOLUTE MAJORITY** in accordance with Section 6.16 of the *Local Government Act 1995* amendments to the Schedule of Fees and Charges 2016/2017 shown in Attachment 1.
- ADVERTISES** the revised fee structure for Concerts and Events to be included in the Schedule of Fees and Charges 2016/17 effective from 1 October 2016 pursuant to section 6.19 of the *Local Government Act 1995*.

**PURPOSE OF REPORT:**

To consider the establishment of a revised fee structure for Concerts and Events within Council's Schedule of Fees and Charges 2016/17.

**BACKGROUND:**

The activation of centres, facilities and reserves throughout Vincent remains vitally important to create vibrant and liveable neighbourhoods, engage our local communities, and renew our parks and reserves. The delivery of concerts and events by external organisations contributes significantly to such place activation.

Currently, any external organisation is required to submit an Event Application Form for review and assessment by Administration. Subject to the size and scale of the event this may include assessment by Parks and Property Services, Environmental Health Services, Community Development, Policy and Place, Waste Management and Approval Services. The applicant is required to pay an Event Application Fee for this assessment and approval. In addition, the applicant is required to pay a Concert/Event Fee which varies depending on the length of the event and the number of patrons. The applicant then also needs to pay facility or reserve hire charges and bond for the proposed venue as well as associated bin provision, temporary event parking and power costs. The applicant may then be required to pay for specific approvals such as a Temporary Food Permit, Temporary Road Closure, Temporary Public Building Approval, Liquor Licence Approval, Stallholder Permits, and Noise Regulation Compliance.

As part of the ongoing, comprehensive review of all activities within the Community Engagement Directorate it has recently become evident that the Event Application Fee and Concert/Event Fee have not been effectively administered, and in many cases not applied at all for external events.

It has also been identified that while there is a basis for the Event Application Fees, that is, formal review and assessment by various City Departments there is no clear basis for the Concert/Event Fee. The applicant receives no particular good or service for the Concert/Event Fee given that reserve/facility hire fees and all other approvals remain separately payable. Unfortunately, this anomaly has only recently been identified in the lead-up to the events

season and was therefore not amended through the fees and charges review undertaken prior to adoption of the Schedule of Fees and Charges 2016/17.

#### DETAILS:

The continued attraction of externally delivered concerts and events to Vincent relies upon the implementation of an efficient event application process and administration of appropriate fees and charges. As a key starting point, it is considered that this requires a fundamental change to the current fee structure for Concerts/Events as per the Schedule of Fees and Charges 2016/17:

Table 1 – Concerts/Events Application Fees

CONCERTS/EVENTS	NUMBER OF PATRONS				GST
	<1000	1000-5000	5000-12000	>12000	
<b>APPLICATION FEES</b>					
Charity Concert Event	NIL	NIL	NIL	NIL	N
Community Concert/Event - No Admission Charge	\$55.00	\$95.00	\$120.00	\$170.00	N
Community Concert/Event - with Admission Charge	\$90.00	\$165.00	\$225.00	\$340.00	N
Commercial Concert/Event	\$270.00	\$380.00	\$600.00	\$1,000.00	N

Table 2 – Concerts/Event Fee

CONCERT/EVENT FEE	NUMBER OF PATRONS				GST
	<1000	1000-5000	5000-12000	>12000	
Charity Concert Event	\$0	\$0	\$0	\$0	N
8-12 hour Event					
- Fee	\$4,900	\$7,900	\$12,600	\$18,500	N
- Bond	\$0	\$0	\$0	\$0	N
2 Day Event					
- Fee	\$7,700	\$11,300	\$18,400	\$25,500	N
- Bond	\$0	\$0	\$0	\$0	N

Administration has concerns that should the abovementioned schedule simply be implemented during the upcoming events season there will be a number of longstanding events, such as the Beauvine Food and Wine Festival and Asian Food Fair, which may not proceed. These fees represent a significant increase due to Event Application Fees and Concerts/Events Fee not previously being administered effectively. Previous dialogue with event providers has confirmed that these fees are a financial barrier preventing some applicants and organisers from holding their events within Vincent. Also, the current Concerts/Events Fee does not provide guidance on an activity less than eight hours or for events than run for more than two days. And there is no price variation between not-for-profit and commercially operated events.

While this alone is not a reason to change the current fee structure a comparison with other Local Government areas provides further context. This review has identified that Vincent hosts a relatively low number of externally run events compared to other areas, and both our minimum and maximum costs are amongst the highest. A snapshot of this information is provided within **Attachment 2**.

Based upon Council's current strategic objectives to promote and provide a range of community events, and to promote Vincent as a place for business development and investment, a revised fee structure for concerts and events has been prepared. This revised fee structure has placed a focus on improved clarity regarding the basis for fees/charges and the services received, and includes the following:

- Deletion of the current Concerts/Events Application Fees that vary between \$55 and \$1,000 depending upon the organiser being charitable, community or commercial and the number of patrons.

- Addition of a new Event Application Fee of \$210 for an event up to 1 day and \$420 for an event of two days or more specifically based upon estimated Officer resources to complete the assessment and approval.
- Deletion of the current Concert/Event Fees that vary between \$4,800 and \$30,000 subject to the duration of the event and number of patrons.
- Addition of new Event Reserve Hire Fees that vary between \$625 and \$2,800 subject to the duration of the event and number of patrons. This directly links the fee to provision of a venue which removes the current 'double-dipping' whereby the City has a standalone charge for the concert/event and then reserve/facility hire.
- Deletion of all references to a 'Charity Concert Event' and associated nil charge with event all fees based upon a community rate or commercial rate. Should a charitable organisation seek a reduction in fees this can be progressed through delegated authority or Council decision making.
- Amendment to the existing Event Bond including an increase from \$5,000 maximum to \$10,000 maximum subject to the size, scale and risk of the event.

This revised fee structure and necessary amendments to the Schedule of Fees and Charges 2016/17 have been included within **Attachment 1**.

As previously mentioned, the implementation of an efficient event application process is also vitally important to attract and retain external events within Vincent. Administration has finalised a 'Festival and Events Information Pack' (refer to **Attachment 3**) which centralises all relevant information for event organisers. In addition, the Arts and Creativity Coordinator position with the Community Engagement Directorate has been established as the centralised contact point for external event providers to improve customer service and efficiency. While numerous Departments and Officers may provide advice through the event application, planning and delivery phases this centralised contact will ensure far greater quality of service.

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

The revised fee structure for Concerts and Events to be included in the Schedule of Fees and Charges 2016/17 will be advertised pursuant to section 6.19 of the *Local Government Act 1995* and in accordance with Council Policy No. 4.1.5 – Community Consultation. The new fees will then be effective from 1 October 2016.

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

The new fee structure has considered, and will impact the following Council Policies:

- Policy No. 3.10.8 – Festivals; and
- Policy No. 3.8.3 – Concerts and Events.

#### **STRATEGIC IMPLICATIONS:**

In the City's *Strategic Community Plan 2013-2023*, the following Objectives state:

##### *"Economic Development*

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

##### *Community Development and Wellbeing*

3.1.5: *Promote and provide a range of community events to bring people together and to foster a community way of life."*

This review and refinement of these fees also aligns with Council's 2016/17 priorities to cut red tape, create liveable neighbourhoods and renew Town Centres.

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

It is anticipated that the revised, well-informed fee structure and improved event administration practices will over time attract additional externally managed events to Vincent

---



with a resultant increase in fees/charges revenue and flow-one economic benefits for local businesses.

**COMMENTS:**

The current fee structure for concerts and events has not been effectively implemented and does not align with intent to attract externally managed event to Vincent. The revised fee structure will assist to attract and retain externally managed events which bring the local community together, positively impact local businesses, and activate public places throughout Vincent. On this basis, Administration recommends that Council approve the inclusion of this fee structure within the Schedule of Fees and Charges 2016/17. It is acknowledged that further refinement of event associated fees/charges is required to streamline the process for external organisations, and this will be undertaken in preparation for the 2017/18 budget process.

**9.4.4 LATE ITEM: Review of Policy No. 3.9.3 – Parking Permits Policy –  
Outcome of Community Consultation**

**TO BE ISSUED PRIOR TO MEETING.**

## 9.5 CHIEF EXECUTIVE OFFICER

### 9.5.1 Information Bulletin

<b>Ward:</b>	-	<b>Date:</b>	2 September 2016
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	Pia Rasal, Governance & Council Support Officer		
<b>Responsible Officer:</b>	Len Kosova, Chief Executive Officer		

#### RECOMMENDATION:

**That Council RECEIVES the Information Bulletin dated 20 September 2016 as distributed with the Agenda.**

ITEM	DESCRIPTION
<u>IB01</u>	Minutes of the Business Advisory Group Meeting held on 20 July 2016
<u>IB02</u>	Unconfirmed Minutes of the Reconciliation Action Plan Working Group Meeting held on 25 July 2016
<u>IB03</u>	Unconfirmed Minutes of the Audit Committee Meeting held on 26 July 2016
<u>IB04</u>	Unconfirmed Minutes of the Environmental Advisory Group Meeting held on 3 August 2016
<u>IB05</u>	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 10 August 2016
<u>IB06</u>	Unconfirmed Minutes of the Safer Vincent Crime Prevention Partnership Meeting held on 11 August 2016
<u>IB07</u>	Minutes of the WALGA Central Metropolitan Zone 25 August 2016
<u>IB08</u>	Minutes of Tamala Park Regional Council - Meeting of Council 11 August 2016
<u>IB09</u>	Register of Legal Action ( <b>Confidential – Council Members Only</b> ) – Monthly Report as at 1 September 2016
<u>IB10</u>	Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 1 September 2016
<u>IB11</u>	Register of Applications Referred to the MetroWest Development Assessment Panel – Current
<u>IB12</u>	Register of Applications Referred to the Design Advisory Committee – Current
<u>IB13</u>	Register of Petitions – Progress Report – August 2016
<u>IB14</u>	Register of Notices of Motion – Progress Report – September 2016
<u>IB15</u>	Register of Reports to be Actioned – Progress Report – September 2016

## 10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### 10.1 NOTICE OF MOTION: Councillor Roslyn Harley – Request to Examine Options and Best Practice in the Composition and Operations of Audit Committees

That Council:

1. **SUPPORTS** a review by Administration of the Audit Committee Terms of Reference to examine opportunities for introducing greater independence, accountability and transparency to the Committee's operation through measures such as:
  - Publishing Committee Meeting Agendas and Minutes;
  - Holding open Committee Meetings;
  - Appointing external persons as Committee Members, including the possibility for those persons to be appointed as Chairperson of the Committee; and
2. **RECEIVES** a report back from Administration on the review referred to in 1 above, by December 2016.

#### REASON:

In order to further progress the City's transparency and governance reforms it is appropriate for the City to pursue best practice in relation to oversight of the City's audit function. As such it is requested that Administration provides Council with options for doing so, based on comparisons with national best practice, both within and beyond Local Government.

In addition, it is timely to consider about the role of elected officials on the Audit Committee and the most appropriate number of Council Members on the Committee. Consideration should be given to the inclusion of external membership and also whether the Chairperson of the Audit Committee could be an independent qualified member rather than a Council Member or the Mayor.

As the sector faces growing oversight from the Office of Auditor General, it is timely for the City to take the opportunity to lead the way in this space by reviewing its practices to ensure they are aligned with the City's principles of transparency and accountability.

#### ADMINISTRATION COMMENTS:

Administration supports the proposed Motion.

The *Local Government Act 1995* and associated Regulations include specific provisions dealing with the formation, membership and remuneration of Committees generally, including the Audit Committee. These provisions will need to be considered in the context of the Notice of Motion and any inherent limitations that may impact on achieving best practice standards.

The ensuing report will provide options to address each of the areas identified in this Motion and will also include a discussion on the options for attracting external representation, including remunerating and / or reimbursing external committee members for their participation and attendance in the Audit Committee meetings.

**10.2 LATE NOTICE OF MOTION: Councillor Joshua Topelberg – Request to investigate the requirements, conditions and associated compliance for development applications involving tree retention on private land**

**TO BE ISSUED PRIOR TO 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.

**14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“BEHIND CLOSED DOORS”)**

Nil.

**15. CLOSURE**

---