



**CITY OF VINCENT**

# **COUNCIL BRIEFING**

## **Notice of Meeting and Agenda**

**20 OCTOBER 2015**

Notice is hereby given that a Council Briefing will be held at the City of Vincent Administration and Civic Centre, at 244 Vincent Street (corner Loftus Street), Leederville, on **Tuesday 20 October 2015** at 6.00pm.

Len Kosova  
CHIEF EXECUTIVE OFFICER

14 October 2015

**ENHANCING AND CELEBRATING OUR DIVERSE COMMUNITY**

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### **COUNCIL BRIEFING PRINCIPLES:**

The following rules and principles apply to the City of Vincent Council Briefings:

1. Unless otherwise determined by Council, Council Briefings will be held in the Council Chamber on the Tuesday of the week prior to the Ordinary Council Meeting, to provide the opportunity for Elected Members and members of the public to ask questions and clarify issues relevant to the specific agenda items due to be presented to Council in the following week.
2. The Council Briefing is not a decision-making forum and the Council has no power to make decisions at the Briefing.
3. In order to ensure full transparency, Council Briefings will be open to the public to observe the process and to ask Public Questions, similar to the Council Meeting process.
4. Where matters are of a confidential nature, they will be deferred to the conclusion of the Briefing and at that point, the Briefing will be closed to the public.
5. The reports provided to Council Briefings are the reports that the Administration intends to submit to Council formally in the subsequent week. While it is acknowledged that Elected Members may raise issues that have not been considered in the formulation of the report or its recommendation, and these may be addressed in the subsequent report to Council, Council Briefings cannot be used as a forum for Elected Members to direct Officers to alter their opinions or recommendations. However, having regard to any questions or clarification sought by Elected Members, the Chief Executive Officer and Directors may choose to amend Administration reports, or withdraw and not present certain items listed on the Council Briefing Agenda to the subsequent Council Meeting in the following week.
6. Council Briefings will commence at 6.00 pm and will be chaired by the Mayor or in his/her absence the Deputy Mayor. In the absence of both, Councillors will elect a chairperson from amongst those present. In general, Standing Orders will apply, except that Members may speak more than once on any item. There is no moving or seconding items.
7. Members of the public present at Council Briefings may observe the process and will have an opportunity to ask Public Questions relating only to the business on the agenda.
8. Where an interest is declared in relation to an item on the Council Briefing Agenda, the same procedure which applies to Ordinary Council meetings will apply. All interests must be declared in accordance with the City's Code of Conduct. The Briefing will consider items on the agenda only and will proceed to deal with each item as it appears in the Agenda. The process will be for the Presiding Member to call each item number in sequence and invite questions or requests for clarification from Elected Members. Where there are no questions regarding the item, the Briefing will proceed to the next item.
9. Notwithstanding 8. above, the Council Briefing process does not and is not intended to prevent an Elected Member from raising further questions or seeking further clarification after the Council Briefing and before or at the Council Meeting in the subsequent week.
10. While every endeavour is made to ensure that all items to be presented to Council at the Ordinary Council Meeting are included in the Council Briefing papers, there may be occasions when, due to necessity, items will not be ready in time for the Council Briefing and will instead be included on the Council Meeting Agenda to be presented directly to Council for determination.
11. There may also be occasions when items are tabled at the Council Briefing rather than the full report being provided in advance. In these instances, Administration will endeavour to include the item on the Council Briefing agenda as a late item, noting that a report will be tabled at the meeting.
12. Unless otherwise determined by the Presiding Member, deputations will generally not be heard at Council Briefings and will instead be reserved for the Ordinary Council meeting, consistent with the City's Standing Orders Local Law.
13. The record of the Council Briefing session will be limited to notes regarding any agreed action to be taken by Administration or Elected Members. The Council Briefing is not a decision-making forum and does not provide recommendations to Council as a Committee might and, as such, the action notes from Council Briefings will be retained for administrative purposes only and will not be publicly distributed unless authorised by the Chief Executive Officer.

## **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 a Council Briefing must relate only to matters listed on the Council Briefing Agenda. Questions or statements made at an Ordinary Council meeting can relate to any 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, or (where applicable) does not relate to an item of business on the meeting agenda, the Presiding Member, he may ask the person speaking to promptly cease.
7. In the case of the Ordinary and Special Council Meetings, Questions/statements and any responses will be summarised and included in the Minutes of the Council Meeting. Questions/Statements will not be summarised or included in the notes of any Council Briefing unless Administration to take action in response to the Question/Statement which could include, but is not limited to provide further commentary or clarification in the report to Council to address the question/statement.
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 or relevant Director to the person asking the question. In the case of the Ordinary and Special Council Meetings, 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 Council Briefings, and 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 Cr Josh Topelberg on approved leave of absence from Monday 19 October – Thursday 22 October 2015 due to personal reasons.

3. **Public Question Time and Receiving of Public Statements**

4. **Declarations of Interest**

5. **Reports**

ITEM	REPORT DESCRIPTION	PAGE
<b>5.1</b>	<b>PLANNING SERVICES</b>	
5.1.1	No. 20 (Lot: 200; D/P: 7473) Kayle Street, North Perth – Proposed Demolition of Existing Single House and Construction of Eight Multiple Dwellings (PR22498; 5.2015.361.1)	1
5.1.2	No. 50 (Lot: 10; D/P: 13828) Scarborough Beach Road, North Perth – Proposed Multiple Dwelling Development Comprising Five Multiple Dwellings with Undercroft Car Parking (PR16661; 5.2015.301.1)	14
5.1.3	No. 1 (Lot: 52; D/P: 76486) Glebe Street, North Perth – Proposed Change of Use from Single House to Consulting Rooms (Medical-Dental Surgery) (PR53791; 5.2015.219.1)	28
5.1.4	No. 235 (Lot: 185; D/P: 7473) Charles Street, North Perth – Proposed Demolition of Existing Single House and Construction of a Nine Multiple Dwelling Development (PR19597; 5.2014.498.1)	35
5.1.5	Proposed Amendment to Policy No. 7.2.1 – Residential Design Elements to Modify Provisions for Fencing in the Primary Street Setback Area (SC1601)	47
5.1.6	Extension of Period of Appointment of Panel on the City’s Design Advisory Committee (DAC) (SC338)	50
<b>5.2</b>	<b>TECHNICAL SERVICES</b>	
5.2.1	Proposed Traffic Calming – Bourke Street, Leederville - Further Report No. 2 (SC698, SC228)	52
5.2.2	Traffic Management – Proposed ‘Black Spot’ Treatment Trial at the Intersection of Richmond and Loftus Streets, North Perth, Progress Report No. 4 (SC168, SC1248)	54
5.2.3	Proposed Bike Boulevard Project (SC652)	59

### **5.3 CORPORATE SERVICES**

5.3.1	Investment Report as at 30 September 2015 (SC1530)	63
5.3.2	Authorisation of Expenditure for the Period 1 to 30 September 2015 (SC347)	66
5.3.3	Financial Statements as at 31 August 2015 (SC357)	69
5.3.4	Financial Statements as at 30 September 2015 (SC357)	77
5.3.5	Loton Park Tennis Club – Lease of Premises Corner Bulwer and Lord Streets, Perth (SC351/SC623)	85
5.3.6	Portion of No. 10 (Lot 2545) Farmer Street, North Perth – Approval of a Sublease to Vincent Men’s Shed (Inc.) (SC351/SC2087)	92
5.3.7	Disposal of Property at Lot 140 Brentham Street, Mount Hawthorn (SC2328) <b>[Absolute Majority Decision Required]</b>	97

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5.4.1	Community Support Grants (FY20-03, SC393)	102
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### **5.5 CHIEF EXECUTIVE OFFICER**

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5.5.2	Adoption of Minutes from Special Council Meeting held on 3 February 2015	107
5.5.3	LATE ITEM: Revised Terms of Reference for Various Advisory Groups	109
5.5.4	Information Bulletin	110

### **6. Motions of which Previous Notice has been given**

- 6.1 NOTICE OF MOTION: Mayor John Carey – Review of the City’s Parking Control Policy No. 3.9.5
- 6.2 NOTICE OF MOTION: Mayor John Carey – Review of Laws, Policies and Practices relating to the impact of construction activity on the public realm

### **7. Representation on Committees and Public Bodies**

Nil.

### **8. Confidential Items/Matters (“Behind Closed Doors”)**

- 8.1 CONFIDENTIAL REPORT: No. 124 (Lot: 41 D/P: 1879) Wright Street, corner of Phelps Lane, Highgate – Proposed Demolition of Existing Single House and Construction of Four Grouped Dwellings (PR27428; 5.2014.506.1)
- 8.2 CONFIDENTIAL REPORT: Leederville Gardens Retirement Village – Board Appointments (SC1670; SC313)

### **9. Closure**

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## 5.1 PLANNING SERVICES

**5.1.1 No. 20 (Lot: 200; D/P: 7473) Kayle Street, North Perth – Proposed Demolition of Existing Single House and Construction of Eight Multiple Dwellings**

<b>Ward:</b>	South	<b>Date:</b>	9 October 2015
<b>Precinct:</b>	Precinct 6 – Smith's Lake	<b>File Ref:</b>	PR22498; 5.2015.361.1
<b>Attachments:</b>	<a href="#">1</a> – Consultation Map <a href="#">2</a> – Amended Development Application Plans <a href="#">3</a> – Extract of Design Advisory Committee Minutes and Comments <a href="#">4</a> – Car Parking Table <a href="#">5</a> – Marked up plans showing proposed versus required street setbacks and building heights		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	T Wright, Statutory Planning Officer		
<b>Responsible Officer:</b>	G Poezyn, Director Planning Services		

### OFFICER 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 submitted by Noma Studio on behalf of the owner Elenora Holdings 2007 Pty Ltd, for the proposed demolition of an existing Single House and construction of a two storey development comprising of eight Multiple Dwellings and associated car parking at No. 20 (Lot: 200; D/P: 7473) Kayle Street, North Perth as shown on amended plans date stamped 3 September 2015, included as Attachment 2, subject to the following conditions:

#### 1. Car Parking and Accessways

- 1.1 A minimum of eight resident and one visitor bays shall be provided onsite;
- 1.2 The car park shall be used only by residents and visitors directly associated with the development;
- 1.3 The visitor bay is to be marked accordingly;
- 1.4 The car parking and access areas are to comply with the requirements of AS2890.1;
- 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. External Fixtures

All external fixtures shall not be visually obtrusive from Kayle 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;

3. **Verge Trees**

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

4. **Car Parking Permits**

The applicant is to agree in writing that a notice is placed on the Sales Contract to advise prospective purchasers that the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential dwellings;

5. Prior to the issue of a Building Permit, the following shall be submitted to and approved by the City:

5.1 **Acoustic Report**

An Acoustic Report in accordance with the City's Policy No. 7.5.21 – Sound Attenuation shall be prepared and submitted. The recommended measures of the report shall be implemented;

5.2 **Landscape and Reticulation Plan**

A detailed landscape and reticulation plan for the development site and adjoining road verge shall be submitted to the City for assessment and approval. The plan shall be drawn to a scale of 1:100 and show the following:

5.2.1 The location and type of existing and proposed trees and plants;

5.2.2 Areas to be irrigated or reticulated; and

5.2.3 The removal of redundant crossovers;

5.3 **Schedule of External Finishes**

A detailed schedule of external finishes (including materials and colour schemes and details) is to be provided to and approved by the City;

5.4 **Construction Management Plan**

A Construction Management Plan that:

5.4.1 details how the construction of the development will be managed to minimise the impact on the surrounding area; and

5.4.2 includes certification from a Geotechnical Engineer that the proposed method of construction for the proposed works is appropriate for the prevailing soil conditions onsite;

shall be submitted to and approved by the City, in accordance with the requirements of the City's Policy No. 7.5.23 – Construction Management Plans. Construction on and management of the site shall thereafter comply with the approved Construction Management Plan;

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**5.5 Waste Management**

**5.5.1 A Waste Management Plan prepared to the satisfaction of the City shall be submitted and approved;**

**5.5.2 A bin store area of sufficient size to accommodate the City's bin requirements shall be provided, to the satisfaction of the City; and**

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

**6. Prior to occupation of the development, the following shall be completed to the satisfaction of the City:**

**6.1 Clothes Drying Facility**

**Each multiple dwelling shall be provided with a clothes drying facility or communal area in accordance with the Residential Design Codes;**

**6.2 Car Parking**

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

**6.3 Stormwater**

**All storm water produced on the subject land shall be retained onsite, by suitable means to the satisfaction of the City;**

**6.4 Acoustic Report Certification**

**With reference to Condition 5.1, certification from an acoustic consultant that the recommended measures have been undertaken shall be provided to the City;**

**6.5 Landscape Plan and Verge Upgrade Plan**

**With reference to Condition 5.2, all works shown in the plans approved with the Building Permit shall be undertaken in accordance with the approved plans and maintained thereafter to the satisfaction of the City at the applicant's expense; and**

**6.6 Bicycle Bays**

**A minimum of three resident bays and one visitor bay is to be provided onsite. 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.**

**ADVICE NOTES:**

**1. With reference to Condition 1.5, the portion of the existing footpath traversing the proposed crossover must be retained. The proposed crossover levels shall match into the existing footpath levels. Should the footpath not be deemed to be in satisfactory condition, it must be replaced with in-situ concrete panels in accordance with the City's specification for reinstatement of concrete paths;**

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2. **With reference to Condition 1.6, all new crossovers to the development site are subject to a separate application to be approved by the City;**
3. **A Road and Verge security bond for the sum of \$2,000 shall be lodged with the City by the applicant, prior to the issue of a building permit, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the security bond shall be made in writing. The bond is non-transferable;**
4. **With reference to Condition 5.2, the City encourages landscaping methods and species selection which do not rely on reticulation;**
5. **The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5 metres) shall be maintained for all users at all times during construction works. If the safety of the path is compromised resulting from either construction damage or as a result of a temporary obstruction appropriate warning signs (in accordance with AS1742.3) shall be erected. Should a continuous path not be able to be maintained, an 'approved' temporary pedestrian facility suitable for all path users shall be put in place. If there is a request to erect scaffolding, site fencing etc. or if building materials are required to be stored within the road reserve, once a formal request has been received, the matter will be assessed by the City and if considered appropriate a permit shall be issued by the City's Ranger Services Section. No permit will be issued if the proposed encroachment into the road reserve is deemed to be inappropriate;**
6. **With reference to Condition 6.3, no further consideration shall be given to the disposal of stormwater 'offsite' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'offsite' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings;**
7. **Any additional property numbering to the abovementioned address which results from this application will be allocated by the City of Vincent. The applicant is requested to liaise with the City in this regard during the building permit process; and**
8. **A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site.**

**PURPOSE OF REPORT:**

To consider the proposal for the demolition of a single house and the construction of eight multiple dwellings.

**BACKGROUND:**

Nil.

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**DETAILS:**

<b>Landowner:</b>	Elenora Holdings 2007 Pty Ltd
<b>Applicant:</b>	Noma Studio
<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>	Multiple Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	840 square metres
<b>Right of Way:</b>	Not Applicable
<b>Date of Application:</b>	10 August 2015

The proposal is for the demolition of an existing single dwelling and the construction of a two storey development comprising of eight two-bedroom multiple dwellings and associated car parking.

A driveway is situated along the southern boundary connecting to the central car parking area. The development mass is orientated to the north of the site, which enables south facing views towards the CBD. The design includes skillion roofs in opposing directions, which allows north sun to penetrate deep into living areas and provides an interesting architectural feature.

The development proposes one car bay per unit and one visitor bay.

**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.

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

**Detailed Assessment**

<b>Issue/Design Element:</b>	<b>Density/Plot Ratio</b>
Requirement:	<b>Residential Design Codes Clause 6.1.1 – Deemed-to-Comply</b>  Required Plot Ratio: 0.6 or 504 square metres
Applicant's Proposal:	Proposed Plot Ratio: 0.69 or 582.5 square metres, (variation of 0.09 or 78.5 square metres).
Design Principles:	<b>Residential Design Codes Clause 6.1.1</b>  P1 Development of the building is at a bulk and scale indicated in the local planning framework and is consistent with the existing or future desired built form of the locality.
Applicant's Justification:	<i>"We believe the bulk and scale of the proposal is sensitive to the surrounding context while still providing ample amenity for residents. The immediate adjacent context includes a proposed two storey multiple dwelling complex to the South (16/18 Kayle Street) and a series of two level town-houses to the North which are higher than the dwellings.</i>  <i>We have also taken significant care to transition the bulk of the proposal in relation to neighbours by sloping the roof pitches to a low point at the boundaries adjacent all neighbours."</i>
Officer Technical Comment:	It is considered that the proposed plot ratio is acceptable for the following reasons: <ul style="list-style-type: none"> <li>• The proposed development is broken up into three distinct sections to moderate the aesthetic impact of the built form and enhance the amenity of the development;</li> <li>• The elevations are well articulated with the use of different materials and colours and are visually staggered;</li> <li>• The development is compliant with the side and rear setback requirements providing adequate separation from neighbouring properties; and</li> <li>• The development is compliant with the open space and landscaping requirements, which enables respite from the built form and greenery to soften the development.</li> </ul>

<b>Issue/Design Element:</b>	<b>Front Setback</b>
Requirement:	<b>Policy No. 7.2.1 – Residential Design Elements</b>  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.  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.

Issue/Design Element:	Front Setback
	<p><u>Ground floor</u></p> <p>The primary street setback is to reflect the predominant streetscape pattern for the immediate locality which is defined as being the average setback of the five adjoining properties on each side of the development. In this instance the average setback is 5.8 metres.</p> <p><u>Upper floors</u></p> <p>Upper floors are to be set back 2 metres from the ground floor setback which equates to an expected setback of 7.8 metres from the existing street boundary.</p> <p><u>Upper floor balconies</u></p> <p>Balconies are to be set back one metre from the ground floor setback; which equates to an expected setback of 6.8 metres from the existing street boundary.</p>
Applicant's Proposal:	<p><u>Ground floor</u></p> <p>4.5 metres (variation of 1.3 metres to the street boundary);</p> <p><u>Upper floor</u></p> <p>1.7 metres (variation of 0.3 metres from the ground level setback and 1.6 metres from the street boundary); and</p> <p><u>Upper floor balconies</u></p> <p>Nil (variation of 1 metre from the ground level setback and 2.3 metres from the street boundary).</p>
Design Principles:	<p><b>Policy No. 7.2.1 – Residential Design Elements</b></p> <p>SPC 5</p> <p>(i) Development is to be appropriately located onsite to:</p> <ul style="list-style-type: none"> <li>• Maintain streetscape character;</li> <li>• Ensure the amenity of neighbouring properties is maintained;</li> <li>• Allow for the provision of landscaping and space for additional tree plantings to grow to maturity;</li> <li>• Facilitate solar access for the development site and adjoining properties;</li> <li>• Protect significant vegetation; and</li> <li>• Facilitate efficient use of the site.</li> </ul> <p>(ii) Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>

Issue/Design Element:	Front Setback
Applicant's Justification:	<p><i>"We have included a street setback diagram within our application showing three existing residences on Kayle Street in close proximity to the site which we believe to have primary setbacks of 4.5m or less.</i></p> <p><i>As such we believe this has no adverse impact on the existing streetscape and the amenity of adjacent neighbours as discussed in the Design Principles of the R-Codes (5.1.2 – P2.1). Further to this we believe the proposal 'contributes to and is consistent with, the established streetscape'.</i></p> <p><i>We also believe the proposal facilitates an efficient use of the site and 'provides adequate privacy and open space for dwellings' in this case the front courtyards provided to Apartments 1 and 2."</i></p>
Officer Technical Comment:	<p>Please refer to <b>Attachment 5</b> which shows the proposed setbacks versus required setbacks discussed below.</p> <p>The proposed setback will maintain the existing streetscape and not adversely affect the amenity of neighbouring properties as:</p> <ul style="list-style-type: none"> <li>• The setback distance is consistent with the other buildings in the street.</li> <li>• The wide grassed verge and the location of the footpath being next to the street, rather than next to the fence line, extends the setback of the development from the street, diminishing the prominence of the building from the streetscape.</li> <li>• The front setback area provides open active outdoor living spaces together with soft landscaping, which is consistent with the character and amenity of the established properties to the north and the recently approved development to the south.</li> <li>• The front façade is of a compatible scale to neighbouring developments and is well articulated with the use of various colours and materials, openings and roof pitches to provide interest and amenity to the streetscape.</li> <li>• The balconies are open in style and therefore do not contribute to bulk within the street setback area.</li> <li>• The setbacks meet the relevant performance criteria.</li> </ul>

Issue/Design Element:	Building Height/Storeys
Requirement:	<p><b>Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings</b></p> <p>2 storeys to a maximum height of 7 metres for a structure with a concealed roof.</p>
Applicant's Proposal:	<p>2 storeys to a maximum height of 8.3 metres, (variation of 1.3 metres).</p>
Design Principles:	<p><b>Residential Design Codes Clause 6.1.2</b></p> <p>P2 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> </ul>

Issue/Design Element:	Building Height/Storeys
	<ul style="list-style-type: none"> <li>• adequate daylight to major openings into habitable rooms;</li> <li>• access to views of significance;</li> <li>• buildings present a human scale for pedestrians;</li> <li>• building façades designed to reduce the perception of height through design measures; and</li> <li>• podium style development is provided where appropriate.</li> </ul>
Applicant's Justification:	<p><i>"The majority of the heights conform to the 7m height limit with the exception of the highpoint of the roof pitch on the front streetscape elevation and the highest point of the saw-tooth roof located in the centre of the site over apartments 6 and 7.</i></p> <p><i>These heights have been used to improve the amenity for the apartments by capturing additional Northern solar access into the dwellings through high level windows. The high points of these roofs have also been restricted to the centre of the site and the streetscape elevation as we believe these locations result in no adverse impact on the surrounding properties."</i></p>
Officer Technical Comment:	<p>Please refer to <b>Attachment 5</b> which shows the proposed height versus required height discussed below.</p> <p>The proposed height variation will have no detrimental effect on the amenity of the area as:</p> <ul style="list-style-type: none"> <li>• The two high points of the roof account for a small proportion of the roof and are situated centrally on the site. The roof section that is 8.3 metres high is setback 6.9 metres from the southern side boundary and the section that is 8 metres high is setback 2.4 metres from the northern side boundary.</li> <li>• The overall height of the neighbouring property to the north is 8.8 metres in height, which is higher than the proposed development by 0.5 metres.</li> <li>• The proposed 8.3 metre skillion roof height is lower than a permitted 9 metre pitched roof.</li> <li>• The proposal complies with overshadowing and side setback requirements of the Residential Design Codes.</li> </ul>

Issue/Design Element:	Roof Forms
Requirement:	<p><b>Policy No. 7.2.1 – Residential Design Elements</b></p> <p>Roof pitch to be between 30-45 degrees.</p>
Applicant's Proposal:	Skillion roofs
Design Principles:	<p><b>Policy No. 7.2.1 – Residential Design Elements</b></p> <p>BDPC 3</p> <p>(i) The roof of a building is to be designed so that:</p> <ul style="list-style-type: none"> <li>• It does not unduly increase the bulk of the building;</li> <li>• In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and</li> <li>• It does not cause undue overshadowing of adjacent properties and open space.</li> </ul>

<b>Issue/Design Element:</b>	<b>Roof Forms</b>
Applicant's Justification:	<p><i>"We have undertaken a study of the existing residences within close proximity of the proposed site and note many examples of skillion roof forms in this area including the approved application at 16/18 Kayle Street. As such we believe this to be consistent with the existing character of the area.</i></p> <p><i>As the high points of the proposed skillion roof forms are all located in the centre of the site we believe this to have no adverse overshadowing impact on adjacent properties and open spaces. In addition to this skillion roof forms allow us to provide high level windows capturing additional Northern sunlight into the proposed dwellings."</i></p>
Officer Technical Comment:	<p>The area is not subject to any character requirements that dictate a specific roof form or building style.</p> <p>The proposed skillion roof style is consistent with a recently approved multiple dwelling development to the south of the site at Nos. 16-18 Kayle Street.</p>

<b>Issue/Design Element:</b>	<b>Car Parking</b>
Requirement:	<p><b>Residential Design Codes Clause 6.3.3 – Deemed-to-Comply</b></p> <p>2 visitor car bays.</p>
Applicant's Proposal:	1 visitor car bay.
Design Principles:	<p><b>Residential Design Codes Clause 6.3.3</b></p> <p>P3.1 Adequate car and bicycle parking provided onsite in accordance with projected need related to:</p> <ul style="list-style-type: none"> <li>• the type, number and size of dwellings;</li> <li>• the availability of on-street and other offsite parking; and</li> <li>• the proximity of the proposed development in relation to public transport and other facilities.</li> </ul>
Applicant's Justification:	<p><i>"The Design Principles of the R-Codes (5.3.3 – P3.1 &amp; P3.2) discuss 'the availability of on-street and other off-street parking' and 'the proximity of the proposed development to public transport'. We believe there is ample street parking available on Kayle Street at all times of the day.</i></p> <p><i>We also note this development is in close proximity to a high frequency bus route (Charles Street) and as such believe a proposed reduction to one visitor bay is sufficient to provide adequate parking for residents and visitors."</i></p>
Officer Technical Comment:	<p>The proposed amount of car parking is acceptable as:</p> <ul style="list-style-type: none"> <li>• The site is well served by public transport routes running along Charles Street, which provide a convenient alternative to using cars;</li> <li>• As there is no development on the park side of Kayle Street, there is space to accommodate on street parking.</li> </ul>



**CONSULTATION/ADVERTISING:**

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period:	20 August 2015 to 2 September 2015
Comments Received:	One submission in support and three objections.

Comments in support of the application were received, which stated that the development compliments and fits in with the rest of the buildings in the area and the streetscape and that the development is in line with the vision for the rest of the street and the North Perth area.

The table below discusses the issues raised during consultation.

Summary of Comments Received:	Officer Technical Comment:
<p><u>Car Parking</u></p> <p>To assume that there is plenty of parking on Kayle Street is a falsehood.</p> <p>Kayle Street experiences parking problems due to the construction of two developments taking place on the corner of Bourke and Charles Streets and 6 Kayle Street.</p> <p>Perth has poor public transport and people need cars. This development will worsen the amount of cars that already exist on Kayle Street.</p>	<p>On-street car parking on Kayle Street is available and permitted, and as the site is close to frequent bus services running along Charles Street the proposed number of visitor car bays is acceptable.</p> <p>Although there is a high demand for on-street parking in Kayle Street due to the construction of new developments, parking in Kayle Street is legally available to the public.</p> <p>The area is well served by frequent buses running along Charles Street.</p> <p>Medium density developments such as this serve to increase the population density in an area, which will make public transport services more feasible.</p>
<p><u>Height and Setbacks</u></p> <p>The development should adhere to the setback and height guidelines.</p>	<p>The overall height of the proposed development is consistent with the height of the existing two storey developments to the north and the recently approved two storey development to the south.</p> <p>The proposed front setback maintains the character and rhythm of the streetscape as it provides generous open space, outdoor living areas and soft landscaping within the front area.</p>

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

**Design Advisory Committee (DAC):**

Referred to Design Advisory Committee: Yes

The proposal was considered by the City's DAC on two occasions – 6 May 2015 and 15 July 2015. Refer to **Attachment 3** for an extract of the minutes of the meetings.

The applicant engaged with the DAC process to achieve a superior design outcome.

The proposal has achieved Design Excellence.

**LEGAL/POLICY:**

The following legislation and policies apply:

- *Planning and Development Act 2005*;
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes;
- Policy No. 7.1.6 – Smith’s Lake Precinct;
- Policy No. 7.2.1 – Residential Design Elements;
- Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings; and
- Policy No. 7.6.2 – Heritage Management – Assessment.

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*.

**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 design of the building allows for adequate light and ventilation to all affected properties.

<b>SOCIAL</b>
The proposal allows for an increase in housing diversity and provides dwellings for smaller households within the City which are anticipated to grow and become a significant proportion of the households.

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

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**COMMENTS:**

The existing single house does not have any heritage significance and demolition is supported.

Multiple dwelling developments are a permitted use on this site and the proposal is consistent with other medium density infill development within this locality in terms of bulk, scale, height and density.

The site is located in an area that was historically used as landfill and may require special construction methods. A condition is recommended to be included in this regard.

This proposal requires discretion to the plot ratio, height, roof form, front setbacks and visitor parking bay provisions, however these variations are not expected to have an adverse impact on the streetscape and neighbouring properties.

The bulk, scale, height and roof forms of the development are consistent with existing development situated to the north of the site, which consists of nine, two-storey town houses in a row with nil side boundary setbacks, and the recently approved 14 unit multiple dwelling development to the south.

The proposed front setback maintains the character of the streetscape by providing generous open green living spaces.

The proposed amount of car parking is acceptable given the availability of on-street parking in the area and the proximity of frequent bus services which travel along Charles Street.

**CONCLUSION:**

It is recommended that Council approves this proposal.

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**5.1.2 No. 50 (Lot: 10; D/P: 13828) Scarborough Beach Road, North Perth – Proposed Multiple Dwelling Development Comprising Five Multiple Dwellings with Undercroft Car Parking**

<b>Ward:</b>	North	<b>Date:</b>	9 October 2015
<b>Precinct:</b>	Precinct 8 – North Perth	<b>File Ref:</b>	PR16661; 5.2015.301.1
<b>Attachments:</b>	<a href="#">1</a> – Consultation Map <a href="#">2</a> – Development Application Plans <a href="#">3</a> – Planning Report <a href="#">4</a> – Applicant’s Justification <a href="#">5</a> – Car Parking Table <a href="#">6</a> – Marked up plans showing proposed versus required setbacks <a href="#">7</a> – Design Advisory Committee Comment		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Dyson, Acting Senior Statutory Planning Officer		
<b>Responsible Officer:</b>	G Poezyn, Director Planning Services		

**OFFICER 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 submitted by Design Right on behalf of the owner G & LJ Radisich, for the proposed Two Storey Multiple Dwelling Development Comprising Five Multiple Dwellings with Undercroft Car Parking at No. 50 (Lot: 10; D/P: 13828) Scarborough Beach Road, North Perth as shown on plans date stamped 4 July 2015 and amended plans date stamped 4 September 2015, included as Attachment 2, subject to 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. 44-48 Scarborough Beach Road 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**

- 2.1 A minimum of five resident and one visitor bays shall be provided onsite;
- 2.2 The car park shall be used only by residents and visitors directly associated with the development;
- 2.3 The visitor bays are to be marked accordingly;
- 2.4 The car parking and access areas are to comply with the requirements of AS2890.1;
- 2.5 Vehicle and pedestrian access points are required to match into existing footpath levels;
- 2.6 All new crossovers shall be constructed in accordance with the City’s Standard Crossover Specifications; and
- 2.7 Any modification to the existing street layout, must be completed at the applicant’s costs to the satisfaction of the City;

3. **External Fixtures**

All external fixtures shall not be visually obtrusive from Scarborough Beach 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;

4. **Verge Trees**

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

5. **Car Parking Permits**

The applicant is to agree in writing that a notice is placed on the Sales Contract to advise prospective purchasers that the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential dwellings;

6. **Retention of Existing Tree**

6.1 The Olive Tree located in the north western corner of the site shall be retained and the following shall not occur beneath the drip line of the tree in order to protect the tree during construction:

- Storage of materials;
- Mixing of materials;
- Parking of plant, machinery, vehicles, trailers etc.;
- Erection of temporary structures;
- Any in-ground or other intrusions such as trenching;
- Damage to the tree in any form e.g. sign erection/cable attachment;
- Placement of fill/soil and/or grade changes; and
- Any other activities or otherwise that may affect the structure and health of the tree;

7. Prior to the submission of a Building Permit application, the following shall be submitted to and approved by the City:

7.1 **Revised Plans**

Revised Plans to be provided denoting the following:

7.1.1 **Privacy**

The northern elevation of the alfresco areas of Unit 3 and Unit 5 and the eastern elevation of the balcony of Unit 2 being screened in accordance with the Residential Design Codes to the satisfaction of the City; and

7.1.2 **Front Fencing**

Any new street/front wall, fence and gate within the Scarborough Beach Road setback areas, including along the side boundaries within this street setback area, shall comply with the City's Policy No. 7.2.1 – Residential Design Elements relating to Street Walls and Fences;

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**7.2 Landscaping**

A detailed landscape plan for the development site drawn to a scale of 1:100 shall show the following to the satisfaction of the City:

- 7.2.1 The location and type of existing and proposed trees and plants;
- 7.2.2 All vegetation including lawns;
- 7.2.3 Retention of existing olive tree in the north-western corner of the property;
- 7.2.4 Areas to be irrigated or reticulated and such method;
- 7.2.5 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months;
- 7.2.6 Separate soft and hard landscaping plans (indicating details of materials to be used); and
- 7.2.7 The redundant crossover being removed and landscaped in accordance with the landscaping proposed for the remainder of the verge;

**7.3 Acoustic Report**

An Acoustic Report in accordance with the City's Policy No. 7.5.21 – Sound Attenuation shall be prepared, submitted and approved by the City. The recommended measures of the report shall be implemented;

**7.4 Construction Management Plan**

A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, in accordance with the requirements of the City's Policy No. 7.5.23 – Construction Management Plans. Construction and management of the site shall thereafter comply with the approved Construction Management Plan; and

**7.5 Schedule of External Finishes**

A detailed schedule of external finishes (including materials and colour schemes and details) is to be provided to and approved by the City;

8. Prior to occupation of the development, the following shall be completed to the satisfaction of the City;

**8.1 Clothes Drying Facilities**

Each multiple dwelling shall be provided with a clothes drying facility or communal area in accordance with the Residential Design Codes;

**8.2 Carparking**

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

**8.3 Stormwater**

All stormwater produced on the subject land shall be retained onsite, by suitable means to the satisfaction of the City; and

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**8.4 Acoustic Report Certification**

With reference to Condition 7.3, certification from an acoustic consultant, that the recommended measures have been undertaken shall be provided to the City;

**8.5 Landscape Plan and Verge Upgrade Plan**

With reference to Condition 7.2, all such works shown shall be undertaken in accordance with the approved plan and maintained thereafter, to the satisfaction of the City, by the owners/occupiers.

**8.6 Bicycle Bays**

A minimum of two resident bays and one visitor bay is to be provided onsite. 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.

**ADVICE NOTES:**

1. With reference to Condition 1, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
  2. With reference to Condition 1.5, the portion of the existing footpath traversing the proposed crossover must be retained. The proposed crossover levels shall match into the existing footpath levels. Should the footpath not be deemed to be in satisfactory condition, it must be replaced with in-situ concrete panels in accordance with the City's specification for reinstatement of concrete paths;
  3. With reference to Condition 1.6, all new crossovers to the development site are subject to a separate application to be approved by the City;
  4. A Road and Verge security bond for the sum of \$2,000 shall be lodged with the City by the applicant, prior to the issue of a building permit, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the security bond shall be made in writing. The bond is non-transferable;
  5. With reference to Condition 7.2, Council encourages landscaping methods and species selection which do not rely on reticulation;
  6. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5 metres) shall be maintained for all users at all times during construction works. If the safety of the path is compromised resulting from either construction damage or as a result of a temporary obstruction appropriate warning signs (in accordance with AS1742.3) shall be erected. Should a continuous path not be able to be maintained, an 'approved' temporary pedestrian facility suitable for all path users shall be put in place. If a request to erect scaffolding, site fencing etc. or if building materials are required to be stored within the road reserve, once a formal request has been received, the matter will be assessed by the City and if considered appropriate a permit shall be issued by the City's Ranger Services Section. No permit will be issued if the proposed encroachment into the road reserve is deemed to be inappropriate;
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7. **With reference to Condition 8.3, no further consideration shall be given to the disposal of stormwater 'offsite' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'offsite' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings;**
8. **Any additional property numbering to the abovementioned address which results from this application will be allocated by the City of Vincent. The applicant is requested to liaise with the City in this regard during the building permit process;**
9. **A Demolition Permit application shall be obtained from the City prior to commencement of any demolition works on the site;**
10. **With reference to Condition 2.7, the City is currently installing protected bicycle lanes in Scarborough Beach Road and the proposal may result in the need to modify any road islands.**

**PURPOSE OF REPORT:**

To consider the proposed demolition of a single house and the construction of five multiple dwellings.

**BACKGROUND:**

Nil.

**DETAILS:**

<b>Landowner:</b>	G & LJ Radisich
<b>Applicant:</b>	Design Right
<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>	Single House
<b>Use Class:</b>	Multiple Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	629 square metres
<b>Right of Way:</b>	Not Applicable
<b>Date of Application:</b>	2 July 2015

The proposal includes:

- Demolition of the Existing Single House;
- Construction of five Multiple Dwellings separated by an internal courtyard central to the lot. Each dwelling contains two levels and includes habitable areas on the ground floor and two bedrooms on the upper floor;
- A shared undercroft car parking area which provides space for five car bays and two visitor car bays as well as five storerooms; and
- There two existing trees at the rear of the lot, with a tree on the north-western side proposed to be retained and the tree on the north-eastern side to be removed to facilitate the building works.

Prior to lodgement the proposal was considered by the City's Design Advisory Committee and was amended to incorporate design recommendations.

This development is classed as multiple dwellings because a small portion of the upper floor of each unit is built over the ground floor of the adjacent unit.

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**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.

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

**Detailed Assessment**

Issue/Design Element:	Density/Plot Ratio
Requirement:	<b>Residential Design Codes Clause 6.1.1 – Deemed to Comply</b>  Required Plot Ratio:0.7 (440 square metres)
Applicant's Proposal:	Proposed Plot Ratio: 0.73 (443 square metres) (Variation of 0.03 or 3 square metres)
Design Principles:	<b>Residential Design Codes 6.1.1</b>  P1 Development of the building is at a bulk and scale indicated in the local planning framework and is consistent with the existing or future desired built form of the locality.
Summary of Applicant's Justification:	The bulk and scale of this development is consistent with the scale and bulk of similar existing developments in Scarborough Beach Road.
Officer Technical Comment:	The proposal includes a variation to the permitted plot ratio of 3 square metres which will not have any impact on the street and amenity of adjoining properties. The scale is appropriate for the area and the proposed buildings will blend well into the existing streetscape. This variation is therefore supported.

Issue/Design Element:	Front Setback
Requirement:	<p><b>Policy No. 7.2.1 – Residential Design Elements</b></p> <p>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.</p> <p>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.</p> <p><u>Ground floor</u></p> <p>The primary street setback is to reflect the predominant streetscape pattern for the immediate locality which is defined as being the average setback of the five adjoining properties on each side of the development. In this instance the average setback is 6.75 metres.</p> <p><u>Upper floors</u></p> <p>Upper floors are to be set back 2 metres from the ground floor setback which equates to an expected setback of 8.75 metres from the existing street boundary.</p> <p><u>Upper floor balconies</u></p> <p>Balconies are to be set back one metre from the ground floor setback; which equates to an expected setback of 7.75 metres from the existing street boundary.</p>
Applicant's Proposal:	<p><u>Ground floor</u></p> <p>2.797 metres – 4.497 metres (Variation of 2.253 metres – 3.953 metres).</p> <p><u>Upper floor</u></p> <p>5 metres – 7.4 metres from the front boundary (Variation of 2 metres from the ground floor elevation and 3.75 – 1.35 front boundary).</p> <p><u>Upper floor balconies</u></p> <p>2.8 metres – 5.2 metres (Variation of 1 metre from the ground floor elevation and 2.55 – 4.95 metres from the front boundary).</p>
Design Principles:	<p><b>Policy No. 7.2.1 – Residential Design Elements</b> <b>Clause 6.4.2</b> SPC 5</p> <p>(i) Development is to be appropriately located onsite to:</p> <ul style="list-style-type: none"> <li>• Maintain streetscape character;</li> <li>• Ensure the amenity of neighbouring properties is maintained;</li> <li>• Allow for the provision of landscaping and space for additional tree plantings to grow to maturity;</li> <li>• Facilitate solar access for the development site and adjoining properties;</li> <li>• Protect significant vegetation; and</li> <li>• Facilitate efficient use of the site.</li> </ul>

Issue/Design Element:	Front Setback
	<p>(ii) Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>
<p>Summary of Applicant's Justification:</p>	<p>The proposed front façade incorporates articulation and varying wall finishes which enable the proposed dwellings to make a positive contribution to the existing streetscape. There is adequate space to accommodate landscaping to provide a buffer between the street and the dwellings facing the major road.</p>
<p>Officer Technical Comment:</p>	<p>The type of housing along this portion of Scarborough Beach Road is divided between single houses and a multiple dwelling development.</p> <p>Given the lot sizes along this street, and the density coding, this street has the potential to be redeveloped with grouped/multiple dwellings in the future, likely to have similar setbacks from the street boundary as proposed for this development.</p> <p>In this area of Scarborough Beach Road there is no consistent streetscape in relation to setbacks.</p> <p>The front facades of the proposed buildings facing Scarborough Beach Road include articulation derived from the colours and finish of the elevation and the balconies on the upper floor. In this way the proposal meets the design principles of the Residential Design Elements.</p> <p>Given the location of the driveway and access way in relation to the built form, the variations to the street setback will not impact on the streetscape.</p>

Issue/Design Element:	Lot Boundary Setbacks
<p>Requirement:</p>	<p><b>Residential Design Codes Clause 6.1.4</b></p> <p><b>Western</b>  <u>Ground floor</u>                      Stairs – Alfresco – 1.5 metres</p> <p><u>Upper floor</u>                      Balcony –bed 2 – 1.9 metres                      Stair – 1.4 metres                      Bed 1 – 1.4 metres</p> <p><b>Northern</b>  <u>Ground floor</u>                      Alfresco – 2.8 metres</p> <p><u>Upper floor</u>                      Bed 1 Unit 3 –Bed 1 Unit 5 – 4.6 metres</p>

Issue/Design Element:	Lot Boundary Setbacks
	<p><b>East</b>  <u>Ground floor</u>  Entrance – Alfresco – 1.5 metres</p> <p><u>Upper floor</u>  Ensuite – 1.3 metres  Balance – 1.8 metres</p>
Applicant's Proposal:	<p><b>Western</b>  <u>Ground floor</u>  Stairs – Alfresco  1.1 metres (Variation of 0.4 metres)</p> <p><u>Upper floor</u>  Balcony – Bed 2  1.5 metres (min) (Variation of 0.4 metres)  Stair  1.1 metres (Variation of 0.3 metres)  Bed 1  1.1 metres (Variation of 0.3 metres)</p> <p><b>Northern</b>  <u>Ground floor</u>  Alfresco  2 metres (min) (Variation of 0.8 metres)</p> <p><u>Upper floor</u>  Bed 1 Unit 3 – Bed 1 Unit 5  3.69 metres (min) (Variation of 0.91 metres)</p> <p><b>Eastern</b>  <u>Ground floor</u>  Entrance – Alfresco  1.36 metres (Variation of 0.14 metres)</p> <p><u>Upper floor</u>  Ensuite – 1.1 metres (Variation of 0.2 metres)  Balance – 1.36 metres (Variation of 0.44 metres)</p>
Design Principles:	<p><b>Residential Design Codes Clause 6.1.4</b></p> <p>P4.1 Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> <li>• ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them;</li> <li>• moderate the visual impact of building bulk on a neighbouring property;</li> <li>• ensure access to daylight and direct sun for adjoining properties; and</li> <li>• assist with the protection of privacy between adjoining properties.</li> </ul>
Summary of Applicant's Justification:	<p><b>Western</b></p> <p>The proposed setbacks along the western elevation incorporate articulation and varying wall finishes which break the built form up visually. The location of open areas which can be landscaped assist to reduce the impact of the variations on the amenity of the adjoining property. The development provides excellent solar access and ventilation for the future residents.</p>

<b>Issue/Design Element:</b>	<b>Lot Boundary Setbacks</b>
	<p><b>Northern</b></p> <p>The proposed setbacks provide adequate solar access and ventilation for the residents. This elevation incorporates articulation and varying setbacks as a result of staggering the built form. These facades abut a parking area on the adjoining property.</p> <p>The location and retention of the existing tree along this boundary further assists to reduce any negative impact from the proposed setback variations.</p> <p><b>Eastern</b></p> <p>This elevation incorporates articulation and varying wall finishes which visually break up its building bulk. The variations are in relation to a less than half of the eastern boundary and are in an area which abuts a carparking area on the adjoining site. The proposed variation to the boundary setbacks does not impact on the visual privacy of the adjoining property.</p>
Officer Technical Comment:	<p>Although the proposal includes numerous variations to the side and rear setbacks they are minor in each instance. In each instance the walls creating the variations are short and therefore have minimal impact in terms of building bulk on the adjoining properties.</p> <p>The proposed development complies with the overshadowing requirements and is capable of complying with privacy requirements subject to privacy screens being placed on the rear alfresco areas and the balcony to Unit 2.</p> <p>The walls of the ground and upper floor are staggered and the separation of the built form minimises the impact of the setback variations.</p> <p>The proposal includes a variety of landscaping which will enhance the appearance of the development and provide useable recreational spaces for future residents. The retention of the existing olive tree located at the rear of the property will help to soften the starkness sometimes associated with new developments.</p> <p>The areas of discretion in relation to boundary setbacks meet the design principles of the Residential Design Codes.</p> <p>Given the above, the proposed variations are supported as they do not detrimentally affect the amenity of the adjoining properties in terms of restricting light, ventilation, bulk and privacy.</p>
<b>Issue/Design Element:</b>	<b>Roof Forms</b>
Requirement:	<p><b>Policy No. 7.2.1 – Residential Design Elements Clause 7.4.3</b></p> <p>Roof pitch between 30 degrees and 45 degrees</p>
Applicant's Proposal:	Flat (concealed) roof (Variation of 30-45 degrees)

<b>Issue/Design Element:</b>	<b>Roof Forms</b>
Design Principles:	<p><b>Policy No. 7.2.1 – Residential Design Elements Clause 7.4.3</b></p> <p>BDPC 3</p> <p>(i) The roof of a building is to be designed so that:</p> <ul style="list-style-type: none"> <li>• It does not unduly increase the bulk of the building;</li> <li>• In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and</li> <li>• It does not cause undue overshadowing of adjacent properties and open space.</li> </ul>
Summary of Applicant's Justification:	The proposed building incorporates a low modern metal sheet roof profile. Features such as clean uncluttered architectural elements including large eave overhangs and simple uncomplicated roof forms compliment the contemporary development styling. The low roof pitch also reduces the buildings bulk and the extent of overshadowing.
Officer Technical Comment:	The existing housing stock along this portion of Scarborough Beach Road is a mix of older character properties and multiple dwelling development. As there is no consistent roof form in this streetscape, the proposed flat roof is acceptable because it will assist to reduce the bulk of the building and will contribute to the existing streetscape character.

**Unacceptable Variation**

<b>Issue/Design Element:</b>	<b>Privacy</b>
Requirement:	<p><b>Residential Design Codes Clause 6.4.1</b></p> <p>Alfresco/Balconies – 6 metres</p>
Applicant's Proposal:	<p>Alfresco – Unit 3 – 2 metres (Variation of 4 metres)</p> <p>Alfresco – Unit 5 – 2 metres (Variation of 4 metres)</p> <p>Balcony – Unit 2 – 4.5 metres (Variation of 1.5 metres)</p>
Design Principles:	<p><b>Residential Design Codes Clause 6.4.1</b></p> <p>P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:</p> <ul style="list-style-type: none"> <li>• building layout, location;</li> <li>• design of major openings;</li> <li>• landscape screening of outdoor active habitable spaces; and/or</li> <li>• location of screening devices.</li> </ul> <p>P1.2 Maximum visual privacy to side and rear boundaries through measures such as:</p> <ul style="list-style-type: none"> <li>• offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;</li> <li>• building to the boundary where appropriate;</li> <li>• setting back the first floor from the side boundary;</li> <li>• providing higher or opaque and fixed windows; and/or</li> <li>• screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).</li> </ul>

<b>Issue/Design Element:</b>	<b>Privacy</b>
Summary of Applicant's Justification:	<p>The proposed alfresco to Unit 3 has the potential to overlook the adjoining site which consists of areas set aside specifically for parking and which is already overlooked by existing balconies. The design as proposed has oriented the active habitable spaces to take advantage of the northern orientation.</p> <p>The proposed alfresco area to Unit 5 is immediately adjacent to an existing boundary wall which assists to maintain privacy of the adjoining property. The design as proposed has oriented the active habitable spaces to take advantage of the northern orientation and the fact that the property abuts a parking area to its northern boundary and for a portion of the eastern boundary.</p> <p>The proposed balcony to Unit 2 is adjacent to a private outdoor area behind a fenced area on the adjoining multiple dwelling development. The design of the units, with the driveway on the eastern boundary, has allowed for a substantial separation of viewing for persons utilising the balcony. Any overlooking from the balcony occurs mainly over the front setback area of the lot.</p>
Officer Technical Comment:	To ensure that the current and future amenity of the adjoining properties is maintained it is recommended that a condition of approval is imposed to require screening to the northern elevation of the alfresco area of Units 3 and 5 and the eastern elevation of the balcony of Unit 2.

<b>Issue/Design Element:</b>	<b>Fencing</b>
Requirement:	<p><b>Policy No. 7.2.1 – Residential Design Elements SADC 13</b></p> <p>Front Fencing (Piers) – 2 metres</p>
Applicant's Proposal:	Front Fence (Side Elevation) (Piers) 2.4 metres (Variation of 0.4 metres)
Design Principles:	<p>(i) Street walls and fences are to be 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>
Summary of Applicant's Justification:	The proposed front fencing is open style, with a visual permeability which allows for clear demarcation of the buildings beyond. The proposed height of the fencing on the sides is to follow the height of the fencing on street level.
Officer Technical Comment:	The proposed front fencing is required to comply with the provisions of the City's Policy No. 7.2.1 – Street Walls and Fencing to ensure consistency in the street. It is recommended that a condition of approval is imposed for the front fencing to be compliant.

**CONSULTATION/ADVERTISING:**

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	23 July 2015 – 5 August 2015		
Comments Received:	One comment received which had ticked the box supporting the proposal but did not provide any other comment.		

**Design Advisory Committee (DAC):**

Referred to Design Advisory Committee: Yes

Although the application does not require design excellence, it was considered by the City's DAC on 4 February 2015 and 18 March 2015, where it was found that the proposal closely aligns with the ten principles of good design.

**LEGAL/POLICY:**

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes;
- Policy No. 7.1.8 – North Perth;
- Policy No. 7.2.1 – Residential Design Elements; and
- Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings.

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*.

**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 development will assist in offsetting urban sprawl and associated negative impacts.
<b>SOCIAL</b>
The development contributes positively to the social sustainability of the area by increasing density, social mix and the diversity of dwelling types.



**ECONOMIC**

The development will make use of existing infrastructure and services available in an already built-up area, avoiding the cost of new infrastructure associated with greenfield developments. The construction will also provide short term employment opportunities.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The existing single house does not have any heritage significance and demolition can therefore be supported.

The proposed development at a height of two storeys proposes five multiple dwellings which aligns with the City's desired vision of locating higher density developments along major roads as reflected in the zoning of this area.

The proposal requires the exercise of discretion in relation to plot ratio, lot boundary setbacks, and roof form. In each instance the variations from the deemed to comply provisions are considered to be minor.

Although more significant the proposed variations to the front setback (lower and upper floor) of the two front units are considered to be acceptable design outcomes for a development in this location.

The development is well designed and provides a unique form of unit development that will contribute to housing choice.

**CONCLUSION:**

It is recommended that Council approves this proposal.

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**5.1.3 No. 1 (Lot: 52; D/P: 76486) Glebe Street, North Perth – Proposed Change of Use from Single House to Consulting Rooms (Medical–Dental Surgery)**

<b>Ward:</b>	South	<b>Date:</b>	9 October 2015
<b>Precinct:</b>	Precinct 6 – Smith’s Lake	<b>File Ref:</b>	PR53791; 5.2015.219.1
<b>Attachments:</b>	<a href="#">1</a> – Consultation Map <a href="#">2</a> – Development Application Plans <a href="#">3</a> – Applicant’s Justification <a href="#">4</a> – Applicant’s response to neighbour concerns		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	P Stuart, Statutory Planning Officer		
<b>Responsible Officer:</b>	G Poezyn, Director Planning Services		

**OFFICER 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 submitted by the owner Niyati Shah, for the proposed Change of Use from Single House to Consulting Rooms (Medical-Dental Surgery) at No. 1 (Lot: 52; D/P: 76486) Glebe Street, North Perth as shown on plans date stamped 21 June 2015, included as Attachment 2, subject to the following conditions:

**1. Consulting Rooms Use**

- 1.1 The approval is for Consulting Rooms (Medical–Dental Surgery) only;
- 1.2 The use shall not include massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like; and
- 1.3 The use shall be limited to a maximum of one dentist operating from these premises at any one time. Any increase in the number of consulting rooms/consultants shall require Planning Approval to be applied for and obtained from the City;

**2. Operating Hours**

The hours of operation shall be limited to the following times:

- Monday to Friday: 8.00am to 6.00pm;
- Saturday: 8.00am – 3.00pm; and
- Not open on Sundays or Public Holidays;

**3. Interactive Relationship with Street**

Doors, windows and adjacent floor areas fronting Glebe and Alma Streets shall maintain an active and interactive relationship with the streets; and

**4. External Fixtures**

All external fixtures shall not be visually obtrusive from Glebe and Alma 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.

**ADVICE NOTES:**

1. **All signage that does not comply with the City's Policy No. 7.5.2 – Signs and Advertising shall be subject to a separate Planning Application; and**
2. **An Occupancy Permit will be required for the Change of Use/Class to comply with Class 6. A Building Permit will be required for any proposed internal fit-out work or upgrade work to comply with Class 6. All proposed works must be privately certified as per the *Building Regulations 2012*.**

**PURPOSE OF REPORT:**

To consider a change of use to from a single residential house to a medical consulting room (dental surgery).

**BACKGROUND:**

Nil.

**DETAILS:**

<b>Landowner:</b>	Niyati Shah
<b>Applicant:</b>	Niyati Shah
<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>	Consulting Rooms (Medical – Dental Surgery)
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	297 square metres
<b>Right of Way:</b>	Not Applicable
<b>Date of Application:</b>	18 May 2015

The proposal is for a change the use of an existing single storey house to a dental surgery.

The property is located directly opposite the Fitzgerald Street supermarket carparking area close to other small businesses on Alma Road. Other single residential homes abut the site to its north and west and across Alma Road to its south.

The adjoining property to the west is currently vacant, and was created as part of a subdivision which included the subject property in July 2012. To the north is a heritage listed single residential home.

The practice proposes to operate with one dentist and two additional staff.

Internal fit-out modifications will be required, however the building's exterior will remain unmodified, and therefore the proposal will not impact on the existing streetscape.

There are three existing car parking bays at the rear of the property, and space inside the building for bicycle parking.

The hours of operation are proposed to be:

- 8.00am until 6:00pm Monday to Friday;
- 8.00am until 3.00pm Saturdays; and
- Closed on Sundays and public holidays.

**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.

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

**CONSULTATION/ADVERTISING:**

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period:	24 July 2015 – 14 August 2015
Comments Received:	<p>In total six submissions, one in support and five opposing the proposal, and two petitions were received. One petition was in support of the proposal (229 signatories) and one opposed the proposal (24 signatories).</p> <p>The petition in favour of the proposal was received after the closing date of the consultation and was received by Council at its meeting on 22 September 2015.</p> <p>The individual submission supporting the proposal only stated that there was no objection to the proposal but did not provide any further comments.</p> <p>Of the five submissions opposed to the proposal, four stated that they objected to the proposal and one cited particular concerns.</p> <p>The petition opposing the proposal did not cite any specific reasons for doing so and has been treated as a single submission.</p>

The comments in support are as follows:

Summary of Comments Received:	Officer Technical Comment:
<p><u>Positive Aspects of the Proposal</u></p> <ul style="list-style-type: none"> <li>• Is a desirable land use to meet community medical requirements in this part of North Perth;</li> <li>• Will make a positive social and economic contribution to the North Perth community and area;</li> <li>• Will not have a negative impact on the Glebe Street streetscape or the amenity of neighbours due to the retention of the house and small scale of the use; and</li> <li>• Will be complementary to surrounding land uses.</li> </ul>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p>

The table below discusses the comments/issues raised in the objections:

Summary of Comments Received:	Officer Technical Comment:
<p><u>Commercial use change</u></p> <ul style="list-style-type: none"> <li>• Request that the area remain Residential and not commercial.</li> <li>• The property at number 1 Glebe Street has always been a residential property.</li> <li>• The City of Vincent Policy notes that the City does not support the ad-hoc or indiscriminate use of residential properties for commercial uses, where it would result in an unreasonable interruption of the residential amenity and continuity of residential land uses.</li> <li>• If approved the development would create a precedent that would result in the area becoming a residential/commercial area.</li> </ul>	<p>Small scale commercial uses are permitted in a residential zone.</p> <p>The City's Town Planning Scheme No. 1 allows for properties in a residential zone to be approved for small scale non-residential uses.</p> <p>The use of consulting rooms in this location has minimal impacts on the amenity of the area as it is minor in intensity and located on a street corner. Being adjacent to a town centre, such a commercial use is consistent with the existing uses in the area.</p> <p>Each application is assessed on its own merits.</p>
<p><u>Details of Proposal</u></p> <ul style="list-style-type: none"> <li>• Concern that the number of staff will include two dentists, given two rooms are available for consultants and as such the City would have to continually monitor traffic in the area. It is likely that there would be more than one patient within the practice at any one time.</li> <li>• Question the number of chairs located in the waiting room for only one dentist.</li> </ul>	<p>To ensure that the practice will remain small in scale it is recommended that a condition limiting the use to a maximum of one dental practitioner is imposed on the approval.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><u>Traffic/Car parking</u></p> <ul style="list-style-type: none"> <li>Traffic is already congested along Glebe Street and Alma Road.</li> <li>Glebe Street is unrestricted parking and is filled with all day parkers from early in the morning until late afternoon. Alma Road has limited parking of which most is 2 hr parking but rarely has vacancies as people use this parking when visiting North Perth Plaza.</li> <li>Residents of the street often have difficulties parking outside their homes during the week.</li> </ul>	<p>This proposal satisfies the car parking requirement for three bays contained entirely onsite. Any additional issues relating to overflow or street parking restrictions are unable to be considered as part of this application.</p>
<p><u>Amenity impacts</u></p> <ul style="list-style-type: none"> <li>Any signage proposed by the development would be detrimental to the area.</li> <li>Any commercial development will impact the quality of life in this area of North Perth which has dwellings of some significance. Existing dwellings have been expensively restored and a commercial use would impact on this.</li> <li>Other areas within the North Perth Precinct would be better suited to a Dental/Medical Practice, which would include: <ul style="list-style-type: none"> <li>Small portion west of Charles Street along Kadina Street and Albert Street;</li> <li>The lots fronting Scarborough Beach Road in Mount Hawthorn</li> <li>The area along Angove Street between Daphne Street and Charles Street and;</li> <li>The area fronting Fitzgerald Street on the western side, between Raglan Road and Vincent Street.</li> </ul> </li> </ul>	<p>While the applicant's covering letter states an intent for a monolith sign, at this stage no signage is proposed and no signage is shown on the plans. Accordingly any signage that does not comply with the City's Policy relating to Signage is to be considered as part of a separate application. It is recommended that an Advice Note is included as part of this proposal in this regard.</p> <p>The proposal is small scale in nature with parking provided onsite at the rear and will therefore not detrimentally affect the existing residential area. The streetscape outlook retains a single residential character which will not be affected by this proposal. There are no exterior works proposed by this application.</p> <p>An application has been made for the subject location and Council is therefore required to consider and determine this proposal on its merits.</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. 7.1.6 – Smith’s Lake Precinct;
- Policy No. 7.5.22 – Consulting Rooms; 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*.

**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.*

*Economic Development*

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

**SUSTAINABILITY IMPLICATIONS:**

The City’s Strategic Plan 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 proposal uses an existing building.

  

<b>SOCIAL</b>
The development contributes positively to the social sustainability of the area by increasing accessibility to healthcare.

  

<b>ECONOMIC</b>
The development will make use of existing infrastructure and services available in an already built-up area, avoiding the cost of new infrastructure associated with new buildings.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

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**COMMENTS:**

The existing dwelling has character although the property is not heritage listed. The proposed use enables an alternative use of the premises.

The proposed dental surgery in this location is acceptable for the following reasons:

1. The proposed business is small in scale and would operate on an appointment basis only;
2. Its hours of operation are not expected to have a negative impact on the residential amenity of the area;
3. The proposed change of use does not alter the existing streetscape;
4. This application complies in all respects with the City's Policy No. 7.5.22 – Consulting Rooms; and
5. The retention and re-use of the existing building maintains an appropriate interface between commercial and residential land uses.

**CONCLUSION:**

It is recommended that Council approves this proposal.

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**5.1.4 No. 235 (Lot: 185; D/P: 7473) Charles Street, North Perth – Proposed Demolition of Existing Single House and Construction of a Nine Multiple Dwelling Development**

<b>Ward:</b>	South	<b>Date:</b>	9 October 2015
<b>Precinct:</b>	Precinct 6 – Smith’s Lake	<b>File Ref:</b>	PR19597; 5.2014.498.1
<b>Attachments:</b>	<a href="#">1</a> – Consultation Map <a href="#">2</a> – Development Application Plans <a href="#">3</a> – Marked up plans showing proposed versus required setbacks <a href="#">4</a> – Design Advisory Committee Comments <a href="#">5</a> – Car and Bicycle Parking Tables		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	P Stuart, Statutory Planning Officer		
<b>Responsible Officer:</b>	G Poezyn, Director Planning Services		

**OFFICER 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 submitted by BDC Group on behalf of the owner C J Su, for the proposed demolition of an existing Single House and construction of a Three Storey Multiple Dwelling development comprising of Nine Two-Bedroom Multiple Dwellings and associated Car Parking at No. 235 (Lot: 185; D/P: 7473) Charles Street, North Perth as shown on plans date stamped 11 September 2015, included as Attachment 2, subject to the following conditions:

1. **Boundary Walls**

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 233 and 237 Charles 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**

- 2.1 A minimum of nine resident and two visitor bays shall be provided onsite;
- 2.2 The car park shall be used only by residents and visitors directly associated with the development;
- 2.3 The visitor bay and the reversing bay are to be marked accordingly;
- 2.4 The car parking and access areas are to comply with the requirements of AS2890.1;
- 2.5 Vehicle and pedestrian access points are required to match into existing footpath levels; and
- 2.6 All new crossovers shall be constructed in accordance with the City’s Standard Crossover Specifications;

3. **External Fixtures**

All external fixtures shall not be visually obtrusive from Charles 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 are to be retained and protected from any damage including unauthorised pruning;

5. **Car Parking Permits**

The applicant shall agree in writing to provide a notice on any Sales Contracts to advise prospective purchasers that the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential dwellings;

6. **Retention of Existing Trees**

6.1 The existing mature trees along the northern and western boundaries shall be retained and the following shall not occur beneath the drip line of the trees in order to protect the trees during construction:

- Storage of materials;
- Mixing of materials;
- Parking of plant, machinery, vehicles, trailers etc.;
- Erection of temporary structures;
- Any in-ground or other intrusions such as trenching;
- Damage to the tree in any form e.g. sign erection/cable attachment;
- Placement of fill/soil and/or grade changes; and
- Any other activities or otherwise that may affect the structure and health of the tree;

7. Prior to the issue of a Building Permit, the following shall be submitted to and approved by the City:

7.1 **Acoustic Report**

An Acoustic Report in accordance with the City's Policy No. 7.5.21 – Sound Attenuation shall be prepared and submitted. The recommended measures of the report shall be implemented;

7.2 **Landscape and Reticulation Plan**

A detailed landscape and reticulation plan for the development site and adjoining road verge shall be submitted to the City for assessment and approval. The plan shall be drawn to a scale of 1:100 and show the following:

- 7.2.1 The location and type of existing and proposed trees and plants;
- 7.2.2 Screening trees along the southern lot boundary are to be evergreen;
- 7.2.3 Areas to be irrigated or reticulated;
- 7.2.4 The removal of redundant crossovers; and
- 7.2.5 The existing trees as identified on the approved plans along the eastern lot boundary and the northern lot boundary to be retained and protected;

7.3 **Schedule of External Finishes**

A detailed schedule of external finishes (including materials and colour schemes and details) is to be provided to and approved by the City;

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**7.4 Construction Management Plan**

**A Construction Management Plan that:**

**7.4.1 details how the construction of the development will be managed to minimise the impact on the surrounding area; and**

**7.4.2 includes certification from a Geotechnical Engineer that the proposed method of construction for the proposed works is appropriate for the prevailing soil conditions onsite;**

**shall be submitted to and approved by the City, in accordance with the requirements of the City's Policy No. 7.5.23 – Construction Management Plans. Construction on and management of the site shall thereafter comply with the approved Construction Management Plan; and**

**7.5 Waste Management**

**7.5.1 A bin storage area of a size that meets the City's requirements shall be provided to the satisfaction of the City;**

**7.5.2 A Waste Management Plan prepared to the satisfaction of the City shall be submitted and approved; and**

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

**8. Prior to occupation of the development, the following shall be completed to the satisfaction of the City:**

**8.1 Clothes Drying Facility**

**Each multiple dwelling shall be provided with a clothes drying facility or communal area in accordance with the Residential Design Codes;**

**8.2 Car Parking**

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

**8.3 Stormwater**

**All storm water produced on the subject land shall be retained onsite, by suitable means to the satisfaction of the City;**

**8.4 Acoustic Report Certification**

**With reference to Condition 7.1, certification from an acoustic consultant that the recommended measures have been undertaken shall be provided to the City;**

**8.4 Landscape Plan and Verge Upgrade Plan**

**With reference to Condition 7.2, all works shown in the plans approved with the Building Permit shall be undertaken in accordance with the approved plans and maintained thereafter to the satisfaction of the City at the applicant's expense; and**

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### **8.5 Bicycle Bays**

A minimum of three resident bicycle bays and one visitor bicycle bay is to be provided onsite. 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.

#### **ADVICE NOTES:**

1. With reference to Condition 1, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
  2. With reference to Condition 2.5, the portion of the existing footpath traversing the proposed crossover must be retained. The proposed crossover levels shall match into the existing footpath levels. Should the footpath not be deemed to be in satisfactory condition, it must be replaced with in-situ concrete panels in accordance with the City's specification for reinstatement of concrete paths;
  3. With reference to Condition 2.6, all new crossovers to the development site are subject to a separate application to be approved by the City;
  4. A security bond for the sum of \$3,000, shall be lodged with the City by the applicant, prior to the issue of a building permit. This bond will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure in the Right of Way and the Verge along Charles Street, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the security bond shall be made in writing. The bond is non-transferable;
  5. With reference to Condition 7.2, the City encourages landscaping methods and species selection which do not rely on reticulation;
  6. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5 metres) shall be maintained for all users at all times during construction works. If the safety of the path is compromised resulting from either construction damage or as a result of a temporary obstruction appropriate warning signs (in accordance with AS1742.3) shall be erected. Should a continuous path not be able to be maintained, an 'approved' temporary pedestrian facility suitable for all path users shall be put in place. If there is a request to erect scaffolding, site fencing etc. or if building materials are required to be stored within the road reserve, once a formal request has been received, the matter will be assessed by the City and if considered appropriate a permit shall be issued by the City's Ranger Services Section. No permit will be issued if the proposed encroachment into the road reserve is deemed to be inappropriate;
  7. With reference to Condition 8.3, no further consideration shall be given to the disposal of stormwater 'offsite' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'offsite' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings;
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8. Any additional property numbering to the abovementioned address which results from this application will be allocated by the City of Vincent. The Applicant is requested to liaise with the City in this regard during the building permit process;
9. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site;
10. With reference to Condition 7.1 the acoustic report is required to take traffic noise from Charles Street into consideration;
11. The minimum distance a building can be to the centre of a Water Corporation sewer easement is 1 metre with piling and 2.5 metres without piling and any building is required to have a head room clearance within this area of 2.4 metres.

**PURPOSE OF REPORT:**

To consider the demolition of a single house and the construction of a three storey multiple dwelling building consisting of nine two-bedroom dwellings.

**BACKGROUND:**

The site has an existing single storey house which is to be demolished.

The initial plans were received on 11 September 2014. Further revisions were received as follows:

- 16 February 2015;
- 7 May 2015; and
- 6 October 2015.

Numerous changes to the design were made following input from the City's Design Advisory Committee (DAC) and the assessment process. Changes were made to building setbacks to rear and side boundaries, façade appearance, openings to the north, access, landscaping and to bring privacy requirements into compliance.

The plans of 11 September 2014 were referred to Main Roads WA (MRWA) and the Water Corporation and the plans of 7 May 2015 were advertised for public comment.

**DETAILS:**

<b>Landowner:</b>	C J Su
<b>Applicant:</b>	BDC Group
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R60 Draft Town Planning Scheme No. 2 (TPS2): R60
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Multiple Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	840 square metres
<b>Right of Way:</b>	Not Applicable
<b>Date of Application:</b>	11 September 2014

An application has been received to demolish the existing single storey brick and tile home and construct a three storey development consisting of nine multiple dwellings.

The property is long and narrow. There is a sewer line that traverses the site which is a design constraint. The building can be built over the sewer main provided there is headroom clearance of a minimum 2.4 metres, which the proposal achieves.

The majority of the dwellings are located on the first and second floors of the proposed development with car parking at grade level directly beneath the proposed building. Only one dwelling, which faces Charles Street, is located on the ground floor. The proposed dwellings have a floor area ranging from 63 to 67 square metres.

The common car parking area is located behind the ground floor dwelling facing Charles Street and one parking bay is provided for each dwelling. One visitor bays is also provided and a reversing bay to allow vehicles to access Charles Street in forward gear. The car parking bays and external walkway are proposed to be separated from the northern boundary by a landscaping strip.

The development complies with the permitted density, number of parking bays, landscaping and overshadowing requirements.

There are three existing mature trees that are proposed to be retained. Two of the trees are located along the western boundary. One of these is an existing, mature avocado tree that is approximately 20 years old and 15 metres in height with a healthy canopy located on the western boundary while the other is smaller. The other tree is an evergreen tree 10 metres in height located along the northern boundary. The applicant has confirmed that all three trees will be retained.

**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.

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

**Detailed Assessment**

**Acceptable Variations**

Issue/Design Element:	Front Setback
Requirement:	<p><b>Policy No. 7.2.1 – Residential Design Elements</b></p> <p>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.</p>

Issue/Design Element:	Front Setback
	<p>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.</p> <p><u>Ground floor</u></p> <p>The primary street setback is to reflect the predominant streetscape pattern for the immediate locality which is defined as being the average setback of the five adjoining properties on each side of the development. In this instance the average setback is 10 metres.</p> <p><u>Upper floors</u></p> <p>Upper floors are to be set back two metres from the ground floor setback which equates to an expected setback of 12 metres from the existing street boundary.</p> <p><u>Upper floor balconies</u></p> <p>Balconies are to be set back one metre from the ground floor setback; which equates to an expected setback of 11 metres from the existing street boundary.</p>
Applicant's Proposal:	<p><u>Ground floor</u></p> <p>Building setback of 3.32 metres (variation of 6.68 metres)</p> <p><u>Upper floors</u></p> <p>0 metres from the ground floor setback, and 3.32 metres from the boundary with the street (variation of two metres from the ground floor and 8.68 metres from the street boundary)</p> <p><u>Upper floor balconies</u></p> <p>0.88 metres forward of the ground floor setback, and 2.44 metres from the street (variation of 1.88 metres from the ground floor and 8.56 metres from the street).</p>
Design Principles:	<p><b>Policy No. 7.2.1 – Residential Design Elements</b></p> <p>SPC 5</p> <p>(i) Development is to be appropriately located onsite to:</p> <ul style="list-style-type: none"> <li>• Maintain streetscape character;</li> <li>• Ensure the amenity of neighbouring properties is maintained;</li> <li>• Allow for the provision of landscaping and space for additional tree plantings to grow to maturity;</li> <li>• Facilitate solar access for the development site and adjoining properties;</li> <li>• Protect significant vegetation; and</li> <li>• Facilitate efficient use of the site.</li> </ul> <p>(ii) Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the</p>

Issue/Design Element:	Front Setback
	development.
Summary of Applicant's Justification:	The use of vertical transparent and solid forms help offset the bulk and scale of the building. This effect reduces mass allowing for the identity of both private and common areas whilst also allowing light and ventilation.
Officer Technical Comment:	<p>Please refer to <b>Attachment 3</b> which shows the proposed setbacks versus required setbacks discussed below.</p> <p>The existing street setbacks in this section of Charles Street are the result of a mix of low and medium density development due to its transitioning nature from low to medium density development.</p> <p>The proposed reduced setbacks to Charles Street are similar to setback variations that have been approved in other recently approved medium density developments in the area as follows:</p> <ul style="list-style-type: none"> <li>• No. 261 Charles Street – 5.7 metres; and</li> <li>• No. 233 Charles Street – 3.66 metres.</li> </ul> <p>The proposed setback aligns with the emerging streetscape for this area, which is the product of the density coding of the area and the City's vision to contain higher density development along main arterial roads.</p> <p>The proposed variation is acceptable.</p>

Issue/Design Element:	Lot Boundary Setbacks
Requirement:	<p><b>Residential Design Codes Clause 6.1.4</b></p> <p><u>Southern Boundary</u></p> <ul style="list-style-type: none"> <li>• First floor bulk wall to be set back 6.3 metres from the southern boundary.</li> <li>• Second floor bulk wall to be set back 8.3 metres from the southern boundary.</li> </ul> <p><u>Northern Boundary</u></p> <ul style="list-style-type: none"> <li>• First floor bulk wall to be set back 2.8 metres from the northern boundary; and</li> <li>• Second floor bulk wall to be set back 4.3 metres from the northern boundary.</li> </ul> <p><b>Development Guidelines for Multiple Dwellings Clause 2.3</b></p> <p><u>Western (rear) Boundary</u></p> <ul style="list-style-type: none"> <li>• Buildings are to be set back 2.4 metres from the rear boundary for the first two levels; and</li> <li>• The third level (second storey) is to be set back 6 metres from the rear boundary.</li> </ul>
Applicant's Proposal:	<p><u>Southern Boundary</u></p> <ul style="list-style-type: none"> <li>• First floor bulk wall set back 6 metres from the southern boundary (variation of 0.3 metres); and</li> <li>• Second floor bulk wall set back 6 metres from the southern boundary (variation of 2.3 metres).</li> </ul>



Issue/Design Element:	Lot Boundary Setbacks
	<p><u>Northern Boundary</u></p> <ul style="list-style-type: none"> <li>• First floor bulk wall set back 1.55 metres from the southern boundary (variation of 1.25 metres).</li> <li>• Second floor bulk wall set back 1.55 metres from the northern boundary (variation of 2.75 metres).</li> </ul> <p><u>Western (rear) Boundary</u></p> <ul style="list-style-type: none"> <li>• Rear portion of building set back 2 metres from the rear boundary (variation of:               <ul style="list-style-type: none"> <li>- ground and first floor: 0.4 metres;</li> <li>- second storey: 4 metres).</li> </ul> </li> </ul>
Design Principles:	<p><b>Residential Design Codes Clause 6.1.4</b></p> <p>P3.1 Buildings set back from lot boundaries so as to:</p> <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>
Summary of Applicant's Justification:	<p>The use of functional balconies to each units provides outdoor living for residents whilst achieving privacy and solar passive principles to both the subject site and adjoining neighbours.</p> <p>New and existing mature landscaping is proposed and will enhance the amenity of the development.</p>
Officer Technical Comment:	<p>Please refer to <b>Attachment 3</b> which shows the proposed setbacks versus required setbacks discussed below.</p> <p>The large side setback requirements are the result of an elongated development on this long and narrow site. Both side elevations are well articulated and include the use of different colours and materials to reduce the perceived bulk to the neighbouring side properties.</p> <p>In November 2014 Council approved a very similar development on the adjoining lot at No. 233 Charles Street (Item 9.1.1) with setback variations to its southern boundary (variation up to 3 metres), northern boundary (variation of up to 1.8 metres) and western boundary (variation ranging between 3.23 and 4.1 metres).</p> <p>The proposed variation to the western (rear) setback of this proposal will not impact on the western adjoining neighbour as the proposed building is open at the ground floor and includes new and mature landscaping. The impact of this variation is on a shed that is located along a significant portion of the rear boundary of the adjoining block.</p> <p>The proposal meets the design principles in regards to boundary setbacks and fully complies with the privacy and overshadowing requirements of the Residential Design Codes. The setbacks are supported.</p>

<b>Issue/Design Element:</b>	<b>Roof Forms</b>
Requirement:	<b>Policy No. 7.2.1 – Residential Design Elements</b>  Roof pitch to be between 30-45 degrees.
Applicant's Proposal:	6 degree skillion roof.
Design Principles:	<b>Policy No. 7.2.1 – Residential Design Elements</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>
Summary of Applicant's Justification:	The use of a skillion roof adds variation to both the northern and southern elevations achieving solar passive principles whilst reducing height lines.
Officer Technical Comment:	Charles Street is a street transitioning from low to medium density development. There is little consistency of built form and roof shapes between older and newer developments. The proposed roof form is acceptable.

**CONSULTATION/ADVERTISING:**

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	29 July 2015 – 18 August 2015		
Comments Received:	One objection to the proposal and one letter of advice from the Water Corporation.		

The plans that were advertised (7 May 2015) varied from the proposal currently under consideration in the following regard:

- Rear setback from western boundary increased by 0.5 metres;
- Visitor parking has been reduced from three to two bays; and
- Landscaping plan has been updated to include the retention of existing trees.

The table below discusses the comments/issues raised during consultation.

<b>Summary of Comments Received:</b>	<b>Officer Technical Comment:</b>
<u>Height</u>  The proposed building should be a maximum two storeys only.	Three storeys are permitted on a major regional road such as Charles Street.
<u>Clearance</u>  The development should maintain a minimum clearance from the sewer line located within the lot.	The development maintains the required clearance from the sewer.

The proposal was also referred to MRWA who support this proposal subject to standard conditions required by MRWA for development along Charles Street which have been incorporated into this recommendation.

**Design Advisory Committee (DAC):**

Referred to Design Advisory Committee: Yes

The proposal was considered by the City's DAC on 5 November 2014 and on 4 March 2015. (Refer **Attachment 4**).

The application was not referred back to DAC as the applicant stated that it was their preference to proceed to Council for determination.

Design excellence is not required and was not achieved.

**LEGAL/POLICY:**

- *Planning and Development Act 2005*;
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes;
- Policy No. 4.2.13 – Design Advisory Committee
- Policy No. 7.1.6 – Smith's Lake Precinct;
- Policy No. 7.2.1 – Residential Design Elements;
- Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings;
- Policy No. 7.5.23 – Construction Management Plans; and
- Policy No. 7.6.2 – Heritage Management – Assessment.

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*.

**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.*

*Economic Development*

2.1 *Progress economic development with adequate financial resources;*

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

**SUSTAINABILITY IMPLICATIONS:**

The City's Strategic Plan 2013-2023 states:

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

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

<b>ENVIRONMENTAL</b>
The development will assist in offsetting urban sprawl and its associated negative impacts.
<b>SOCIAL</b>
The development contributes positively to the social sustainability of the area by increasing density, social mix and the diversity of dwelling types.
<b>ECONOMIC</b>
The development will make use of existing infrastructure and services available in an already built-up area, avoiding the cost of new infrastructure associated with greenfield developments. The construction will also provide short term employment opportunities.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The existing single house does not have any heritage significance and demolition is supported.

The proposed three storey development is considered to be of a scale that is consistent with the City's vision to locate higher density development along main arterial roads.

All of the proposed dwellings have access to natural light and ventilation and exceed the minimum dwelling size requirements of the Residential Design Codes. The dwellings will add variety to the housing stock in the area in terms of affordability, size and style.

While the proposal seeks variations to front, side and rear setbacks, these setbacks are consistent with those approved for the development immediately to the south. The design has been carefully considered to minimise adverse impacts to the streetscape and neighbouring properties.

The proposal in its current form is considered to be acceptable as it is consistent with other higher density infill developments along the street and contributes positively to the transition of Charles Street to a medium density corridor.

**CONCLUSION:**

It is recommended that the Council approves this proposal.

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**5.1.5 Proposed Amendment to Policy No. 7.2.1 – Residential Design Elements to Modify Provisions for Fencing in the Primary Street Setback Area**

<b>Ward:</b>	All	<b>Date:</b>	9 October 2015
<b>Precinct:</b>	All	<b>File Ref:</b>	SC1601
<b>Attachments:</b>	<a href="#">1</a> – Pages 26-28 of Policy No. 7.2.1 – Residential Design Elements With Proposed Amendment (track changes)		
<b>Tabled Items:</b>	<a href="#">2</a> – Full Copy of Policy No. 7.2.1 – Residential Design Elements With Proposed Amendment (track changes)		
<b>Reporting Officer:</b>	S Smith, Acting Manager Policy & Place		
<b>Responsible Officer:</b>	G Poezyn, Director Planning Services		

**OFFICER RECOMMENDATION:**

That Council **ADVERTISES** the proposed amendment to Clause SADC 13(a) in the City’s Policy No. 7.2.1 – Residential Design Elements included as Attachment 1 for a period of 21 days, pursuant to Schedule 2, Part 2, Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**PURPOSE OF REPORT:**

To consider advertising a proposed amendment to Clause SADC 13(a) in the City’s Policy No. 7.2.1 – Residential Design Elements.

**BACKGROUND:**

Fencing within the primary street setback area is currently subject to the provisions of the City’s Fencing Local Law 2008, the Residential Design Codes and the City’s Policy No. 7.2.1 – Residential Design Elements (RDE Policy). Fencing in the primary street setback area includes any fencing:

- along the side boundary of a lot within the primary street setback area;
- along the front boundary; and
- in the area between the front of the dwelling and the street boundary.

Clause SADC 13(a) in the RDE Policy specifies the type of fencing materials as follows:

*“Street walls and fences are to be of a style and materials compatible with those of the dwelling on site and/or walls or fences of the immediate surrounding area. Street walls and fences designed with fibre cement or metal sheeting are not acceptable.”* [Emphasis added].

The City has recently become aware of numerous instances where land owners have constructed fences along the side boundary of a lot within the front setback area from non-compliant material.

There are some non-compliant materials that Administration believes should not be permitted, however there are examples where metal sheeting has been used along the side boundaries that could be acceptable as they:

- are the correct height;
- are used in conjunction with landscaping; and
- have a minimal impact on the streetscape.

Administration considers it appropriate to review the City’s position on this matter.

**History:**

Date	Comment
14 April 2009	RDE Policy adopted by Council.
9 July 2013	RDE Policy last amended by Council.
29 September 2015	Front fence issue presented at Council Forum for discussion.

**DETAILS:**

The following amendments to the wording of Clause SADC 13(a) RDE Policy are proposed to reflect a new approach to fencing along the side boundaries in the front setback area:

- “(1) Street walls and fences ~~designed with~~ constructed from fibre cement ~~or metal sheeting~~ are not acceptable.
- (2) Street walls and fences on the side boundaries within the primary street setback area constructed from metal sheeting are permitted provided they meet all other requirements relating to height and provide adequate sight lines.”

**CONSULTATION/ADVERTISING:**

Required by Legislation:	Required under Schedule 2, Part 2, Clause 5 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
Required by City of Vincent Policy:	Required under Clause 1.1(i) and 1.1(ii) of the City's Policy No. 4.1.5 – Community Consultation.

Consultation Period:	21 Days
Consultation Type:	Newspaper advertisement once in a newspaper circulating in the Scheme area.

Note: The *Planning and Development (Local Planning Schemes) Regulations 2015* take effect on 19 October 2015. The Regulations control the procedure for preparing, amending and revoking local planning policies and replace the relevant provisions in the City's Town Planning Scheme No. 1.

**COMMENTS:**

In response to this matter, the City has the following three options:

1. do nothing;
2. amend the current Policy; and
3. include the amendments in the major Planning Policy Review the City is currently undertaking.

Administration believes that of all the non-compliant materials, metal sheeting could be acceptable and recommends pursuing Option 2.

The proposed changes to the RDE Policy will allow side boundary fences within the primary street setback area to be made of metal sheeting. The proposed change is expected to have a minimal impact on the existing streetscapes and surveillance.

Administration acknowledges there may be a range of views on the issue of fences within the primary street setback area and that there are several ways that this issue could be addressed. Consultation with the community on this issue has yet to be undertaken.

Administration recommends that the proposed amendment to the RDE Policy is advertised, which will enable the City to gauge public opinion on the matter and for Council to consider feedback received before making any decision to alter the current policy requirement.

It is acknowledged that this change in policy position could be captured by the current major review of several local planning policies in the new Local Planning Policy No. 7.1.6 – Development Requirements and Building Design. Administration considers that the issue is more pressing and would benefit from an earlier resolution through an amendment to the RDE Policy. This amendment will provide an immediate response to this issue in the short term while Administration incorporates a full review of the RDE Policy into the new Policy No. 7.1.6 – Development Requirements and Building Design in the longer term.

**LEGAL/POLICY:**

- City of Vincent Town Planning Scheme No. 1;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- Policy No. 4.1.5 – Community Consultation; and
- Policy No. 7.2.1 – Residential Design Elements.

**RISK MANAGEMENT IMPLICATIONS:**

Nil.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2023 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.

**CONCLUSION:**

Administration recommends that the proposed amendment to the RDE Policy is advertised for public comment to gauge community opinion on the matter.

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**5.1.6 Extension of Period of Appointment of Panel on the City's Design Advisory Committee (DAC)**

<b>Ward:</b>	Both	<b>Date:</b>	9 October 2015
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	SC338
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	G Poezyn, Director Planning Services		
<b>Responsible Officer:</b>	Len Kosova, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That Council **APPROVES** the continuation of the current Design Advisory Committee (DAC) Members from 1 November 2015 to 31 December 2015 to enable selection of a new panel.

**PURPOSE OF REPORT:**

To request Council to extend the term of service of the current DAC panel to 31 December 2015.

**BACKGROUND:**

The City's Design Advisory Committee was established by Council in June 2011 with its first meeting being held in November 2011.

Initially the panel consisted of eight architects but was increased in 2013 to 13 members. With the additional members there is greater availability of members for meetings.

**DETAILS:**

The current Policy No. 4.2.13 – Design Advisory Committee provides that members are appointed to the DAC panel for a maximum period of 2 years, generally from November following an ordinary local government election to October of the second year.

The current panel of 13 members was appointed by Council at its meeting of 11 March 2014 for the period of 19 November 2013 to 1 November 2015.

The current members of the DAC panel are:

- James Christou;
- Sasha Ivanovich;
- Carmel van Ruth;
- Adrian Iredale;
- Finn Pedersen;
- Ahmad Abas;
- Joe Chindarsi;
- Philip Goldswain;
- Munira Mackay;
- Mark Baker;
- Damien Pericles;
- Jeff Thierfelder; and
- Simon Venturi.

Before appointing a new panel for the coming 2 years the City will seek expressions of interest from the public.

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Advertising is currently underway but additional time is required to complete the process and present the recommendation to Council for final adoption.

An extension of the term of service of the current DAC panel to 31 December 2015 is required.

**CONSULTATION/ADVERTISING:**

Required by Legislation:	No	Required by City of Vincent Policy:	Yes
Advertising:	17 October 2015 – 31 October 2015		
Consultation Type:	<ul style="list-style-type: none"> <li>• Advert in the West Australian; and</li> <li>• Notice on the City’s website</li> </ul>		

**LEGAL/POLICY:**

- *Local Government Act 1995*;
- Town Planning Scheme No. 1; and
- Policy No. 4.2.13 – Design Advisory Committee;

**RISK MANAGEMENT IMPLICATIONS:**

Should the term of service of the current DAC panel not be extended the City would not be able to convene a DAC meeting between October 2015 and December 2015, which would be counter-productive to the City’s desire to achieve quality design and provide good customer service.

**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:**

For the DAC sustainability is a priority consideration and the seamless continuation of the committee therefore contributes towards the City’s sustainability objectives.

**FINANCIAL/BUDGET IMPLICATIONS:**

All costs are for the DAC are provided for in the operating budget.

**COMMENTS:**

The City of Vincent has experienced significant growth in the development of multiple dwelling and mixed use developments and continues to be popular with developers.

Since its inception the DAC has added value to the City through its input in the design process of these developments and has assisted the City to achieve quality design.

As the term of appointment of the current panel is coming to an end a new panel has to be selected. It is expected that selection process will be finalised in December 2015.

**CONCLUSION:**

It is recommended that Council adopts the officer recommendation.

## 5.2 TECHNICAL SERVICES

### 5.2.1 Proposed Traffic Calming – Bourke Street, Leederville - Further Report No. 2

<b>Ward:</b>	Both	<b>Date:</b>	9 October 2015
<b>Precinct:</b>	Precinct 4 - Oxford Centre, Precinct 3 - Leederville	<b>File Ref:</b>	SC698; SC228
<b>Attachments:</b>	1 - Plan No. 2648-CP-01 (approved 30 June 2015) 2 - Plan No. 2648-CP-01A (approved 10 March 2015) 3 - Proposed Plan No. 2648-CP-01B		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

#### OFFICER RECOMMENDATION:

##### That Council:

1. **APPROVES** the installation of an additional speed hump on Bourke Street between Scott Street and Fleet Street, Leederville as shown on attached Plan No. 2648-CP-01B (Attachment 3); and
2. **ADVISES** residents of its decision.

#### PURPOSE OF REPORT:

To consider reviewing the location of the proposed third speed hump in Bourke Street.

#### BACKGROUND:

##### Ordinary Meeting held on 10 March 2015:

Council considered a report on the Bourke Street traffic calming proposal where the following decision (in part).

*“That Council:*

1. *APPROVES the implementation of the proposed traffic calming measures in Bourke Street, Leederville between Loftus Street and Oxford Street, with the deletion of the speed hump near Scott Street, as shown on amended Plan No. 2648-CP-01A; (refer Attachment 2)”*

Note: Administration’s recommendation was for the installation of three speed humps however as residents were not supportive of the third location (near Scott Street), Council subsequently approved the installation only two speed humps.

##### Ordinary Meeting held on 30 June 2015:

Following an approach by a Bourke Street resident who indicated that there was support for the third speed hump, Administration prepared a further report recommending that the installation of a third speed hump be approved. Council subsequently made the following decision was made (in part);

*“That Council:*

1. *APPROVES the implementation of an additional speed hump at Scott Street, Leederville as shown on attached Plan No. 2648-CP-01 (Attachment 1);”*

Note: Administration assumed, incorrectly, that the additional speed hump would be reinstated near Scott Street (as originally recommended) however this was not the resident's intention and therefore the approved plan incorrectly showed the third speed hump near Scott Street.

**DETAILS:**

Having realised the error, a reassessment of a suitable alternative location for the third speed hump was undertaken by Administration where it was determined that location midway between Scott Street and Fleet Street, as shown on attached Plan No. 2648-CP-01B (**Attachment 3**) would be appropriate.

**CONSULTATION/ADVERTISING:**

Letters were distributed to the properties which would be directly affected by the proposed installation of the third speed hump and no objections were received.

**LEGAL/POLICY:**

Not applicable.

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

**SUSTAINABILITY IMPLICATIONS:**

To ensure the road infrastructure is maintained to an acceptable level of service, including road safety improvements, with funds allocated annually to various programs.

**FINANCIAL/BUDGET IMPLICATIONS:**

An allocation of \$25,000 has been included in the 2015/2016 budget for the traffic management proposal in Bourke Street. No funds have been expended to date.

**COMMENTS:**

Council previously approved a plan, for traffic calming in Bourke Street, however in approving the plan one of the proposed speed humps was deleted.

Residents requested that the third speed hump be re-included in the traffic management proposal albeit in a different location however Administration incorrectly assumed that the request was for the speed hump to be reinstated in the previous suggested location and recommended accordingly and Council approved the plan.

This report seeks to address the issue by recommending that the third speed hump be located in a more suitable location.

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**5.2.2 Traffic Management – Proposed ‘Black Spot’ Treatment Trial at the Intersection of Richmond and Loftus Streets, North Perth, Progress Report No. 4**

<b>Ward:</b>	South	<b>Date:</b>	9 October 2015
<b>Precinct:</b>	Precinct 3 - Smiths Lake	<b>File Ref:</b>	SC168, SC1248
<b>Attachments:</b>	<ul style="list-style-type: none"> <li>1 - Plan No. 3087-CP-01</li> <li>2 – Traffic Data Plan</li> <li>3 – Plan No. 3087-PP-01</li> <li>4 – Plan No. 3098-CP-02</li> <li>5 – Summary of Comments</li> </ul>		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	A Brown, Engineering Technical Officer R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That Council;

1. **NOTES** the comments received at the conclusion of the Traffic Management trial and consultation period as per Attachment 5;
2. **APPROVES** implementing the following;
  - 2.1 formalising the left in/left out ‘Seagull’ island at the intersection of Richmond Street and Loftus Street, as shown on attached Plan No. 3087-CP-01 at Attachment 1;
  - 2.2 installing a left out only ‘1/2 Seagull’ island at the intersection of Thompson Street and Loftus Street as shown on attached Plan No. 3098-CP-02 at Attachment 4;
  - 2.3 introducing a 3P Parking restrictions 8am-5.30pm Monday to Friday, in Thompson Street as shown on attached Plan No. 3098-CP-02 at Attachment 4; and
  - 2.4 introducing a 3P parking restrictions 8am-5.30pm Monday to Friday along the southern side of Richmond Street from Loftus Street to Barnet Street, as shown on attached plan 3087-PP-01 at Attachment 3; and
3. **ADVISES** all respondents of its decision;

**PURPOSE OF REPORT:**

To consider the results of Public Consultation regarding the traffic management trial at the Richmond/Loftus Street intersection.

**BACKGROUND:**

**Ordinary Meeting of Council 12 August 2014:**

Council considered a report on traffic and safety improvements at the intersection of Richmond Street and Loftus Street where the following decision was made:

*“That the Council;*

1. *APPROVES conducting a six (6) month trial of a left in/left out only ‘Seagull’ island at the intersection of Richmond Street and Loftus Street as shown on attached Plan No. 3087-CP-01 and advises all affected residents of the trial;*
2. *UNDERTAKES a traffic impact assessment of Richmond, Thompson, Barnet and Morriston Streets during the course of the trial;*
3. *CONSULTS with residents in Richmond, Thompson, Barnet and Morriston Streets at the conclusion of the trial seeking their comments on the proposal; and*
4. *FURTHER considers the matter at the conclusion of the trial and following the consultation with residents as per clause 3 above.”*

**DETAILS:**

**The Trial:**

As per Council’s decision, the intersection of Richmond Street and Loftus Street (east side) was restricted to left in/left out by the installation of a temporary ‘seagull’ island as shown on Plan No. 3087-CP-01 at **Attachment 1**.

A traffic assessment of potentially affected surrounding roads was undertaken prior to commencing/implementing the trial.

**Traffic Data:**

Road	Date		Location	Vehicles Per day (vpd)	Ave Speed	85% Speed
	Start	Finish				
Barnet St	Oct-14	Oct-14	Bourke-Thompson	1034	38.6	46.4
Barnet St	Feb-15	Mar-15	Bourke-Thompson	1051	37.1	45.4
Barnet St	Oct-14	Oct-14	Richmond-Thompson	978	38.1	45.7
Barnet St	Feb-15	Mar-15	Richmond-Thompson	1036	35.3	43.6
Richmond St	May-14	May-14	Barnet-Loftus	871	40.1	48.6
Richmond St	Feb-15	Mar-15	Barnet-Loftus	404	35.3	45.4
Richmond St	May-14	May-14	Campsie-Morrison	629	37.7	47.2
Richmond St	Mar-15	Mar-15	Campsie-Morrison	446	33.6	41.8
Thompson St	Oct-14	Oct-14	Barnet-Loftus	176	33.5	43.6
Thompson St	Feb-15	Mar-15	Barnet-Loftus	333	34.2	43.6
Morrison St	Oct-14	Oct-14	Emmerson-Richmond	1243	41.9	49.3
Morrison St	Mar-15	Mar-15	Emmerson-Richmond	1447	41.9	49.5

**Table 1**

The above table outlines the before and during traffic data during the trial. This has also been represented on the plan (**Attachment 2**).

From the data it can be seen that, as expected the traffic volume in Richmond Street dropped by 467 vehicles per day, west of Morrision Street, and the traffic in Thompson Street increased by 157 vehicles per day. There was an increase in traffic in Morrision Street of 200 vehicles per day with the redistribution of traffic. The traffic volumes in Barnett Street stayed relatively unchanged. The speeds in the streets were all well below the posted speed limit.

It should be noted that all of the streets measured are classified as access roads (Metropolitan Functional Road Hierarchy), and are classified to carry up to 3,000 vehicles per day and all of the streets measured recorded traffic volumes well below this threshold.

#### **Accident Statistics Richmond/Loftus:**

As previously reported to Council, the five year period data (1 January 2009 to 31 December 2013), indicated that the number of accidents at this location were 21 of which 11 involved movements into and out of the eastern leg of the intersection (where the trial 'sea gull' island was installed).

Since the implementation of the trial no additional accident information has been available from the Main Roads database. However, residents have advised that since the introduction of the trial, there have been no accidents at this location.

#### **Proposed Parking Restrictions - Richmond Street:**

Richmond Street currently has a 'no stopping' restriction on the north side of the street between Loftus and Barnet Streets and unrestricted parking on the south side. Residents canvassed regarding implementing 3P parking restrictions on the southern side of the street between Loftus and Barnet Streets. Refer Plan 3087-PP01 (**Attachment 3**), supported this proposal.

#### **Proposed Traffic and parking changes - Thompson Street:**

##### Proposed left out only restriction:

As shown in Table 1 above, during the trial, Thompson Street experienced an increase in traffic of 157 vehicles per day.

Thompson Street is a very narrow street with parking on one side only. Residents were consulted regarding implementing a 'Left out only' from Thompson Street into Loftus Street. Refer Plan No. 3098-CP-02 (**Attachment 4**).

This would stop rat running and force motorist to turn right from Loftus Street into Bourke Street (at the signalised intersection). The majority of Thompson Street residents consulted and spoken to were in favour of this proposal.

This would also have benefits for Barnett Street, north of Thompson Street in terms of reduced traffic volumes.

##### Proposed Parking Restrictions:

Residents in the street were also consulted regarding implementing a 3P restriction on the north side of the street to deter commuters using Thompson Street as all-day parking to catch the bus from the nearby stop on Loftus to the CBD.

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**CONSULTATION/ADVERTISING:**

On 4 September 2015 consultation was undertaken in affected streets requesting comments on three proposals. At the close of consultation on 18 September 2015, 26 responses were received (refer **Attachment 5**).

Required by legislation	No	Required by City of Vincent Policy	Yes
Consultation period	4 September 2015 to 18 September 2015		

**Proposal 1: 'Seagull' Permanent Richmond/Loftus**

Comments Received	171 consultation packs were distributed to all residents in the affected area from Bourke Street south to Emmerson Street and Loftus Street to Elven Street inclusive. At the close of consultation 15 responses were received with ten in favour, three against the proposal.
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**Proposal 2: 3P Richmond Street (south side)**

Comments Received	24 consultation packs were distributed in Anderson and Milton Streets. At the close of consultation eight responses were received with five in favour and three against the proposal.
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**Proposal 3: 'Left turn out' Thompson Street & 3P (north side)**

Comments Received	12 consultation packs were distributed in Thompson Street. At the close of consultation six responses were received all in favour of the proposal.
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**Feedback:**

<u>Main issues raised:</u>	<u>Administration Comments:</u>
Ability to not turn right from Loftus onto Richmond to be made clearer	Main Roads WA will be requested to install additional signage
Stopping morning traffic in Barnet Street and then Morrision Street as dangerous rat run –	This is not part of this proposal however will be investigated as a separate exercise. Implementing the right turn ban on Thompson St (at Loftus St) will result in fewer vehicles rat running along a portion of Barnet St.
Concern about speed of vehicles on Emmerson Street	Vehicle classifiers will be deployed along Emmerson Street.
Traffic being diverted down other streets causing rat running –	Other than on Thompson Street, which is being addressed, no other street, other than Morrision Street, were significantly affected. Morrision Street will be investigated.

**LEGAL/POLICY:**

Richmond Street and Thompson Street are classified as an Access Road and Loftus Street is a District Distributor A Road in accordance with the Functional Road Hierarchy. Both roads are under the care, control and management of the City.

**RISK MANAGEMENT IMPLICATIONS:**

**High:** Black Spot locations are determined based upon a five year accident history. For the period 1 January 2008 to 31 December 2012 the intersection recorded 13 accidents of which eight, would have potentially been prevented with the proposed treatment. For the period 1 January 2009 to 31 December 2013, the five year accident rate had risen to 21 of which 11 would have been prevented.

**STRATEGIC IMPLICATIONS:**

In keeping with the City's *Strategic Plan 2011-2023 Objective 1:*

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

**SUSTAINABILITY IMPLICATIONS:**

Improvement in safety and amenity for residents and road users.

**FINANCIAL/BUDGET IMPLICATIONS:**

The 2015/2015 includes an amount of \$30,000 for this project with \$20,000 from the state and \$10,000 from the City.

The cost of the trial was in the order of \$8,000. If made permanent following the trial, the cost of the works should still be within budget allocation. If the project does not proceed the cost would have to be absorbed by the City.

The additional cost to Council for the installation of the 'left out only' treatment on Thompson Street would be in the order of \$5,000 and would be funded from the Miscellaneous Traffic Management Budget

The cost to install the signage for the proposed parking restrictions on Thompson and Richmond Streets would be in the vicinity of \$500 and would be funded from the Signage Operating budget.

**COMMENTS:**

Council approved conducting a six month trial traffic restriction at the intersection of Richmond and Loftus Street. Prior to implementing the trial, traffic data was collected in streets which would potentially have been impacted by the trial.

Traffic data was again collected during the trial to determine what impact, if any, the trial has on the distribution of traffic in the adjoining streets.

As mentioned earlier, the traffic volume in Richmond Street west of Morriston dropped significantly, and the traffic in Thompson Street increased. Also there was an increase in traffic in Morriston Street where as the traffic volumes in Barnett Street remained relatively unchanged.

**Conclusion:**

The five year period data indicated that the number of accidents at the intersection of Richmond Street and Loftus Street were 21 of which 11 involved movements into and out of the eastern leg of the intersection. The accident statistics informed the traffic management design and the funding received was based on achieving a, as high as possible, accident reduction cost benefit ratio.

Since the implementation of the trial no additional accident information has been available from the Main Roads database however residents have advised that since the introduction of the trial, they have not witnessed any accidents at this location.

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**5.2.3 Proposed Bike Boulevard Project**

<b>Ward:</b>	Both	<b>Date:</b>	8 October 2015
<b>Precinct:</b>	Precinct 3 – Leederville Precinct 1 – Mount Hawthorn	<b>File Ref:</b>	SC652
<b>Attachments:</b>	1 – Proposed Demonstration Bike Boulevard Location		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	F Sauzier, TravelSmart Officer R Lotznicker, Director Technical Services		
<b>Responsible Officer</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

**That Council:**

1. **ADVISES** the Department of Transport that in principle it has no objection to the Department’s proposal to develop a ‘Demonstration Bike Boulevard along Shakespeare Street, Mount Hawthorn, south of Green Street, as shown in Attachment 1, subject to the Department of Transport:
  - 1.1 **UNDERTAKING** all public consultation with residents in the affected area in accordance with the City’s Consultation Policy;
  - 1.2 **FULLY** funding all works associated with the consultation, design and, if approved, implementation of the project; and
  - 1.4 **PROVIDING** a detailed report to the City at the conclusion of the consultation period outlining the comments received and recommendations thereon; and
2. **ADVISES** the Department of Transport that Council’s in principle no objection to the Department’s demonstration Bike Boulevard does not guarantee and should not be misconstrued as Council’s approval for the Department to carry out any works along Shakespeare Street, which is a local road under the care, control and management of the City of Vincent;
3. **RECEIVES** a further report on the Department of Transport’s demonstration Bike Boulevard Project at the conclusion of the public consultation period referred to in 1.1 above.

**PURPOSE:**

To advise Council of the impending announcement by the Minister for Transport of a Demonstration Bike Boulevard project proposed in the City of Vincent.

**BACKGROUND:**

The Department of Transport hosted a Ministerial Roundtable Dinner and Imagineering Workshop in March 2015, which highlighted the need to ‘slow traffic’ on local roads and to encourage bike riding for local trips and commuting.

One of the outcomes of the workshop was a commitment by the Department of Transport (DoT) to work with local government to deliver a range of demonstration ‘bike boulevard’ projects in the metropolitan area.

In July 2015 DoT invited a number of local governments (including the City of Vincent), to partner with them in developing project concepts.

**DETAILS:**

**Council Forum:**

Officers from the DoT made a confidential presentation on the Bike Boulevard proposal to Council Forum on 29 September 2015. The presentation outlined that Bike Boulevards have been used worldwide to provide safe, efficient and attractive urban 'on-road' cycling environments.

The presentation also identified that Bike Boulevards:

- involve modifying the road environment to slow motorised traffic – prioritising bikes and pedestrians;
- are low traffic neighbourhood streets that have been optimised for cycling-providing direct, attractive routes;
- are quiet and healthier than busy, car filled streets;
- are welcoming to children, families and novice cyclists; and
- are extremely safe – low speeds result in less conflict and reduced crash severity.

**Conceptual Design:**

The concept design for the possible Vincent (and other local government) bike boulevards is being led by the DoT in conjunction with GTA Consultants, a New South Wales based consultancy that was the principal adviser during the 2015 Cycling Infrastructure Imagineering Workshop, held in Perth in March 2015.

The City's Officers have attended various meetings and have provided considerable input into refining the concept design which includes, but is not limited to:

- providing raised and patterned treatments at certain intersections;
- formalised on street parking;
- vegetated single lane slow points strategically placed;
- road resurfacing; and
- drainage improvements.

**Possible Location:**

The street identified as being a suitable candidate for the the demonstration Bike Boulevard is Shakespeare Street, between Green Street and Scarborough Beach Road (if successful to be extended to Richmond Street in future years).

This has been identified as a suitable route for the following reasons:

- the street already hosts some local cycling traffic as it is a Perth Bike Network (PBN) route;
  - it connects to the Scarborough Beach Road separated bike lanes;
  - It would improve the connection between a major school in Vincent (Aranmore Catholic College) and the City of Vincent Library and Loftus Recreation Centre; and
  - the project can be staged with Green Street to Scarborough Beach Road as Stage One and Scarborough Beach Road south in subsequent years subject to state funding.
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### **Funding and Project Timeline:**

The Department of Transport has committed to fully funding the project in the 2015/2016 financial year.

Note: Four initial demonstration projects are being developed in conjunction with four local governments. If one of these projects should be deemed not feasible to deliver in this current financial year, the remaining funds can be divided between the remaining three projects.

DoT has indicated that the Minister for Transport will be announcing the proposed projects sometime in November 2015, and if approved by Council following community consultation, the project would be completed by June 2016

### **CONSULTATION/ADVERTISING:**

A detailed consultation program will need to be designed and implemented in accordance with the City's Consultation Policy to seek comments from residents affected by the proposal.

It is Administration's view that DoT should conduct the consultation in accordance with the City's Policy, given this is a state government initiative. The DOT should then be required to provide a report to the City at the conclusion of the consultation period outlining the comments received and the DOT's recommendations thereon.

### **LEGAL/POLICY:**

The initiative aligns with the City's *Strategic Plan 2013-23*, *Physical Activity Plan 2013-2017* and the *Sustainable Environment Strategy 2011-2016*.

Shakespeare Street is a local road under the care, control and management of the City. The DOT does not have the right to and is not proposing to impose the demonstration bike boulevard on Shakespeare Street without the approval of Council.

### **STRATEGIC IMPLICATIONS:**

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

- "1.1: *Improve and maintain the natural and built environment and infrastructure*
- 1.1.5 *Take action to improve transport and parking in the City and mitigate the effects of traffic. (d) Promote alternative methods of transport."*

In accordance with the City's *Sustainable Environment Strategy 2011-2016*, Objective 1 states:

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

### **SUSTAINABILITY IMPLICATIONS:**

An increased cycling participation rate by both residents and the wider community should lead to improved general health and wellbeing of the community, while reducing carbon emissions and the dependence on motorised transport.

### **RISK MANAGEMENT IMPLICATIONS:**

**Low.** At this stage, this project is only a proposal and its finalisation is not a foregone conclusion. If the demonstration project is ultimately approved and installed in Shakespeare Street then it is expected to enhance the streetscape of the area and create a safer road environment for cyclists and pedestrians alike.

Notwithstanding the likely benefits of this proposal, there is a risk that inadequate community consultation might occur and/or that local residents vehemently object to the changes proposed. These risks are mitigated by Administration's recommendation.

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**FINANCIAL/BUDGET IMPLICATIONS:**

The DoT will be fully funding the project, including the consultation, promotion, design and construction. A detailed cost estimate is yet to be prepared however a budget of between \$500,000 and \$700,000 has been discussed.

**COMMENTS:**

The proposal to create a bike boulevard in Shakespeare Street will showcase how a standard residential street can be converted to a much more people friendly environment. A key aspect of the proposal is to consult with affected residents prior to any decision being made to proceed with the project.

**Conclusion:**

The local community would need to be consulted prior to a final decision being made on the demonstration project and while Shakespeare Street has been selected as a suitable location, it does not automatically guarantee approval for the project and DoT will need to work closely with the City and residents on the matter.

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### 5.3 CORPORATE SERVICES

#### 5.3.1 Investment Report as at 30 September 2015

<b>Ward:</b>	Both	<b>Date:</b>	9 October 2015
<b>Precinct:</b>	All	<b>File Ref:</b>	SC1530
<b>Attachments:</b>	1 – Investment Report		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	N Makwana, Accounting Officer B Wong, Accountant G Garside, Manager Financial Services		
<b>Responsible Officer:</b>	J Paton, Director Corporate Services		

**OFFICER RECOMMENDATION:**

That Council **NOTES** the Investment Report for the month ended 30 September 2015 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 spread across several Financial Institutions in accordance with the Investment Policy.

**DETAILS:**

Total funds held for the period ended 30 September 2015 were \$33,331,757 as compared to \$23,732,217 at the end of 30 September 2014.

Total Investments for the period ended 30 September 2015 were \$31,361,000 as compared to \$26,961,000 at the end of August 2015. At 30 September 2014, \$22,111,000 was invested.

Investment comparison table:

	2014-2015	2015-2016
July	\$11,311,000	\$14,961,000
August	\$23,111,000	\$26,961,000
September	\$22,111,000	\$31,361,000

Total accrued interest earned on Investments as at 30 September 2015:

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$320,000	\$80,001	\$100,439	31.39
Reserve	\$203,680	\$50,919	\$65,291	32.06

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

Funds are invested in accordance with the City's Investment Policy No. 1.2.4.

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
AA Category	A1+	30%	28.7%	30%	Nil	90%	72.1%
A Category	A1	20%	15%	30%	Nil	80%	27.9%
BBB Category	A2	10%	Nil	n/a	Nil	20%	Nil

**RISK MANAGEMENT IMPLICATIONS:**

**Moderate:** The risk of any financial loss to the investment funds is unlikely due to Legislative Constraints and the City's Investment Policy 1.2.4. However, due to any unforeseen circumstances if an incident did occur, the consequences will be moderate.

As per the City's Investment Policy No. 1.2.4, funds are invested with various financial institutions with Long Term and Short Term Rating (Standard & Poor's) or equivalent by obtaining more than three quotations. These 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 prudent but 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 invested have increased from the previous period due to excess funds available from receipt of rates revenue after creditors and other payments. However, as per the City's policy, investments that have matured during this period have been transferred across various financial institutions to obtain the best interest rates.

The City has obtained an average interest rate for investments of 2.66% which includes the City's operating account. When the investments are calculated excluding the operating account, the average investment rate achieved is 2.82% as compared to the Reserve Bank 90 days Accepted Bill rate of 2.17%. As of 30 September 2015, our actuals are over budget estimates.

The investment report (**Attachment 1**) consists of:

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

**5.3.2 Authorisation of Expenditure for the Period 1 to 30 September 2015**

<b>Ward:</b>	Both	<b>Date:</b>	9 October 2015
<b>Precinct:</b>	All	<b>File Ref:</b>	SC347
<b>Attachments:</b>	<a href="#">1</a> – Creditors Report – Payments by EFT <a href="#">2</a> – Creditors Report – Payments by Cheque <a href="#">3</a> – Credit Card Transactions		
<b>Tabled Items:</b>	-		
<b>Reporting Officers:</b>	R Tang, Accounts Payable Officer; G Garside, Manager Financial Services		
<b>Responsible Officer:</b>	J Paton, Director Corporate Services		

**OFFICER RECOMMENDATION:**

That Council **RECEIVES** the list of accounts paid under Delegated Authority for the month of September 2015 as detailed in Attachment 1, 2 and 3 as summarised below:

<b>Cheque numbers 78822-78972</b>	\$238,273.16
<b>EFT Documents 1839-1850</b>	\$4,756,907.20
<b>Payroll</b>	\$1,208,402.73
<b>Credit Cards</b>	\$6,084.68
<b>Direct Debits</b>	
• <b>Lease Fees</b>	\$8,100.12
• <b>Loan Repayment</b>	\$144,402.55
• <b>Bank Fees and Charges</b>	\$36,182.39
<b>Total Accounts Paid</b>	<b>\$6,398,352.83</b>

**PURPOSE OF REPORT:**

To present to Council the expenditure and list of accounts paid for the period 1 September 2015 to 30 September 2015.

**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>		
Automatic Cheques	<b>78822-78972</b>	\$253,573.16
Cancelled Cheques	<b>78841;78885</b>	- \$15,300.00
EFT Payments	<b>1839-1850</b>	\$4,756,907.20
<b>Sub Total</b>		<b>\$4,995,180.36</b>
<b>Transfer of Payroll by EFT</b>		
	<b>08/09/2015</b>	\$510,671.43
	<b>22/09/2015</b>	\$532,219.89
	<b>29/09/2015</b>	\$165,511.41
	<b>September 2015</b>	<b>\$1,208,402.73</b>
<b>Corporate Credit Cards (Attachment 3)</b>		<b>\$6,084.68</b>
<b>Bank Charges &amp; Other Direct Debits</b>		
Lease Fees		\$8,100.12
Loan Repayment		\$144,402.55
Bank Charges – CBA		\$36,182.39
<b>Total Bank Charges &amp; Other Direct Debits</b>		
<b>Less GST effect on Advance Account</b>		<b>0.00</b>
<b>Total Payments</b>		<b>\$6,398,352.83</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:**

Expenditure has been incurred in accordance with the adopted Budget and/or authorised by Council which has been structured on financial viability and sustainability principles.

**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 or has been authorised in advance by Council where applicable.

**COMMENT:**

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

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**5.3.3 Financial Statements as at 31 August 2015**

<b>Ward:</b>	Both	<b>Date:</b>	9 Oct 2015
<b>Precinct:</b>	All	<b>File Ref:</b>	SC357
<b>Attachments:</b>	<a href="#">1</a> – Financial Reports		
<b>Reporting Officers:</b>	N Makwana, Accounting Officer B Wong, Accountant G Garside, Manager Financial Services		
<b>Responsible Officer:</b>	J Paton, Director Corporate Services		

**OFFICER RECOMMENDATION:**

**That Council RECEIVES the Financial Statements for the month ended 31 August 2015 as shown in Attachment 1.**

**PURPOSE OF REPORT:**

To present the Financial Statements for the period ended 31 August 2015.

**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 August month end position. The 2014/2015 accounts are still subject to audit and this may result in some further adjustments. Some of these adjustments may have a follow-on impact on 2015/16 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:**

As stated earlier, this report gives an estimate of the August position as it uses provisional figures. Once the 2014/15 financial year end audit process is completed, some July 2015 opening balances may change, which may have a flow-on effect on 2015/16 figures.

The following documents, included as **Attachment 1** represent the Statement of Financial Activity for the period ending 31 August 2015:

Note	Description	Page
1.	Statement of Financial Activity by Programme Report and Graph	1-2
2.	Statement of Comprehensive Income by Nature and Type Report	3
3.	Net Current Funding Position	4
4.	Summary of Income and Expenditure by Service Areas	5-34
5.	Capital Works Schedule and Funding and Graph	35-41
6.	Cash Backed Reserves	42
7.	Receivables	43
8.	Rating Information and Graph	44-45
9.	Beatty Park Leisure Centre Report – Financial Position	46
10.	Explanation of Material Variance	47-52

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The following table provides a summary view of the year to date actual, compared to the Original and Year to date Budget.

**Summary of Financial Activity By Programme as at 31 August 2015**

	<b>Original Budget \$</b>	<b>Year to date Budget \$</b>	<b>Year to Date Actual \$</b>	<b>Year to Date Variance \$</b>	<b>Year to Date Variance %</b>
<b>Operating Revenue</b>	29,470,806	6,622,600	6,245,998	(376,602)	-6%
<b>Operating Expenditure</b>	(55,853,974)	(9,287,328)	(7,541,152)	1,746,176	-19%
Add Deferred Rates Adjustment	0	0	4,254	4,254	0%
Add Back Depreciation	11,058,555	1,843,052	1,203,546	(639,506)	-35%
(Profit)/Loss on Asset Disposal	(3,716,718)	(1,828,354)	(1,840,469)	(12,115)	1%
<b>Net Operating Excluding Rates</b>	<b>(19,041,331)</b>	<b>(2,650,030)</b>	<b>(1,927,824)</b>	<b>722,206</b>	<b>-27%</b>
Proceeds from Disposal of Assets	4,662,151	2,605,818	2,625,341	19,523	1%
Transfer from Reserves	2,391,223	619,795	75,484	(544,311)	-88%
	<b>7,053,374</b>	<b>3,225,613</b>	<b>2,700,825</b>	<b>(524,788)</b>	<b>-16%</b>
Capital Expenditure	(12,657,347)	(3,320,794)	(992,418)	2,328,376	-70%
Repayments Loan Capital	(760,288)	(122,594)	(122,594)	0	0%
Transfers to Reserve	(4,568,059)	(482,376)	(463,366)	19,010	-4%
	<b>(17,985,694)</b>	<b>(3,925,764)</b>	<b>(1,578,377)</b>	<b>2,347,387</b>	<b>-60%</b>
<b>Net Capital</b>	<b>(10,932,320)</b>	<b>(700,151)</b>	<b>1,122,447</b>	<b>1,822,598</b>	<b>-260%</b>
<b>Total Net Operating and Capital</b>	<b>(29,973,651)</b>	<b>(3,350,181)</b>	<b>(805,377)</b>	<b>2,544,804</b>	<b>-76%</b>
Rates	29,396,786	29,174,278	29,174,659	380	0%
Opening Funding Surplus/ (Deficit)	576,865	576,865	2,018,240	1,441,375	250%
<b>Closing Surplus/(Deficit)</b>	<b>0</b>	<b>26,400,962</b>	<b>30,387,521</b>	<b>3,986,559</b>	<b>15%</b>

*\*Summary totals has rounding difference.*

**Comments on Summary of Financial Activity by Programme:**

**Operating Revenue**

Operating Revenue in programme reporting includes Non-operating Grants, Subsidies and Contributions. In view of this, Operating Revenue is reflecting a negative variance of 6% which is primarily due to less revenue received for fees and charges in Health and Transport programs.

Operating Revenue as presented on the 'Nature and Type' report (Page 3 of **Attachment 1**) has a negative variance of 1%.

**Operating Expenditure**

The positive variance is currently at 19%.

**Transfer from Reserves**

This is in a favourable position as the Transfer from Reserves is aligned to the timing of commencement for Capital Works projects that are Reserve funded.

**Capital Expenditure**

The variance is attributed to the budget phasing of projects within the Capital Works Program. For further detail, refer to Note 5 on **Attachment 1**.

**Transfer to Reserves**

Monthly transfer to Asset Sustainability Reserve has commenced based on budget phasing. This will be reviewed quarterly and transfers based on actuals will be adjusted after the review.

From July 2015, interest earned on Reserve Investment is transferred to Reserves and re-invested.

**Opening Funding Surplus/(Deficit)**

The surplus Opening Balance is \$2,018,240 as compared to budgeted opening surplus balance of \$576,865. The actual balance will change once end of year process is completed and the accounts are audited.

**Closing Surplus/(Deficit)**

There is currently a surplus of \$30,387,521 compared to year to date budget surplus of \$26,400,962. This is substantially attributed to the positive variance in operating expenditure and the current level of Capital Expenditure.

Please note that the August closing balance does not represent cash on hand (please see the Net Current Asset on page 4 of the attachment).

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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 3)**

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

**3. Net Current Funding Position (Note 3 Page 4)**

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 used up by day to day activities.

The net current funding position as at 31 August 2015 is \$30,387,521.

**4. Summary of Income and Expenditure by Service Areas (Page 5 – 34)**

This statement shows a summary of Operating Revenue and Expenditure by Service Unit.

**5. Capital Expenditure and Funding Summary (Note 5 Page 35 - 41)**

The following table is a Summary of the 2015/2016 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 7 of **Attachment 1**.

	Original Budget \$	Year to date Budget \$	Year to Date Actual \$	Full Year Budget Remaining %
Furniture & Equipment	469,300	257,300	90	100%
Plant & Equipment	1,831,650	162,650	110,322	94%
Land & Building	2,858,272	782,092	152,413	95%
Infrastructure	7,498,125	2,118,752	729,592	90%
<b>Total</b>	<b>12,657,347</b>	<b>3,320,794</b>	<b>992,417</b>	<b>92%</b>

	Original Budget \$	Year to date Budget \$	Year to Date Actual \$	Full Year Budget Remaining %
Capital Grant and Contribution	1,791,189	178,975	135,164	92%
Cash Backed Reserves	2,391,223	80,000	75,484	97%
Other (Disposal/Trade In)	135,000	42,000	15,832	88%
Own Source Funding – Municipal	8,339,935	3,019,819	765,937	91%
<b>Total</b>	<b>12,657,347</b>	<b>3,320,794</b>	<b>992,417</b>	<b>92%</b>

Note: Detailed analysis are included on page 35 – 41 of **Attachment 1**.

**6. Cash Backed Reserves (Note 6 Page 42)**

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 August 2015 is \$8,059,687. The balance as at 31 July 2015 was \$8,013,329.

**7. Receivables (Note 7 Page 43)**

Receivables of \$2,828,382 are outstanding at the end of August 2015, of which \$410,425 has been outstanding over 90 days. These comprise:

- \$388,083 (13.7%) relates to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangements for more than one year.
- \$22,342 (0.8%) relates to Other Receivables.
- \$2,043,611 (72.3%) relates to unpaid infringements. Infringements that remain unpaid for more than two months are sent to Fines Enforcement Registry (FER). FER collect the outstanding balance and return the funds to the City for a fee.

Finance has been following up outstanding items which relate to Other Receivables by issuing reminders when they are overdue and formal debt collection if reminders are ignored.

**8. Rating Information (Note 8 Page 44 - 45)**

The notices for rates and charges levied for 2015/16 were issued on 27 July 2015.

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

First Instalment	31 August 2015
Second Instalment	2 November 2015
Third Instalment	5 January 2016
Fourth Instalment	8 March 2016

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)	\$12.00 per instalment
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

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

Rates debtors as at 31 August 2015 including deferred rates was \$14,462,148 which represents 48.03% of the outstanding collectable income compared to 42.50% at the same time last year. It is of note that the rates notices were distributed one week earlier in 2014, with the first instalment due on 25 August 2014, which may have contributed to the lower percentage paid for the corresponding period.



**9. Beatty Park Leisure Centre – Financial Position Report (Note 9 Page 46)**

As at 31 August 2015 the operating surplus for the Centre was \$63,529 in comparison to the year to date budgeted deficit of \$139,054.

The August budget estimates for Beatty Park Leisure Centre were mostly under or less than the actual expenditure incurred or revenue received. This has been detailed in the variance comments report in **Attachment 1**.

The cash position showed a current cash surplus of \$183,309 in comparison year to date budget estimate of a cash deficit of \$12,142.

**10. Explanation of Material Variances (Note 10 Page 47 - 54)**

The materiality threshold used for reporting variances is 10% on variances more than \$10,000. This threshold was adopted by Council as part of the Budget adoption for 2015-16 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).

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**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 Annual Budget or has been authorised in advance by Council where applicable.

**5.3.4 Financial Statements as at 30 September 2015**

<b>Ward:</b>	Both	<b>Date:</b>	9 Oct 2015
<b>Precinct:</b>	All	<b>File Ref:</b>	SC357
<b>Attachments:</b>	<a href="#">1</a> – Financial Reports		
<b>Reporting Officers:</b>	N Makwana, Accounting Officer B Wong, Accountant G Garside, Manager Financial Services		
<b>Responsible Officer:</b>	J Paton, Director Corporate Services		

**OFFICER RECOMMENDATION:**

That Council **RECEIVES** the Financial Statements for the month ended 30 September 2015 as shown in Attachment 1.

**PURPOSE OF REPORT:**

To present the Financial Statements for the period ended 30 September 2015.

**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 September month end position. The 2014-2015 accounts are still subject to audit and this may result in some further adjustments. Some of these adjustments may have a follow-on impact on 2015-16 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:**

As stated earlier, this report gives an estimate of the September position as it uses provisional figures. Once the 2014-15 financial year end audit process is completed, some July 2015 opening balances may change, which may have a flow-on effect on 2015-16 figures.

The following documents, included as **Attachment 1** represent the Statement of Financial Activity for the period ending 30 September 2015:

Note	Description	Page
1.	Statement of Financial Activity by Programme Report and Graph	1-2
2.	Statement of Comprehensive Income by Nature and Type Report	3
3.	Net Current Funding Position	4
4.	Summary of Income and Expenditure by Service Areas	5-34
5.	Capital Works Schedule and Funding and Graph	35-41
6.	Cash Backed Reserves	42
7.	Receivables	43
8.	Rating Information and Graph	44-45
9.	Beatty Park Leisure Centre Report – Financial Position	46
10.	Explanation of Material Variance	47-51

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The following table provides a summary view of the year to date actual, compared to the Original and Year to date Budget.

**Summary of Financial Activity By Programme as at 30 September 2015**

	<b>Original Budget \$</b>	<b>Year to date Budget \$</b>	<b>Year to Date Actual \$</b>	<b>Year to Date Variance \$</b>	<b>Year to Date Variance %</b>
<b>Operating Revenue</b>	29,470,806	8,532,506	8,239,009	(293,497)	-3%
<b>Operating Expenditure</b>	(55,853,974)	(13,841,224)	(11,285,987)	2,555,237	-18%
Add Deferred Rates Adjustment	0	0	4,254	4,254	0%
Add Back Depreciation	11,058,555	2,764,578	1,800,067	(964,511)	-35%
(Profit)/Loss on Asset Disposal	(3,716,718)	(1,828,354)	(1,840,469)	(12,115)	1%
<b>Net Operating Excluding Rates</b>	<b>(19,041,331)</b>	<b>(4,372,494)</b>	<b>(3,083,127)</b>	<b>1,289,367</b>	<b>-29%</b>
Proceeds from Disposal of Assets	4,662,151	2,605,818	2,625,341	19,523	1%
Transfer from Reserves	2,391,223	908,223	76,682	(831,541)	-92%
	<b>7,053,374</b>	<b>3,514,041</b>	<b>2,702,023</b>	<b>(812,018)</b>	<b>-23%</b>
Capital Expenditure	(12,657,347)	(4,981,684)	(1,600,261)	3,381,423	-68%
Repayments Loan Capital	(760,288)	(184,302)	(184,302)	0	0%
Transfers to Reserve	(4,568,059)	(706,650)	(708,891)	(2,241)	0%
	<b>(17,985,694)</b>	<b>(5,872,636)</b>	<b>(2,493,453)</b>	<b>3,379,183</b>	<b>-58%</b>
<b>Net Capital</b>	<b>(10,932,320)</b>	<b>(2,358,595)</b>	<b>208,569</b>	<b>2,567,164</b>	<b>-109%</b>
<b>Total Net Operating and Capital</b>	<b>(29,973,651)</b>	<b>(6,731,089)</b>	<b>(2,874,558)</b>	<b>3,856,531</b>	<b>-57%</b>
Rates	29,396,786	29,189,529	29,238,419	48,889	0%
Opening Funding Surplus/ (Deficit)	576,865	576,865	2,018,240	1,441,375	250%
<b>Closing Surplus/(Deficit)</b>	<b>0</b>	<b>23,035,305</b>	<b>28,382,101</b>	<b>5,346,795</b>	<b>23%</b>

*\*Summary totals has rounding difference.*

**Comments on Summary of Financial Activity by Programme:**

**Operating Revenue**

Operating Revenue in programme reporting includes Non-operating Grants, Subsidies and Contributions. In view of this, Operating Revenue is reflecting a negative variance of 3% which is primarily due to less revenue received for fees and charges in the Transport program.

Operating Revenue as presented on the 'Nature and Type' report (Page 3 of **Attachment 1**) has a negative variance of 1%.

**Operating Expenditure**

The positive variance is currently at 18% and is primarily due to the delayed payment cycle for materials, contracts and depreciation charges being lower than budget.

**Transfer from Reserves**

This is in a unfavourable position as the Transfer from Reserves is aligned to the timing of commencement for Capital Works projects that are Reserve funded.

**Capital Expenditure**

The variance is attributed to the budget phasing of projects within the Capital Works Program. For further detail, refer to Note 5 on **Attachment 1**.

**Transfer to Reserves**

Monthly transfer to Asset Sustainability Reserve commenced in July based on budget phasing. This will be reviewed quarterly and transfers based on actuals will be adjusted after the review.

From July 2015, interest earned on Reserve Investment is transferred to Reserves and re-invested.

**Opening Funding Surplus/(Deficit)**

The surplus Opening Balance is \$2,018,240 as compared to budgeted opening surplus balance of 576,865. The actual balance may change once end of year process is completed and the accounts are audited.

**Closing Surplus/(Deficit)**

There is currently a surplus of \$28,382,101 compared to year to date budget surplus of \$23,035,305. This is substantially attributed to the positive variance in operating expenditure and the current level of Capital Expenditure.

Please note that the September closing balance does not represent cash on hand (please see the Net Current Asset on page 4 of the attachment).

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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 3)**

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

**3. Net Current Funding Position (Note 3 Page 4)**

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 used up by day to day activities.

The net current funding position as at 30 September 2015 is \$28,382,101.

**4. Summary of Income and Expenditure by Service Areas (Page 5 – 34)**

This statement shows a summary of Operating Revenue and Expenditure by Service Unit.

**5. Capital Expenditure and Funding Summary (Note 5 Page 35 - 41)**

The following table is a Summary of the 2015/2016 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 7 of **Attachment 1**.

	Original Budget \$	Year to date Budget \$	Year to Date Actual \$	Full Year Budget Remaining %
Furniture & Equipment	469,300	257,300	90	100%
Plant & Equipment	1,831,650	392,650	154,515	92%
Land & Building	2,858,272	1,387,370	317,876	89%
Infrastructure	7,498,125	2,944,364	1,127,779	85%
<b>Total</b>	<b>12,657,347</b>	<b>4,981,684</b>	<b>1,600,260</b>	<b>87%</b>

	Original Budget \$	Year to date Budget \$	Year to Date Actual \$	Full Year Budget Remaining %
Capital Grant and Contribution	1,791,189	183,975	135,164	92%
Cash Backed Reserves	2,391,223	80,000	76,682	97%
Other (Disposal/Trade In)	135,000	42,000	15,832	88%
Own Source Funding – Municipal	8,339,935	4,675,709	1,372,583	84%
<b>Total</b>	<b>12,657,347</b>	<b>4,981,684</b>	<b>1,600,260</b>	<b>87%</b>

Note: Detailed analysis are included on page 35 – 41 of **Attachment 1**.

**6. Cash Backed Reserves (Note 6 Page 42)**

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 30 September 2015 is \$8,304,014. The balance as at 31 August 2015 was \$8,059,687.

**7. Receivables (Note 7 Page 43)**

Receivables of \$2,888,366 are outstanding at the end of September 2015, of which \$432,939 has been outstanding over 90 days. These comprise:

\$396,192 (13.7%) relates to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangements for more than one year.

\$36,747 (1.3%) relates to Other Receivables.

\$2,033,358 (70.4%) relates to unpaid infringement. Infringements that remain unpaid for more than two months are sent to Fines Enforcement Registry (FER). FER collect the outstanding balance and return the funds to the City for a fee.

Finance has been following up outstanding items which relate to Other Receivables by issuing reminders when they are overdue and formal debt collection if reminders are ignored.

**8. Rating Information (Note 8 Page 44 - 45)**

The notices for rates and charges levied for 2015/16 were issued on 27 July 2015.

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

First Instalment	31 August 2015
Second Instalment	2 November 2015
Third Instalment	5 January 2016
Fourth Instalment	8 March 2016

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)	\$12.00 per instalment
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

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

Rates debtors as at 30 September 2015 including deferred rates was \$11,975,881 which represents 39.77% of the collectable income compared to 36.67% at the same time last year. It is of note that the rates notices were distributed one week earlier in 2014, with the first instalment due on 25 August, 2014, which may have contributed to the lower percentage paid for the corresponding period.



**9. Beatty Park Leisure Centre – Financial Position Report (Note 9 Page 46)**

As at 30 September 2015 the operating surplus for the Centre was \$24,827 in comparison to the year to date budgeted deficit of \$101,317.

The September budget estimates for Beatty Park Leisure Centre were mostly under or less than the actual expenditure incurred or revenue received. This has been detailed in the variance comments report in **Attachment 1**.

The cash position showed a current cash surplus of \$204,475 in comparison year to date budget estimate of a cash surplus of \$89,051.

**10. Explanation of Material Variances (Note 10 Page 47 - 54)**

The materiality threshold used for reporting variances is 10% on variances more than \$10,000. This threshold was adopted by Council as part of the Budget adoption for 2015-16 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.”*

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**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable.

**COMMENT:**

The financial report is generally reflecting a positive result, supported by a significant improvement in the forecast opening position, which is the first improvement on the budgeted opening balance in several years and will closely align to the municipal funding required for the capital projects carried forward from the previous financial year.

One area of non-compliance has been identified in the current reporting period. In the capital works schedule, Page 37 of **Attachment 1** it is noted expenditure against "Misc. Minor Plant", however there is no budget provision. Historically, a budget has been included each year for the purchase and replacement of miscellaneous items of minor plant, with the 2014/15 Budget including an amount of \$40,000 and actual expenditure of \$29,296. An oversight resulted in this item not being listed for consideration in the 2015/16 Budget.

Despite the omission of the budget, staff proceeded to purchase a brushcutter, blowers and auger to a combined value of \$2,983 prior to the error being recognised and instructions issued to discontinue any further proposed purchases/replacements.

This situation has highlighted an error in purchasing procedures resulting in further instructions being provided and a reinforcement of responsibility and accountability to verify budget provisions prior to initiating procurement.

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**5.3.5 Loton Park Tennis Club – Lease of Premises Corner Bulwer and Lord Streets, Perth**

<b>Ward:</b>	North	<b>Date:</b>	9 October 2015
<b>Precinct:</b>	North Perth (8)	<b>File Ref:</b>	SC351/SC623
<b>Attachments:</b>	<a href="#">1</a> – Map of proposed leased area		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J Paton, Director Corporate Services		
<b>Responsible Officer:</b>	J Paton, Director Corporate Services		

**OFFICER RECOMMENDATION:**

1. That Council **APPROVES** a lease from 1 November 2015 to Loton Park Tennis Club over the premises located at the corner of Bulwer and Lord Streets, Perth, on the following key terms:
  - 1.1 **Term:** five years plus two five year options;
  - 1.2 **Permitted Use:** Sporting Facility;
  - 1.3 **Rent:** \$1,000 plus GST per annum (indexed by CPI);
  - 1.4 **Statutory Compliance:** Lessee responsibility;
  - 1.5 **Rates & Taxes:** to be paid by the Lessee;
  - 1.6 **Outgoings:** to be paid by the Lessee;
  - 1.7 **Repair & maintenance:** Lessee to keep, maintain and substantially repair;
  - 1.8 **Lessor’s Covenants:**
    1. to grant the Lessee quiet enjoyment of the premises; and
    2. repairs to major structural elements of the clubhouse.
  
2. Subject to final satisfactory negotiations being carried out by the Chief Executive Officer, **AUTHORISES** the Mayor and Chief Executive Officer to affix the common seal and execute the lease in 1 above.

**PURPOSE OF REPORT:**

To seek approval from Council to approve a lease to the Loton Park Tennis Club to continue leasing the premises located at the corner of Bulwer and Lord Streets, Perth.

**BACKGROUND:**

**The Property**

Loton Park Tennis Club is located on the corner of Lord and Bulwer Streets, North Perth, being a portion of Lot 50, which is held in freehold by the City of Vincent.

The Loton Park Tennis Club Pavilion is listed on the City’s Municipal Heritage Inventory (the Inventory) as a Management Category A – Conservation Essential. The Inventory includes the following information:

*Loton Park Tennis Club Pavilion is a fine example of the Interwar Arts and Craft style, to the design of Eales & Cohen, foremost exponents of the style. The pavilion is raised in its setting to overlook the tennis courts and Perth Oval. The tennis club has been the focus of social and competitive tennis since the club’s formation in 1916. It has association with William Loton because it formed part of the Perth Oval/Loton Park site which he sold to the City of Perth.*

*Loton Park, an area of land at Location 114, was originally owned by William Thorley Loton, Mayor of Perth (1901-2), MLC and well-known pastoralist. Loton, who was knighted in 1923, had his home 'Dilhorn' across the road at No. 2 Bulwer Street.*

*It is believed the land was used for farming and market garden purposes and it was known initially as 'Loton's Paddock'. Loton offered the land to the Perth City Council on 12 September 1904 for the sum of £8,500 with the stipulation that it be used for public recreation and named Loton Park.*

*By 1910 the recreation area was known as Perth Oval. Among the recreation facilities provided by the City were four tennis courts, constructed in 1913-14. Loton Park Tennis Club was established in 1916 after City of Perth agreed to allow a private group, whose spokesman was Mr Hatfield, to use three of the courts. The club held its inaugural meeting on 4 December 1916 where the Hon. R.J. Robinson was elected as the inaugural president and J. Broadway as secretary. The official opening of the club's courts was held on 16 December 1916. In 1917 it was granted the use of two more courts and in 1919, it joined the Western Australian Lawn Tennis Association.*

*The club applied twice for permission to build a pavilion. This was granted in 1920, and the City of Perth advanced £100 towards it (the total cost was £120). It was erected in 1922, to one of two designs proposed by architects Eales & Cohen, and consisted of two rooms and a wide verandah to accommodate spectators. In 1932, the pavilion was extended to provide extra changing facilities. New wire fences were erected in 1937, again with assistance from the City of Perth. In 1939 it was connected to the sewer and toilets and showers installed in 1953.*

*In 1995 a Conservation Management Plan was commissioned with the aid of Lotteries money for repairs. Renovations were carried out with the aid of a Lotteries Commission heritage grant of \$26,425, included restumping, re-roofing and re-wiring and the replacement of a number of exterior wooden features*

### **The Lessee/Lease**

As noted above, the Loton Park Tennis Club (Inc) (the Club) was established in 1916 and is apparently the second oldest continuously operating tennis club in Western Australia. As a result, the Club is making plans for its 100<sup>th</sup> anniversary celebration, with a range of events in 2016.

The Club has 285 members, of which it indicates 61% reside within the City of Vincent. The Club has advised the membership is increasing and it aims this year to build the membership to 350, through ongoing networking and advertising campaigns.

The Club has maintained occupation of the site since its inception, with the latest lease being held over the premises located at the corner of Bulwer and Lord Streets, Perth for a period of ten years, which expired on 30 June 2014. The Club has been on a month by month tenancy since that date.

The key terms of the previous Lease include:

Original Lease term	5 years
Initial term expiry	30/06/2009
Further lease terms	5 years expiring 30/06/2014
Lease fee (current)	\$1
Sinking fund contribution	Nil
Service Charges	Lessee to pay
Compliance with Statute	Lessee responsibility
Lettable area	5,500m <sup>2</sup>
Clubroom	90m <sup>2</sup> plus verandah (total 165m <sup>2</sup> )
Number of grass courts	6
Number of synthetic courts	2

In respect to maintenance obligations, the Lease included the following:

*The Lessee must repair and maintain the premises including all lighting and electrical installations, all fences, gates, reticulation, drainage systems and other fixtures and fittings in the premises in good order and condition and must keep the premises clean and in a sanitary state at all times.*

*The Lessee shall not be required to replace electrical switchboards or wiring if replacement is required due to the age of the switchboards or wiring.*

*The Lessee shall not be required to replace electrical plumbing or piping if replacement is required due to the age of the plumbing or piping.*

A report was presented to the Ordinary Meeting of Council on 23 October 2014 (Item 9.3.4) to consider entering into a further Lease, however at that time, Council resolved to defer the item for further consideration.

#### **DETAILS:**

Apart from Loton Park Tennis Club, the City currently holds leases with the following three tennis clubs:

- Leederville Tennis Club      Bourke Street, Leederville
- North Perth Tennis Club      Farmer Street, North Perth
- Tennis Seniors WA Inc.      Robertson Park Tennis Centre

Each of these leases covers the full area of the tennis courts and in recognition of the exclusive use, assigns broad responsibilities to the Lessee in respect to operational charges and maintenance obligations. This requirement generally specifies a requirement for the Lessee to repair and maintain the premises, including all lighting and electrical installations, all fences, gates, reticulation, drainage systems and other fixtures and fittings in the premises in good order and condition and keep the premises clean and in a sanitary state at all times.

In addition, the leases also stipulate that the Lessee is to permit other members of the community access to the facility at times when the premises are not required by the Lessee.

The Lessee is entitled to the income, which provides an important funding stream for the Clubs to supplement membership fees and various fundraising events to meet the Lessee obligations and to fund or contribute to other facility improvements.

In this instance, the Club has confirmed that a number of organisations have hired the facility on a recurring basis, with the venue also used by private hirers including corporate events, birthday parties and other social gatherings. This has assisted the Club to provide \$62,000 towards the construction of a universally accessible ramp and decking for the clubroom at a total cost of \$89,000. These works will complement the improvements undertaken last financial year by the City and the upgrade of toilet/changeroom facilities currently being undertaken by the City.

#### **Lease**

Administration met with representatives from the Club on 16 July 2015 to discuss the current and future expectations of both the City and the Club in order to put forward a new lease proposal to Council. As an outcome of the meeting the Club has written to the City requesting a new lease for a period of ten years with a further two five year option periods.

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In support of its application, the Club has also advised the following:

- The Club's season runs from October to June, subject to the weather and condition of the grass. During the playing season, the courts are used extensively on weekends and the hard courts are used 3 - 4 nights a week. In addition, the two hard courts are hired out to the public all year round;
- The Club is anticipating the need to resurface the existing hardcourts within the next 18 months, which is at the Club's expense;
- With the construction of the deck area to the western area of the clubhouse, the Club would like to construct a roof structure over the area, subject to Council approval;
- The Club indicated a desire to provide additional courts in order to meet the needs of an expanding membership base and to enhance the Club's financial sustainability. This would involve the provision of two additional hard courts, enabling continued operation during winter months. This would however require additional land being made available from Loton Park; and
- Parking is an ongoing issue for the Club as there are no dedicated parking facilities available. This is particularly an issue when rugby is being played at nib Stadium.

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

Administration has met with representatives of the Club on two separate occasions (16/07/15 and 16/09/15) to discuss the lease requirements and conducted a site visit on 21/09/15.

As the lease meets the requirements of an exempt disposition, in accordance with Section 3.58(5) of the *Local Government Act 1995*, there is no requirement for the City to advertise an intention to enter into a lease with the Club.

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

*Local Government Act 1995* Section 3.58 Disposing of Property

“(1) *In this section –*

**dispose** *includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

**property** *includes the whole or any part of the interest of a local government in property, but does not include money.*

(2) *Except as stated in this section, a local government can only dispose of property to –*

(a) *the highest bidder at public auction; or*

(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –*

(a) *it gives local public notice of the proposed disposition –*

(i) *describing the property concerned; and*

(ii) *giving details of the proposed disposition; and*

(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*

(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

- (5) *This section does not apply to –*
- (d) *any other disposition that is excluded by regulations from the application of this section.*

In accordance with Section 3.58(5)(d) above, Regulation 30 of the Local Government (Functions and General) Regulations 1996 provides a range of dispositions that are exempt from the application of Section 3.58 of the Act, including dispositions to:

- *A body, whether incorporated or not the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions; or*

City of Vincent Policy 1.2.1 – Policy Statement:

1. Any new lease granted by the Council shall usually be limited to a five (5) year period, and any option to renew shall usually be limited to no more than a ten (10) year period.
2. Council may consider longer periods where the Council is of the opinion that there is benefit or merit for providing a longer lease term.

**RISK MANAGEMENT IMPLICATIONS:**

**Low** Loton Park Tennis Club has demonstrated over a long period their capacity to manage a lease over this facility, however the standard lease terms prescribe Lessee responsibility for compliance and also entitle the City to undertake regular inspections to verify the condition of the asset.

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2013-2023:

*2.1.3 Develop business strategies that reduce reliance on rates revenue*

- (c) *Continue to review leases and commercial contracts to ensure the best return for the City, whilst being cognisant of its community service obligations.*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The City previously provided a peppercorn lease agreement with the Loton Park Tennis Club. However, it is recommended by Administration that the Club pay \$1,000 per annum plus GST indexed to CPI in line with the other Tennis Clubs within the City.

**COMMENTS:**

In 2016 the club will be celebrating their 100th Anniversary of formation and as such will be planning a number of events throughout 2016, culminating in a large event to be held on or around 4 December 2016.

It appears the Club's management committee are working hard to enhance the Club and the facilities to attract more membership and broader community use, with a view to enhancing the sustainability of the Club. Recent and current improvements undertaken by the City and Club on the facilities should support these endeavours.

The Club has demonstrated a long term commitment to the facility and local community and warrants the security of a lease over the premises. Whilst it is considered appropriate to recommend the granting of a new lease, consideration has been given to the broader policy framework and the principles and precedence established through each new lease.

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As part of this process, consideration has been given to the issue of equity, including a review of the key terms included in the other tennis club leases.

The following table includes a comparison of key terms included in each of the tennis club leases:

	<b>Leederville</b>	<b>North Perth</b>	<b>Tennis Seniors</b>	<b>Loton Park</b>
<b>Original Lease term</b>	5 years	7 years	5 years	5 years
<b>Initial term expiry</b>	31/08/2019	31/12/2016	31/08/2012	30/06/2009
<b>Further lease terms</b>	10 years	Nil	5 years	5 years
<b>Lease fee (current)</b>	\$1,025 incl. GST	\$962 incl. GST	\$1,337 incl. GST	\$1
<b>Sinking fund contribution</b>	\$1,048	\$5,040	Nil	Nil
<b>Sinking fund purpose</b>	Bore/Pump replacement	Future court replacement	N/A	N/A
<b>Service Charges</b>	Lessee to pay	Lessee to pay	Lessee to pay	Lessee to pay
<b>Compliance with Statute</b>	Lessee responsibility	-	Lessee responsibility	Lessee responsibility
<b>Lettable area</b>	7,732m <sup>2</sup>	6,302m <sup>2</sup>	2,200m <sup>2</sup>	5,500m <sup>2</sup>
<b>Clubroom area</b>	420m <sup>2</sup>	214m <sup>2</sup>	531m <sup>2</sup>	90m <sup>2</sup> plus verandah
<b>Number of grass courts</b>	12	6	18	6
<b>Number of synthetic courts</b>	4	-	18	-
<b>Number of hard courts</b>	2	2	-	2
<b>Lessee's Maintenance responsibilities</b>	Keep Premises in good substantial and functional repair	Keep Premises in good substantial and functional repair	Repair and maintain the Premises in good order and condition	Repair and maintain premises in good order and condition
<b>Lessee's Maintenance Exclusions</b>	Damage by fair wear and tear excepted	Damage by fair wear and tear excepted	Replacement of electrical and plumbing if due to age	Replacement of electrical and plumbing if due to age
<b>Lessor's capital works</b>	-	At Lessor's sole discretion	A right to undertake	A right to undertake
<b>Other</b>	-	-	50% of annual bore maintenance costs	-

Although there are differences in the wording of the existing leases, the Lessee obligations are relatively consistent, including responsibility to:

- keep and maintain the premises;
- meet the cost of services and outgoings;
- make the facility available to community groups and individuals when the facility is not required by the Club (charges can be applied); and
- comply with all statute.



The City's obligation is generally restricted to providing the facility and granting the Lessee quiet enjoyment (whether stated expressly or not). Whilst a lease fee is stipulated in three of the leases, the value is considered nominal given the exclusive benefit being provided and the fact it is not linked to the scale of the lease. This is considered reasonable given the level of obligation on the Lessee and expectation that these types of clubs generally attract membership from and service the local community.

In respect to the use of a sinking fund, the following distinctions are noted:

- a bore is provided within the leased area at Loton Park and is therefore the responsibility of the Club, as opposed to Tennis Seniors, that access a bore located on Robertson Park; and
- There is no express obligation on the City as Landlord to fund court upgrades or replacement, however the inclusion in the North Perth Tennis Club's lease infers a role for the City. The Club has already indicated it is responsible and is budgeting for the resurfacing of the hardcourts at Loton Park.

There are unique aspects at Loton Park that may need to be recognised in the new Lease. These include:

- it is relatively small (8 courts – same as North Perth), which can place some limitations on capacity;
- the heritage building may impose some additional costs, such as repairs to the roofing material;
- small clubroom, which may limit capacity for functions and membership growth; and
- no onsite parking provided for members.

General principles considered when establishing the negotiation basis for the future lease include:

- a lease fee is appropriate, but will range from full commercial value to nominal, depending on the nature of the Lessee (commercial, sporting, community) and contribution/service delivered to the local community;
- statutory compliance is the responsibility of the Lessee, including repairs or modifications required as a result of the Lessee's use of the premises;
- where exclusive use is granted with full 'quiet enjoyment', the lease should be on a 'no cost' to the City basis. This will be through express obligations for the Lessee to keep, repair and maintain the facility or through the payment of variable outgoings; and
- the longer the duration of the lease, express obligations can be introduced for structural responsibilities to be assigned to the Lessee.

A new lease to the Club is therefore recommended on the following general terms:

Lease Term:	five years
Option Term(s):	two of five years
Permitted Purpose:	Sporting facility
Annual Lease Fee:	\$1,000 per annum plus GST (indexed to CPI)
Statutory Compliance	Lessee's responsibility
Rates and Taxes:	Lessee's responsibility
Outgoings:	Lessee's responsibility
Repair and Maintenance:	Lessee to keep, maintain and substantially repair
Lessor's Covenants:	1. to grant the Lessee quiet enjoyment of the premises; and 2. repairs to major structural elements of the clubhouse.

If Council approve the recommendation the Club will be requested to submit its constitution, operating and financial statements and a statutory declaration of the membership of the Club from within the City of Vincent for assessment as part of the final lease negotiations.

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**5.3.6 Portion of No. 10 (Lot 2545) Farmer Street, North Perth – Approval of a Sublease to Vincent Men’s Shed (Inc.)**

<b>Ward:</b>	North	<b>Date:</b>	9 October 2015
<b>Precinct:</b>	North Perth (P8)	<b>File Ref:</b>	SC351/SC2087
<b>Attachments:</b>	<a href="#">1</a> – Woodville Reserve Masterplan <a href="#">2</a> – Aerial plan of site		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	K Davies, Executive Secretary Corporate Services		
<b>Responsible Officer:</b>	J Paton, Director Corporate Services		

**OFFICER RECOMMENDATION:**

That Council:

1. Subject to the approval of the Minister for Lands, APPROVES entering into a 10 year Sublease commencing 2 October 2015, with Vincent Men’s Shed (Inc.) over an area of approximately 325m<sup>2</sup> at No. 10 (Lot 2545) Farmer Street, North Perth as follows:

- |     |                       |  |
|-----|-----------------------|--|
| 1.1 | Term:                 | Ten years;   |
| 1.2 | Permitted Use:        | Community Activities – Men’s Shed;                                       |
| 1.3 | Rent:                 | \$1 for first two years, then \$500 plus GST per annum (indexed by CPI); |
| 1.4 | Statutory Compliance: | Lessee responsibility;   |
| 1.5 | Rates & Taxes:        | to be paid by the Lessee;  |
| 1.6 | Outgoings:            | to be paid by the Lessee;  |
| 1.7 | Repair & maintenance: | Lessee to keep, maintain and substantially repair; and                   |
| 1.8 | Lessor’s Covenants:   | to grant the Lessee quiet enjoyment of the premises; and                 |

2. Subject to the Minister’s approval in 1 above and final satisfactory negotiations being carried out by the Chief Executive Officer, AUTHORISES the Mayor and Chief Executive Officer to affix the common seal and execute the Sublease.

**PURPOSE OF REPORT:**

To consider the annual lease fee and seek the approval of the Minister for lands for the sublease with Vincent Men’s Shed (Inc.) for a portion of No. 10 (Lot 2545) Farmer Street, North Perth.

**BACKGROUND:**

Woodville Reserve (Lot 2545) is a Class “A” Reserve set aside for ‘Recreation’ purposes. It is the subject of a 999 year Crown lease (CL 1013/1925) to the City of Vincent, originally issued on 30 June 1925. To “the Mayor and Councillors of the City of Perth”.

The reserve is a multi-use facility, with leases held by:

- North Perth Bowling Club Inc.
- North Perth Tennis Club Inc.
- North Perth Community Garden
- Multi-Cultural Services Centre of WA

At the Ordinary Meeting of Council on 24 July 2012 (item 9.1.7) Council granted Planning Approval for the development of a Men's Shed of approximately 250m<sup>2</sup> on Woodville Reserve, to consist of a workshop, small office, bathroom, and minimal kitchen facilities.

The Woodville Reserve Masterplan was adopted by Council on 12 February 2013 and included a proposal to establish a Men's Shed on the reserve.

At the Ordinary Meeting of Council held 29 October 2013, a report (item 9.4.1) was presented, recommending the approval of a two year lease to Vincent Men's Shed (Inc.) over a 252m<sup>2</sup> portion of Woodville Reserve (**see Attachment 1 – Woodville Reserve Masterplan**).

Administration recommended a peppercorn lease for the initial two year period for the Vincent Men's Shed given they were a new entity and were not yet financially independent from the City.

An amendment was moved to the Officers Recommendation, to add the following:

- 1.2 *two (2) further options of ten (10) year leases; and*
- 1.3 *rent not to exceed \$2,000 per annum for the duration of the lease agreement*
2. *NOTES that as the proposed lease area is within a Reserve, there are no rates payable on this land.*

Following discussion, the first part of the amendment was changed to have only one 10 year option.

The motion as amended was put and carried by Council, however the minutes as confirmed at the subsequent Council meeting on 5 November 2013 incorrectly reflect the following:

*"That the Council APPROVES:*

- 1.1 *a peppercorn lease from 1 October 2013 to 1 October 2015;*
- 1.2 *two (2) further options of ten (10) year leases; and*
- 1.3 *rent not to exceed \$2,000 per annum for the duration of the lease agreement for the premises at No. 10 (Lot 2545) Farmer Street, North Perth an area of approximately 252m<sup>2</sup> being granted to the Vincent Men's Shed (Inc.), as shown in Appendix 9.4.1, (Drawing 2846-CP-01E) as follows:*

<i>Term:</i>	<i>Two (2) years, followed by one (1) option of ten (10) years;</i>
<i>Rent:</i>	<i>\$1.00 per annum plus GST (paid on demand), reviewed after two (2) years but not to exceed \$2,000 per annum plus GST (paid on demand);</i>
<i>Outgoings:</i>	<i>To be paid by the Lessee;</i>
<i>Rates &amp; Taxes:</i>	<i>To be paid by the Lessee; and</i>
<i>Permitted Use:</i>	<i>Community activities;</i>

*subject to final satisfactory negotiations being carried out by the Chief Executive Officer; and*

2. *NOTES that as the proposed lease area is within a Reserve, there are no rates payable on this land."*

Notwithstanding the inconsistency in the minutes, the lease was prepared consistent with the terms outlined in resolution 1.3 of Council's decision.

**DETAILS:**

The Lease executed between the City of Vincent and Vincent Men's Shed (Inc.) is structured on the standard lease format and includes broad terms establishing the following lease principles:

Permitted Use:	Community, Recreational and Leisure activities;
Statutory Compliance:	Lessee responsibility;
Rates & Taxes:	to be paid by the Lessee;
Outgoings:	to be paid by the Lessee;
Repair & Maintenance:	Lessee to keep, maintain and substantially repair; and
Lessor's Covenants:	to grant the Lessee quiet enjoyment of the premises.

The initial two year period of the Lease expired on 1 October 2015 and therefore Administration reviewed the Lease and Council approval, with a view to progressing the further ten year term. As a result of the review, a number of issues were identified that would require further consideration and direction by Council. This includes:

**Council decision 29 October 2013 (item 9.4.1)**

- Resolution 1.3 indicates the rent during the term is "*not to exceed \$2,000 per annum*". As the decision does not provide any guidance on the criteria that should be applied to establish the lease fee applicable during the ten year further term, within the limit set, or authorise a decision under delegated authority, Administration is not in a position to execute the required variation to the Lease;
- It is of note, that in respect to Resolution 2, the existence of a lease on a Council controlled Reserve does not in itself result in the land being non-rateable; and
- As Woodville Reserve is located on a Crown Reserve under Lease to the City, any 'sublease' proposal is required to be approved by the Minister for Lands. This was not specified in the Council report and did not form part of the Council decision.

**The Lease**

- The Deed executed between the City of Vincent and Vincent Men's Shed (Inc.) is referenced as a Lease but should actually be a Sublease.
- The introductory recitals in the 'Lease' include the following statements:
  - *The City has power to Sub Lease the Land subject to the prior written approval of the Minister for lands.*
  - *The Minister for Lands has consented to this Sub Lease.*

It is noted the standard template that has been used to draft the Lease includes these statements as a point of reference, however in this instance, the Crown Lease does not include a specific reference to 'Power to Lease' and there is no record of the Minister's approval being sought or obtained.

- The Lease has been executed by the City and Vincent Men's Shed (Inc.).

**CONSULTATION/ADVERTISING:**

A site meeting was held with representatives of the Vincent Men's Shed on Thursday 8 October 2015 to discuss the Lease issues and the group's funding position.

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**LEGAL/POLICY:**

Policy No. 1.2.1 – Terms of Lease

- “1. Any new lease granted by the Council shall usually be limited to a five year period, and any option to renew shall usually be limited to no more than a ten year period.
2. Council may consider longer periods where the Council is of the opinion that there is benefit or merit for providing a longer lease term.”

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** Due to the current legal standing of the lease, the City could be exposed to cost and liability risks associated with the occupancy of the facility by the tenant. In addition, the Vincent Men’s Shed (Inc.) is in an uncertain position in respect to its enjoyment of the facility.

The formalisation of a sublease, duly approved by the Minister of Lands will mitigate the current risk exposure to a “low” rating.

**STRATEGIC IMPLICATIONS:**

The City’s *Strategic Plan 2013-2023*, the following Objectives state:

- “2.1.3: Develop business strategies that reduce reliance on rates revenue.
  - (c) Continue to review leases and commercial contracts to ensure the best return for the City, whilst being cognisant of its community service obligations.
- 3.1.3: Promote health and wellbeing in the community.
- 3.1.5: Promote and provide a range of community events to bring people together and to foster a community way of life.
- 3.1.6: Build capacity within the community to meet its needs.”

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The current lease requires the Lessee to meet a range of obligations. This report recommends the introduction of a nominal Rent to be paid by the Lessee during the balance of the Term.

**COMMENTS:**

Whilst it is accepted that the Vincent Men’s Shed (Inc.) has signed a Lease in good faith, there is an issue in respect to the validity of the agreement, given the absence of Ministerial approval.

As it would have been necessary to enter into a Deed of Variation to the Lease to deal with the issue of Rent during the further 10 year term, it is considered more suitable to actually enter into a new sublease, essentially on the same terms and conditions as agreed in the current ‘Lease’, subject to approval by the Minister for Lands and formalising the rent arrangements.

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The key issue for consideration is therefore determining an appropriate Lease fee recognising the Council's previous decision that it should not exceed \$2,000 plus GST for the duration of the lease agreement. To assist in this process, the following information has been considered:

- In the City's 2015/16 Budget, \$5,000 operational and \$9,670 capital has been allocated to the Men's Shed.
- It is proposed to spend the 2015/2016 capital contribution from the City on a dust extraction system within the shed, to address an identified risk to its members.
- The Vincent Men's Shed (Inc.) have completed a significant amount of work on the leased area since they entered into their original lease agreement in 2013. This has been with the ongoing support of the City, successful grant applications and a dedicated volunteer committee. Over the past two years the following improvements have been undertaken:
  - accessible hand rails in the restroom;
  - a solar hot water system;
  - partitioning;
  - 15 AMP power points; and
  - overhead extension cords.
- The Vincent Men's Shed (Inc.) conducted a consultation survey with its members in early 2015. The results of the survey showed that members are interested in ongoing learning through the Shed. The Shed will be working to create a sustainable program to assist with the development of its members.

At a recent site meeting, it was confirmed the group has approximately 75 members, with 65% residing in the City of Vincent. Whilst it is proposed to increase membership, the size of the facility and equipment available may place limitations on growth. The membership fee is currently set at \$50 per year, which is applied towards association membership and insurance, with the balance applied towards meeting the operational costs. Additional revenue opportunities have been explored, including fund raising and grant/sponsorship applications.

The group is considered to be still in its development stage and a full understanding of their capacity to meet all lease obligations is to be confirmed, given the current reliance on financial support from the City and development work still occurring on the building. In view of this, it is proposed that a further two year rent free period should be provided.

Following that period, Administration recommends rent be restricted to a nominal contribution, commencing at \$500 per annum, with CPI increases throughout the term, in recognition of their limited membership capacity and significant community benefits and positive social return on investment attributed to the Men's Shed, including:

- It provides a meeting point of social activity for both men and women in the City of Vincent, increasing social capacity;
- Members have reported an increased sense of community and 'mateship' since joining the shed;
- Men's Sheds provide an opportunity to reach some priority populations for health interventions; and
- Awareness of mental health issues like depression and anxiety is improved through this type of membership.

At the site meeting held on 8 October 2015, it was also confirmed that the lease only covered the footprint of the building, being 12m x 21m (252m<sup>2</sup>). This creates some operational implications, including the proposed placement of plant servicing the dust extraction system. It is therefore proposed to increase the leased area to 14m x 23.2m (325m<sup>2</sup>) by extending it in a southerly and easterly direction to include the areas bounded by the retaining wall for the shed.

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**5.3.7 Disposal of Property at Lot 140 Brentham Street, Mount Hawthorn**

<b>Ward:</b>	North	<b>Date:</b>	9 October 2015
<b>Precinct:</b>	Precinct 1 – Mt Hawthorn	<b>File Ref:</b>	SC2328
<b>Attachments:</b>	<a href="#">1</a> – Site Plan <a href="#">2</a> – 1929 Resumption Plan <a href="#">3</a> – Diagram 29775 <a href="#">4</a> – Certificate of Title 1389/164		
<b>Tabled Items:</b>	Nil.		
<b>Reporting Officer:</b>	K Davies, Executive Secretary Corporate Services		
<b>Responsible Officer:</b>	J Paton, Director Corporate Services		

**OFFICER RECOMMENDATION:**

**That Council:**

- APPROVES** advertising a local public notice in accordance with section 3.58(3) of the *Local Government Act 1995* with an invitation for public comment on a proposal for the disposal of Lot 140 Brentham Street, Mount Hawthorn to the owner of the adjoining Lot 139 Brentham Street, Mount Hawthorn; and
- DELEGATES BY ABSOLUTE MAJORITY** to the Chief Executive Officer, the power to consider any submissions received in response to the Local Public Notice in 1 above and determine whether to proceed with the proposed disposition as presented in the Local Public Notice.

**PURPOSE OF REPORT:**

To present a proposal for the sale of vacant Lot 140 Brentham Street, Mount Hawthorn to the adjacent property owner at No. 27 (Lot 139) Brentham Street, Mount Hawthorn.

**BACKGROUND:**

On 1 April 2015 Administration received a letter from Ms Amanda Danti, the owner of the property located at No. 27 (Lot 139) Brentham Street, Mount Hawthorn indicating her interest in purchasing the 201m<sup>2</sup> vacant lot adjacent to her property, being Lot 140 Brentham Street, Mount Hawthorn from the City of Vincent (see **Attachment 1 - Site Plan**).

Lot 140 is located on the corner of Brentham and Britannia Roads and is a residual parcel of land acquired originally by the City of Perth for the purpose of road widening. Records indicate the Britannia Road land resumption was undertaken in 1929, over a section of land on the south side (current Britannia Reserve) and three properties on the north side to enable widening of Britannia Road west of Brentham Street (see **attachment 2 – 1929 Resumption Plan**).

The resumption of the three properties on the north side of Britannia Road resulted in the following:

Lot 120 (originally 570m<sup>2</sup>)

- 370m<sup>2</sup> excised and dedicated as road reserve.
- Balance of Lot, being 200m<sup>2</sup> was subsequently amalgamated with the adjoining property.

Lot 121 (originally 570m<sup>2</sup>)

- 371m<sup>2</sup> excised and dedicated as road reserve.
- Balance of Lot, being 199m<sup>2</sup> remains and is held in freehold by the City and forms part of a wide verge.

Lot 140 (originally 570m<sup>2</sup>)

- 369m<sup>2</sup> excised and dedicated as road reserve.
- Balance of Lot, being 201m<sup>2</sup> remains and is held in freehold by the City and forms part of a wide verge.

Around the same time, Lot 101 (originally 569m<sup>2</sup>) was also affected by a resumption, resulting in:

- 171m<sup>2</sup> excised and dedicated as road reserve.
- Balance of Lot, being 398m<sup>2</sup> was presumably sold and developed.

The 369m<sup>2</sup> portion of Lot 140 dedicated as road reserve is depicted on diagram 29774, approved by the Town Planning Board 12 November 1963 and registered at the Department of Lands on 19 December 1963.

At the same time, Diagram 29775 was also approved by the Town Planning Board (see **Attachment 3 – Diagram 29775**) which depicts the balance of Lot 140 being amalgamated with the adjoining Lot 139 to create a 625m<sup>2</sup> Lot. Whilst this depicts an intent, it appears it did not proceed, presumably as it would have required the adjoining owner to agree to purchase the land.

#### Key dates in respect to Lot 140

6 September 1929	Resumed by City of Perth
12 October 1931	Certificate of Title 1026/746 registered, which included a range of Lots, including Lot 120, 121, 140 and portions of 'Britannia Reserve'
10 June 1966	Portion dedicated as road reserve
2 September 1974	Certificate of Title 1026/746 cancelled
2 September 1974	Certificate of Title 1389/164 registered (see <b>Attachment 4</b> ), which included Lot 121, 140 (201m <sup>2</sup> ) and part Lot 34 (portion of Britannia Reserve)

#### DETAILS:

As a result of the request from Ms Danti, the City obtained a market valuation from Herron Todd White for Lot 140 Brentham Street, Mount Hawthorn, with the following relevant details included.

#### Encumbrances

No easements or encumbrances are noted on the title.

#### Property Details

The subject site is a vacant irregular elongated shaped corner site lot of approximately 201 square metres, on the corner of Britannia Road and Brentham Street.

The site is classified as Residential R30 pursuant to the City's Town Planning Scheme No. 1. Due to the size of the vacant lot, it is unable to be developed in its current form in accordance with the zoning provisions.



### Market Value

Based on the increased value of amalgamating the Lot with the adjoining property, Lot 140 has been assessed as having a total market value of \$200,000.

Plans were obtained from the various utility providers to verify location of services and proximity to Lot 140. This process revealed that a Telstra cable is located within Lot 140 (and Lot 121) and running parallel with the boundary of Lot 139.

On 3 July 2015, Ms Danti proposed an offer of \$80,000 to purchase Lot 140. However, on 27 August 2015 Administration met with Ms Danti and her husband to outline the process required for Council to formally consider the disposal of the vacant site. This included providing details on:

- Legislative requirements;
- The existing Telstra encumbrance; and
- Market valuation.

In an email dated 8 October 2015, Ms Danti advised they agreed to increase their offer to \$200,000 "inclusive of the relocating of the Telstra cable". Administration sought clarification and has confirmed the offer is:

*"200,000 inclusive of GST, subject to the City arranging and paying for the relocation of the Telstra cable. The offer is subject to finance."*

### CONSULTATION/ADVERTISING:

Advertising is required to be undertaken in accordance with the requirements of Section 3.58(3) of the *Local Government Act 1995 (The Act)* which will include publication of a Local Public Notice in the Guardian newspaper with an invitation for public submissions.

### LEGAL/POLICY:

The following legislative provisions are relevant to transactions for the disposal of property:

*Local Government Act 1995 (the Act) - Section 3.58*

*"(1) In this section –*

**dispose** *includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

**property** *includes the whole or any part of the interest of a local government in property, but does not include money.*

*(2) Except as stated in this section, a local government can only dispose of property to -*

*(a) the highest bidder at public auction; or*

*(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property -*
- (a) *it gives local public notice of the proposed disposition -*
    - (i) *describing the property concerned; and*
    - (ii) *giving details of the proposed disposition; and*
    - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
  - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned; and*
  - (b) *the consideration to be received by the local government for the disposition; and*
  - (c) *the market value of the disposition —*
    - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
    - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5). *This section does not apply to -*
- (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
  - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
  - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
  - (d) *any other disposition that is excluded by regulations from the application of this section.*

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** This request for disposal is a minimal risk for the City as the site is currently vacant and not required for strategic or operational purposes.

**STRATEGIC IMPLICATIONS:**

In accordance with the objectives of the Strategic Plan 2013-2023:

*“2.1.3 Develop business strategies that reduce reliance on rates revenue”*

**SUSTAINABILITY IMPLICATIONS:**

Not Applicable.

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**FINANCIAL/BUDGET IMPLICATIONS:**

A valuation has been obtained from Herron Todd White which provides a market value of \$200,000 for the site. The market valuation is on the basis the property *“is input taxed and free of GST”*. The Valuer has qualified the value by stating that should *“the property not qualify as GST free, our assessment is inclusive of GST”*.

The sale of residential premises is generally not subject to GST, however this does not extend to vacant land, which would be deemed a taxable supply. Election to apply the Margin Scheme can reduce the GST liability, with the margin on unimproved land, subject to certain qualifications, being nil.

This transaction appears to comply with the requirements and would be proposed to be undertaken on a GST inclusive basis under the margin scheme.

In order to make the land available for sale, it will be necessary to have the Telstra cable relocated to an alignment within the road reserve. Telstra has provided an indicative price of \$15,000 for the relocation of the cable from Lot 121 and 140.

Given the City has already incurred costs and will incur further costs associated such as advertising, the following conditions have been proposed to the proposed purchaser:

1. your offer is only subject to obtaining finance;
2. you agree for the purposes of GST for the transaction to proceed under the Margin Scheme if required;
3. you will meet the direct costs incurred by the City for valuation and statutory advertising costs associated with the proposed purchase in the event that you are unsuccessful with obtaining finance and therefore cannot proceed with the purchase;
4. the City will only arrange for the relocation of the Telstra cable in the event Council approves the purchase following the statutory advertising process (at which time a formal offer and acceptance contract will exist) and following advice that your finance has been approved and your offer is consequently unconditional; and
5. you will pay a 15% non refundable deposit within 5 days of the offer and acceptance becoming unconditional (to meet the cost of the relocation of the Telstra cable).

**COMMENTS:**

Administration is supportive of the sale of Lot 140 Brentham Street to the adjoining owner, given:

- Britannia Road typically has a 20m road reserve, except between Seabrook and Brentham Streets, where it appears as 26m due to the presence of Lot 121 and Lot 140, both of which have the corner truncations. The extra width serves no dedicated purpose.
- The sale and subsequent amalgamation of Lot 140 Brentham Street with the adjoining Lot 139 would appear to align with the original intentions following the resumption and dedication of the balance of the Lot. The consequential property boundary would align with the properties on the north side of Britannia Road, with the exception of Lot 121.
- The offer is at the full market valuation.

However, prior to being in a position to formally agree to the sale of the property, the City must comply with the requirements of Section 3.58(3) of the Act, by publishing a local public notice with an invitation for public submissions on the proposed sale. The notice, which will be published in the guardian newspaper is to include:

- The name of the proposed purchaser;
- The proposed sale price; and
- The market value of the land.

It is proposed to seek delegated authority for the Chief Executive Officer to consider any submissions that may be received and determine whether to proceed with the sale.

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## 5.4 COMMUNITY SERVICES

### 5.4.1 Community Support Grants

<b>Ward:</b>	All	<b>Date:</b>	9 October 2015
<b>Precinct:</b>	All	<b>File Ref:</b>	FY20-03, SC393
<b>Attachments:</b>	<a href="#">1</a> – Homeless Healthcare Funding Request		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	J Grundy, Community Development Officer		
<b>Responsible Officer:</b>	R Hall, Acting Director Community Services		

#### OFFICER RECOMMENDATION:

##### That Council:

- AUTHORISES** Administration's expenditure of the Community Support Grants budget item in line with Policy No. 3.10.5-Donations and Sponsorship and Waiving of Fees and Charges and Policy No. 3.10.6-Community and Welfare Grants, which includes the Cultural Development Seeding Grants Programme;
- NOTES** that Administration intends to submit a further report to Council in 2016 reviewing Policy No. 3.10.5-Donations and Sponsorship and Waiving of Fees and Charges and Policy No. 3.10.6-Community and Welfare Grants; and
- NOTES** that Proposals for funding requests beyond the City's Policy will be considered as part of the mid-year budget review and (in the longer term) a proposed Community Development Strategy and associated annual budget planning in future financial years.

#### PURPOSE OF REPORT:

To consider the expenditure of the City's Community Support Grants budget.

#### BACKGROUND:

The 2015/2016 budget process introduced a Community Support Grants budget account of \$47,500. This removed line items from the 2014/2015 Budget for specific organisations to obtain Community and Welfare Grants. This was done to provide flexibility in the budget for the City to fund the current demands and needs of community organisations. The previously listed Cultural Development Seeding grants of \$6,000 was also removed.

The City has two policies that provide guidance on how funding requests will be considered: Policy No. 3.10.5-Donations and Sponsorship and Waiving of Fees and Charges and Policy No. 3.10.6-Community and Welfare Grants. In recent months Administration has received requests for funding from various organisations that fall outside these Policies. This has highlighted a potential misalignment between the funding principles set out in these two policies (for smaller amounts of funding to be shared among a higher number of recipients) and the funding principles and intent underpinning the new Community Support Grants budget account (for the City to be able to offer greater funding to fewer recipients, to support programs that deliver deeper change and long-lasting results).

#### Cultural Development Seeding Grants Programme

Administration has identified a potential conflict with the current Budget and the City's Policy No. 3.10.5-Donations and Sponsorship and Waiving of Fees and Charges. This Policy specifies that funding will be available through the City's Cultural Development Seeding Grants Programme, yet there isn't any specific budget set aside for that programme. The City's position needs to be clarified so that the requests for funding can be determined.

The Cultural Development Seeding Grants Programme has been well utilised in the past to support small cultural events within the City. This financial year, the City has so far received an application from Mount Hawthorn Community Church for its Carols in the Park and has been approached by Aranmore Catholic College for a multicultural food and concert event. The requests for funding have not been processed as no budgeted amount has been allocated to specifically fund such initiatives.

#### Community and Welfare Grants

The Community and Welfare Grants Policy objective is to provide financial assistance in a fair and equitable manner to eligible community groups and organisations whose services directly benefit the City and its residents and whose objectives and activities focus on long term community development as well as individuals who are disadvantaged due to social isolation, socio-economic status, race or disability. Under this Policy, not-for-profit groups and organisations are eligible to apply for a Community and Welfare Grant up to \$6,324 (indexed according to July 2015 CPI). Grants are limited to one organisation per financial year.

This financial year, Administration granted the WA Aids Council \$3,500 to administer 'The HIV Assistance Fund' to 27 clients within the City of Vincent, leaving a balance of \$44,000 available from the budget. The City offers subsidies to other community groups, including YMCA, which is specified as a line item in the City's current budget, however the City has received requests from organisations which were not contemplated by the current budget, and do not meet the City's Policy.

Administration has received a request from Homeless Healthcare (formerly Mobile GP) (See **Attachment 1**) for the maximum value under the current Policy (\$6,324) towards homeless support services as well as a larger funding request (for \$20,000 per annum for four years) which includes capital items that are not permitted by the City's Policy. Administration is also anticipating funding requests from Manna Inc, Salvation Army and Ruah to fund homeless services. Administration has identified that these organisations may not meet the requirements of the City's Policy because their funding requests do (or are likely to) exceed the maximum permitted amount.

#### **DETAILS:**

Administration is seeking direction from Council on how to expend the remainder of the Community Support Grants budgeted amount of \$44,000. Administration has identified two possible options below for Council to consider.

##### Option 1

To expend the Community Support Grants budgeted amount using the current Community and Welfare Grants Policy and Cultural Development Seeding Grants Programme for the 2015/16 financial year.

The City could continue to support various community organisations and events, and be responsive to demand from community organisations. Requests that cannot be met by the current policy would not be funded in full but could be funded in part to the maximum value (\$6,324) in this financial year.

Organisations seeking funding beyond the maximum value specified in the Policy would still be eligible up to a maximum amount of \$6,324. Option 1 would also provide funding for the Cultural Development Seeding Grant Programme as currently there is no budget to support this Programme. By pursuing this option the City could potentially fund six (\$1,000) cultural development seeding grants and further fund at least five organisations to the maximum amount of \$6,324 for community and welfare purposes.

The requests for funding beyond the maximum amount permitted by the City's Policy could be considered as part of a comprehensive and evidence-based community development strategy and/or through the mid-year budget review annual budget planning process in following years.

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### Option 2

To expend the Community Support Grants budgeted amount in a manner differently to that intended by the City's Policy.

If Council is inclined to support funding requests that fall outside the City's Community and Welfare Grant Policy, then the amount of funding these provided to successful organisations needs to be carefully considered because these requests may involve a greater amount of money than is currently available in the budget. Homeless Healthcare has requested the maximum value under the current Policy of \$6,324 to provide homeless support services as well as a larger funding request for \$20,000 per year over four years. Ruah has requested significant funding (up to approximately \$200,000) from the City this financial year for the 50 Lives 50 Homes Campaign and other anticipated requests from Manna Inc. and Salvation Army have not yet been specified. Therefore if Council were inclined to support Option 2, guidance would be needed on how Administration would process these requests.

If the remaining budgeted amount is exhausted on the requests received so far, then the City would not have the financial capacity to support any other funding requests from other organisations, until or unless the budget is adjusted through either the reallocation of funds or at the mid-year budget review. However, by pursuing this option the City would provide a greater level funding concentrated on one issue, homelessness, rather than lesser amounts of funding being provided to more organisations for a variety of purposes.

In terms of refunding requests received so far, it is relevant to note that Ruah and Homeless Healthcare is essentially a partnership. The City's Policy specifies that an organisation already receiving funding through the City of Vincent is not eligible for further funding from other programs or initiatives.

In assessing requests for funding, it is difficult to evaluate competing requests for funding based on the benefit to the City due to an absence of data and identified community need. Administration is intending to prepare a comprehensive and evidence-based community development strategy that would inform the annual budget planning process and guide the review of the City's policies with the aim of putting in place a more relevant and streamlined Grants system.

### **CONSULTATION/ADVERTISING:**

If Option 1 is adopted, the City's grants and donations programmes will be advertised to agencies servicing Vincent residents to encourage more applications to increase the quality and diversity of programmes that would benefit the community.

### **LEGAL/POLICY:**

Policy No. 3.10.5-Donations and Sponsorship and Waiving of Fees and Charges; and  
Policy No. 3.10.6-Community and Welfare Grants.

### **RISK MANAGEMENT IMPLICATIONS:**

**Low:** If Option 1 is adopted, the City would be following existing policies and programmes. Administration is recommending to postpone significant funding requests to be considered at the mid-year budget review or (in the longer term) as part of an overall strategy to minimise any potential risks to the City. However, if Option 2 is adopted, the City would be funding organisations in a manner different to its adopted policies and in the absence of an evidence-based strategy. Whilst, this is entirely Council's prerogative there may be potential complaints/criticisms or perceived issues around opportunity and equity of the way in which grant funding is administered by the City.

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**STRATEGIC IMPLICATIONS:**

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

*“Community Development and Wellbeing*

- 3.1.1 *Celebrate, acknowledge and promote the City's cultural and social diversity.*
- 3.1.2 *Promote and foster community safety and security.*
- 3.1.3 *Promote Health and Wellbeing in the community.*
- 3.1.5 *Promote and provide a range of events to bring people together and to foster a community way of life.*
- 3.1.6 *Build capacity within the community to meet its needs.”*

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

This report outlines two options for the expenditure of the Community Support Grants budgeted amount of \$47,500 of which \$44,000 is available.

**COMMENTS:**

It is recommended that the City's current Policy approach is followed and the Community Support Grant budgeted amount be expended using the Community and Welfare Grants and Cultural Development Seeding Grants Programme. In doing so the City would have the capacity to support multiple community organisations and events and have the flexibility to respond to demand from the community.

The budgeted amount of \$47,500 for Community Support Grants is insufficient to accommodate all of the funding requests the City has received or is anticipating and therefore it is not recommended to support the larger funding request at this time. Administration recognises homelessness as an important issue, however it is recommended to maintain the current approach to provide flexibility for the City to fund a variety of programmes/projects which meet the diverse needs of the community within the City of Vincent.

It is intended that the requests for funds beyond the limitations of the City's Policy be considered as part of the mid-year budget review and (in the longer term) a comprehensive evidence-based community development strategy and annual budget planning process for following years to provide greater equity amongst all community groups and programmes within the City of Vincent. Community focused organisations that are seeking funding beyond the maximum amount permitted by the Policy are still currently able to apply for Community and Welfare Grants up to \$6,324 (July 2015 CPI) which would go some way to meeting their needs.

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## 5.5 CHIEF EXECUTIVE OFFICER

### 5.5.1 Use of the Council's Common Seal

<b>Ward:</b>	-	<b>Date:</b>	9 October 2015
<b>Precinct:</b>	-	<b>File Ref:</b>	SC406
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	M McKahey, Personal Assistant		
<b>Responsible Officer:</b>	L Kosova, Chief Executive Officer		

#### OFFICER RECOMMENDATION:

That Council **NOTES** the use of the Council's Common Seal on the documents listed in this report, for the month of September 2015.

#### BACKGROUND:

The Chief Executive Officer (CEO) is responsible for the day-to-day management of the City and other responsibilities and functions in accordance with Section 5.41 of the Local Government Act. This includes the signing of documents and use of the Council's Common Seal for legal documents.

Policy No. 4.1.10 – “Use of Common Seal” states that Council authorises the Chief Executive Officer to use the Common Seal, in accordance with Clause 13.3 of the City of Vincent Standing Orders Local Law 2008, subject to a report being submitted to Council each month (or bi-monthly if necessary) detailing the documents which have been affixed with the Common Seal.

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

Date	Document	No of copies	Details
24/09/2015	Deed of Extension of Lease	2	City of Vincent and G Hay, S Marchant, F Dennis, C Rowling and J Pfeiffer being representatives of the Robertson park Artists Studio of Halvorsen Hall, 176 Fitzgerald Street, North Perth – <i>Date of Council decision for Lease: 20 October 2009 (Item 9.3.6)</i>
24/09/2015	Section 70A Notification	2	City of Vincent and Demol investments Pty Ltd of 59 Weir Road, Baskerville re: Nos. 602-610 (Lots 89, 404 & 405) Beaufort Street, Perth – <i>Date of DPA Decision: 7 March 2014</i>



**5.5.2 Adoption of Minutes from Special Council Meeting held on 3 February 2015**

<b>Ward:</b>	-	<b>Date:</b>	12 October 2015
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">1</a> – Special Council Meeting Minutes		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	Len Kosova, Chief Executive Officer		
<b>Responsible Officer:</b>	Len Kosova, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That Council **CONFIRMS** the Minutes of the Special Council Meeting held on 3 February 2015 as shown in Attachment 1.

**PURPOSE OF REPORT:**

To confirm the Minutes of the Special Council Meeting held on 3 February 2015, due to an Administration error that resulted in the Unconfirmed Minutes only recently being made available for public inspection and not having previously been submitted to Council for confirmation.

**BACKGROUND:**

A Special Council Meeting was held on 3 February 2015 to consider the appointment of the City's new Director Corporate Services. The Special Council Meeting commenced at 7.30pm, immediately following a Council Briefing session that same night, and concluded at 7.50pm. The Unconfirmed Minutes of that meeting are included as **Attachment 1**.

**DETAILS:**

On Friday 2 October 2015, it came to the Chief Executive Officer's attention that – due to an Administration error – the Unconfirmed Minutes of the 3 February 2015 Special Council Meeting had not been uploaded to the City's website and also that the Minutes had not yet been submitted to Council for confirmation. The Unconfirmed Minutes of that meeting were subsequently uploaded to the City's website on Monday 5 October 2015.

On 2 October 2015, the Chief Executive Officer notified the Department of Local Government and Communities in writing of this matter and the Department has advised that:

- This error technically constitutes non-compliance with Section 5.22(2) of the *Local Government Act 1995* (requiring the Minutes of a Council Meeting to be submitted to the next Ordinary Council Meeting for confirmation) and Regulation 13(a) of the Local Government (Administration) Regulations 1996 (requiring the Unconfirmed Minutes of a Council Meeting to be made available for public inspection within 10 business days after the meeting);
- This is not a matter that needs to be disclosed in the City's Annual Compliance Audit Return; and
- The error can be adequately addressed by submission of this report to Council to confirm the Minutes of the 3 February 2015 Special Council Meeting, albeit belatedly.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

*Local Government Act 1995* and *Local Government (Administration) Regulations 1996*.

**RISK MANAGEMENT IMPLICATIONS:**

This situation has highlighted a shortcoming in Administration's Minute-keeping practices and measures have now been put in place to ensure this error is not repeated.

Council's decision of 3 February 2015 to endorse the appointment of the City's new Director Corporate Services is not invalidated by the fact that the Unconfirmed Minutes were not made publicly available within 10 business following the Special Council Meeting, nor by those Minutes not having been previously submitted to Council for confirmation.

**STRATEGIC IMPLICATIONS:**

The actions taken to prevent this error reoccurring are 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:**

Nil.

**COMMENTS:**

It is recommended that Council confirms the Minutes from the Special Council Meeting held on 3 February 2015 as shown in **Attachment 1**.

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**5.5.3 LATE ITEM: Revised Terms of Reference for Various Advisory Groups**

**REPORT TO BE ISSUED PRIOR TO THE MEETING.**

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**5.5.4 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	9 October 2015
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">1</a> – Information Bulletin		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	J Highfield, Executive Assistant		
<b>Responsible Officer:</b>	Len Kosova, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

That the Council **RECEIVES** the Information Bulletin dated 9 October 2015 as distributed with the Agenda.

**DETAILS:**

The items included in the Information Bulletin dated 9 October 2015 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	State Administrative Tribunal Orders for Sice v City of Vincent, DR 310 of 2015
IB02	Design Advisory Committee Unconfirmed Minutes of Meeting held on 23 September 2015
IB03	Parks Working Group (PWG) Unconfirmed Minutes of Meeting held on 16 September 2015
IB04	Safer Vincent Crime Prevention Partnership (SVCPP) Unconfirmed Minutes of Meeting held on 2 September 2015
IB05	Register of Petitions – Progress Report – October 2015
IB06	Register of Notices of Motion – Progress Report – October 2015
IB07	Register of Reports to be Actioned – Progress Report – October 2015
IB08	Register of Legal Action ( <b>Confidential – Council Members Only</b> ) – Monthly Report as at 6 October 2015
IB09	Register of Orders and Notices Issued Under the Building Act 2011 and Health Act 1911( <b>Confidential – Council Members Only</b> ) – Quarterly Report as at 6 October 2015
IB10	Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 8 October 2015
IB11	Register of Applications Referred to the Design Advisory Committee – 2015
IB12	Register of Applications Referred to the MetroWest Development Assessment Panel – Current
IB13	Forum Notes – 1 September 2015

**6. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**6.1 NOTICE OF MOTION: Mayor John Carey – Review of the City’s Parking Control Policy No. 3.9.5**

That Council REQUESTS the Chief Executive Officer to initiate a review of the City’s Parking Control Policy No. 3.9.5 to provide a simpler, more streamlined and contemporary approach to parking control and the issuance of parking permits.

**REASON:**

The current policy is unnecessarily complex and resource intensive – including the requirement to inspect a resident’s home for parking capacity to determine whether they will be issued with a parking permit. This time could be better spent patrolling parking areas to police commuters using our streets as a carpark.

**ADMINISTRATION COMMENT:**

Administration supports the motion as the current Policy was last reviewed on 28 February 2012. Administration will review the Policy in the context of emerging trends in parking related issues in the City of Vincent and present its findings and recommendation to Council within 6 months of this motion.

**6.2 NOTICE OF MOTION: Mayor John Carey – Review of Laws, Policies and Practices relating to the impact of construction activity on the public realm**

**That Council REQUESTS the Chief Executive Officer to initiate a review of the City's laws, policies and practices relating to the impact of construction activity on the public realm with a report and recommendations on the same to be presented to Council by May 2016.**

**REASON:**

The City regularly receives complaints from residents and pedestrians that construction activity associated with new developments on private property is damaging or obstruction access to footpaths thoroughfares and other public places.

**ADMINISTRATION COMMENT:**

Administration supports the proposed Motion. Extensive research will be required, to clarify and confirm the City's powers to manage the impacts of construction activity on the public realm, and the extent to which those powers are or can be exercised through various laws, policies and practices; these include but are not limited to planning approval, building permits, requiring lodgment of construction bonds and general compliance and enforcement.

Due to current workload pressures and priorities, this exercise would take approximately six months to complete.

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

Nil.

**8. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“BEHIND CLOSED DOORS”)**

**8.1 CONFIDENTIAL REPORT: No. 110 (Lot: 31, D/P 18903) Broome Street, Highgate – Proposed Balcony Extension to Unit Two of a Nine Unit Multiple Dwelling Development – Reconsideration under s31 of the State Administrative Tribunal (SAT) Act 2004 (DR 300 of 2015)**

<b>Ward:</b>	South	<b>Date:</b>	9 October 2015
<b>Precinct:</b>	Precinct 14 – Forrest	<b>File Ref:</b>	5.2015.42.1; PR19010
<b>Attachments:</b>	Confidential – Development Application Plans (Originally Refused) Confidential – State Administrative Tribunal Orders Confidential – Applicant’s Justification and Plans dated 2 October 2015 Confidential – Marked up plans showing proposed versus required setbacks Confidential – Alternative option to extend balcony as proposed by Council Officers		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Rasiah, Acting Manager Planning and Building Services		
<b>Responsible Officer:</b>	G Poezyn, Director Planning Services		

**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

**LEGAL:**

The *Local Government Act 1995*, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

*“2.14 Confidential business*

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.”*

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

In accordance with the legislation, the report is to be kept confidential until determined by the Council to be released for public information.

At the conclusion of these matters, the Council may wish to make some details available to the public.

**8.2 CONFIDENTIAL REPORT: Leederville Gardens Retirement Village – Board Appointments**

<b>Ward:</b>	North	<b>Date:</b>	5 October 2015
<b>Precinct:</b>	Leederville	<b>File Ref:</b>	SC1670; SC313
<b>Attachments:</b>	Confidential – Leederville Gardens Inc. Board Member Nominations		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J Anthony, Manager Community Development		
<b>Responsible Officer:</b>	R Hall, Acting Director Community Services		

**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning the personal affairs of any person, in accordance with Section 5.23 (20 (b) of the *Local Government Act 1995*.

**LEGAL:**

The *Local Government Act 1995*, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

“2.14 *Confidential business*

(1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.”*

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

In accordance with the legislation, the report is to be kept confidential until determined by the Council to be released for public information.

At the conclusion of these matters, the Council may wish to make some details available to the public.

**9. CLOSURE**

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