



CITY OF VINCENT

COUNCIL BRIEFING

Notice of Meeting and Agenda

24 MAY 2016

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 24 May 2016** at 6:00pm.

Len Kosova
CHIEF EXECUTIVE OFFICER

18 May 2016

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.

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. 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.
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. 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.
6. 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.
7. 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.
8. 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**

Nil.

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

4. **Declarations of Interest**

5. **Reports**

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5.1 DEVELOPMENT SERVICES

5.1.1 No. 264 (Lots: 111 and 107; D/P 30685) Lord Street, Perth – Proposed Unlisted Use (Car Wash) and Associated Development – Reconsideration under s31 of the State Administrative Tribunal (SAT) Act 2004 (DR 5 of 2016)

Ward:	South	Date:	13 May 2016
Precinct:	Precinct 15 – Banks	File Ref:	PR23388; 5.2015.194.1
Attachments:	<u>1</u> – Revised Development Application Plan <u>2</u> – Applicant’s Operational Management Plan <u>3</u> – Car Parking Table <u>4</u> – Acoustic Report and Additional Information to Acoustic Report <u>5</u> – Road Reserve Land Showing Lord Street Reservation <u>6</u> – State Administrative Tribunal Orders		
Tabled Items:	Nil		
Consultant:	A Butterworth, Allering & Associates		
Responsible Officer:	G Poezyn, Director Development Services		

RECOMMENDATION:

That Council, in accordance with s31 of the State Administrative Tribunal Act 2004 reconsiders its decision dated 17 November 2015 and in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES BY ABSOLUTE MAJORITY the application for the proposed Unlisted Use (Car Wash) and associated development at No. 264 (Lots: 111 & 107; D/P: 30685) Lord Street, Perth as shown on plans date stamped 13 April 2016, included as Attachment 1 and operational management plan included as Attachment 2, subject to the following conditions:

1. Operational Management

The development shall, at all times, comply with the requirements of the Operational Management Plan. The operation shall be limited to the following and the Operational Management Plan shall be modified within 28 days of the date of this approval to state that:

- 1.1 Washing and cleaning of vehicles shall only occur in the 5 bays identified on the approved plan;
- 1.2 The maximum number of staff employed onsite shall not exceed seven staff at any one time;
- 1.3 The hours of operation shall be limited to 8:00am to 6:00pm seven days a week;
- 1.4 Installation and operation of an illuminated sign stating “No Vacancy” to be located alongside the Summers Street frontage, close to the crossover, which shall be controlled by the cashier which can be lit up when bookings are full;
- 1.5 Operation of hoses for cleaning vehicles shall be limited to no nozzles or use of wide angled or fan spray nozzles, in accordance with the recommendations contained in the recommendations of the acoustic assessment and additional information dated 12 April 2016;

1.6 All vacuum machinery and water treatment shall be located within a plant room within the existing building, as shown on the plans. Construction of the plant room shall be in accordance with the recommendations as detailed in the additional information from the acoustic assessment dated 12 April 2016, with underground ducting/piping being provided to the vacuuming and washing bays; and

1.7 No degreasing or engine detailing is to occur onsite;

2. **Amalgamation**

Lots 107 and 111 shall be amalgamated into one lot on Certificate of Title to the satisfaction of the City;

3. **Boundary Wall**

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 146 Summers Street in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork to the satisfaction of the City;

4. **Car Parking and Access Ways**

4.1 A minimum of four parking car bays shall be provided onsite and these bays shall not be used for washing or cleaning or storage purposes;

4.2 The car park shall be used only by staff and customers directly associated with the business;

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

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

4.5 All new crossovers shall be constructed in accordance with the City's Standard Crossover Specifications;

5. **Interactive Front**

Windows, doors and adjacent areas fronting Lord and Summers Streets shall maintain an active and interactive relationship with the street;

6. **External Fixtures**

All external fixtures shall not be visually obtrusive from Lord and Summers 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;

7. **Road Reservation**

Improvements to the site shall be removed at the expense of the applicant/owner at the time when the reserved land is required for the upgrading of Lord Street intersection and no compensation shall be payable;

8. The following is to form part of the application for a Building Permit, the following shall be submitted to and approved by the City:

8.1 **No Vacancy Sign**

Details of the “No vacancy” sign including details of the location and materials and form of the sign;

8.2 **Landscape and Verge Upgrade Plan**

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

8.2.1 The location and type of proposed trees and plants in the landscape areas including at least three trees with a minimum size of 500 litres;

8.2.2 Areas to be irrigated or reticulated; and

8.2.3 The removal of any redundant crossover and the verge reinstated to the satisfaction of the City;

8.3 **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;

8.4 **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, 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;

8.5 **Waste Management**

8.5.1 A Waste Management Plan; and

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

8.6 **Waste Water Management**

8.6.1 A Waste Water Management Plan; and

8.6.2 Waste water management for the development shall thereafter comply with the approved Waste Water Management Plan;

8.7 **Acoustic Report**

A revised Acoustic Report in accordance with the City’s Policy No. 7.5.21 – Sound Attenuation. This is to incorporate the additional detail provided in the letter dated 12 April 2016. The recommended measures of the report shall be implemented;

8.8 Lighting Plan

A lighting plan, prepared by an appropriately qualified person, being submitted demonstrating that any lighting proposed onsite complies with the requirements of Australian Standard AS1158; and

9. Prior to occupancy or use of the development, the following shall be completed to the satisfaction of the City:

9.1 No Vacancy Sign

The “No Vacancy” sign referred in 8.1 shall be installed in accordance with the approved plans and maintained thereafter to the satisfaction of the City, at the applicant’s expense;

9.2 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;

9.3 Stormwater

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

9.4 Landscape Plan and Verge Upgrade Plan

With reference to Condition 8.2, 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

9.5 Acoustic Report Certification

With reference to Condition 8.7, certification from an acoustic consultant that the recommended measures have been undertaken shall be provided to the City.

ADVICE NOTES:

1. With reference to Condition 2, amalgamation of the lots is not required if it can be demonstrated that the proposed development complies with the relevant requirements of the National Construction Code Series;
 2. With reference to Condition 3, 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;
 3. With reference to Condition 4.4, 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;
 4. With reference to Condition 4.5, all new crossovers to the development site are subject to a separate application to be approved by the City;
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5. **A Road and Verge security bond for the sum of \$4,000 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 satisfaction of the City, 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;**
6. **With reference to Condition 8.2, the City encourages landscaping methods and species selection which do not rely on reticulation;**
7. **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. No permit will be issued if the proposed encroachment into the road reserve is deemed to be inappropriate;**
8. **With reference to Condition 9.3, 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;**
9. **As this application did not provide full details in regard to signage, this approval does not relate to any of the signage proposals identified on the plans. 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 all signage shall be subject to a separate Building Permit application, being submitted to and approved by the City prior to the erection of the signage;**
10. **With reference to Condition 8.6, all waste water associated with the car wash shall be collected in retention tanks, processed and recycled. Details of the waste water processing procedure and mechanism specific to this site shall be submitted and approved to the satisfaction of the City;**
11. **The applicant is encouraged to provide bicycle parking facilities for use by staff; and**
12. **The applicant is advised that an Occupancy permit is required to be obtained from the City prior to the commencement of operations.**

PURPOSE OF REPORT:

To reconsider the revised proposal following the mediations undertaken as part of the State Administrative Tribunal (SAT) review process, in accordance with the invitation from the SAT under Section 31 of the *State Administrative Tribunal Act 2004*.

BACKGROUND:

The Applicant appealed Council's decision of 17 November 2015 to refuse the proposed Unlisted Use (Car Wash) and associated development.

An order made at SAT mediation on 25 February 2016 invited the decision maker to reconsider its decision at its meeting on 31 May 2016 (refer **Attachment 6**, noting that this date has been revised twice). Prior to this, the matter was referred to mediation on 25 January 2016.

Allerding & Associates (independent planning consultants) were appointed to represent Council in regard to the proceedings as staff recommended that the application be approved.

The SAT proceedings are adjourned to a directions hearing on 10 June 2016 in order to await Council's reconsideration.

History:

Date	Comment
17 November 2015	Council at its Ordinary Meeting resolved to refuse the application for the proposed Unlisted Use (Car Wash) and associated development.

Previous Reports to Council:

The Minutes of the previous report to Council is available on the City's website (Ordinary Council Meeting of 17 November Item 9.1.1).

DETAILS:

Landowner:	Western Australian Planning Commission (WAPC)
Applicant:	Taylor Burrell Barnett
Date of Application:	24 March 2015

Principal Statutory Provisions

Zoning:	Metropolitan Region Scheme: Urban and Other Regional Road Town Planning Scheme No. 1 (TPS1): Commercial and MRS other Regional Road Reserve Draft Town Planning Scheme No. 2 (TPS2): Commercial and MRS other Regional Road Reserve
Existing Land Use:	Vehicle Sales Premises (currently vacant)
Use Class:	Unlisted Use (Car wash)
Use Classification:	"SA"
Lot Area:	612 square metres
Right of Way (ROW):	Not applicable
Heritage List:	No

The proposal is for the change of use from a vehicle sales premises to a car wash and associated development.

The site is owned by the WAPC who has agreed to the use of the site as a car wash on a temporary basis. The intersection of Summers Street, Bulwer Street and Lord Street are proposed to be upgraded in the future and when this occurs the use will cease and the buildings removed to accommodate these works.

An existing building in the north east corner is to be retained and used for a staff room, office and store and to house the vacuum machinery. A new building is proposed on the eastern boundary, which will be used for customer waiting and administration purposes.

The proposed carwash operation will consist of five service bays located along the western boundary, including:

- two vacuum bays;
- one wash bay;
- one detailing bay; and
- one finishing bay.

The carwash area will include a shade sail over the service bays.

A bin store is proposed to be located in the northwest corner of the site and the vacuum machinery will be located in the existing building.

The carwash will operate seven days a week between the hours of 8:00am to 6:00pm. The Operational Management Plan identifies a standard of two to four staff outside of peak times and peak times occur during all days of operation. In order to ensure that the operation does not adversely affect the amenity of the locality, it is recommended that staff numbers be restricted to not more than seven staff at any one time, which would allow one staff member per washing/clearing bay, a manager and a cashier. It is recommended that a condition is imposed requiring modification to the Operational Management Plan to limit the number of staff onsite at any one time.

Vehicle access is proposed from Summers Street only. The existing crossover from Lord Street will be removed and the verge reinstated.

A total of four parking bays are provided onsite that could accommodate staff and customers. The City does not require the provision of bicycle bays for this use.

A landscaping strip is proposed to be located along the frontages of both Summers and Lord Streets.

Various matters were discussed in mediation, primarily relating to the reasons for refusal and the concerns of the neighbours. The applicant sought to address those matters and submitted additional information and revised plans. In summary the revised application varies from that considered by Council in November 2015 in that the revised application:

- (a) Includes an Operational Management Plan providing commitments in regard to aspects of the business including the hours of operation, details of cleaning procedures, parking and traffic management, as well as management of chemicals, noise, water, waste water, landscaping, lighting and complaints;
 - (b) Reduces the building height of the new building from two storeys (6.5 metres) to one storey (4 metres);
 - (c) Deletes the fencing along Summers and Lord Streets;
 - (d) Increases the landscaping along the street frontages to include plants that grow to 1.3 metres in height;
 - (e) Relocates the vacuum machinery from an outside location (in the vacuum bays) to an internal location, within a concrete/brick plant room, within the existing building;
 - (f) Includes an acoustic assessment and additional information from the acoustic consultant and has been revised to now comply with the Environmental Protection (Noise) Regulations 1997; and
 - (g) Provides additional detail in regard to the chemicals used onsite.
-

ASSESSMENT:

Summary Assessment

The detail 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.

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

The assessment is as follows:

Land Use		
Requirement	Proposal	Aspect for Consideration
Town Planning Scheme No 1		
Zoning Table – Commercial & Other Metropolitan Regional Road Reservation	Car Wash – Unlisted Use	Use unlisted Requires discretion

The assessment against the principles is as follows:

Land Use
Applicable Principles
Policy No. 3.1.15 – Banks Precinct
Policy Statement Clause 2
A range of commercial uses is to be permitted within these areas as well as local shopping in the areas west of the railway line. Ideally, commercial uses should provide services which are required by local residents, although this is not essential.
Summary of Applicant's Justification
The use is in keeping with the area, in particular a number of automotive related businesses that abut the property. The proposed use is one of a very limited range of uses that can make effective use of the site that are non permanent structures that overcome the limitations imposed over a large portion of the land by the MRS Regional Road reservation.
Officer Technical Comment
The proposal is considered to be an "Unlisted Use." In accordance with Clause 15 of TPS1 the original application was advertised and now has to be assessed based upon whether the proposal is consistent with the objectives and purpose of the zone.
Clause 39 of TPS1 requires that Council cannot grant planning approval for an unlisted use unless it is satisfied by an absolute majority that the proposed development is consistent with the matters listed in clause 38(5), which has now been replaced by Clause 67 of Schedule 2 of the <i>Planning & Development (Local Planning Schemes) Regulations 2015</i> .

Land Use

The subject property is to the west of the railway line which is in a location where commercial uses are permitted under this precinct. The site abuts two other automotive/motorcycle land uses. The car wash facility will provide a service to both local residents and employees in the locality.

The revised plan is low in height and scale and compatible with the adjacent development. Further the proposal meets the policy statement in that the setback areas to both streets is predominantly landscaped.

The revised proposal complies with the Policy statements of the Banks Precinct.

CONSULTATION/ADVERTISING:

Original objectors from Nos. 266 Lord Street and 146 Summers Street were invited by the SAT member to the Mediation and verbally expressed their concerns which related primarily to noise, use of chemicals, traffic and vehicle access and clarification in terms of the type of car detailing being undertaken.

No additional consultation was undertaken in relation to the revised proposal given the SAT mediation process.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

Department of Planning

Given that the property is affected by a Road Widening Reservation for Lord Street which is classified as an Other Regional Road in the Metropolitan Region Scheme (MRS), the original proposal was referred to the Department of Planning (DOP) for comment. The Department advised that there is no objection to the proposed development subject to the condition that the developer cannot claim compensation from Council or the WAPC for the removal of any improvements made on the land as part of this approval, when the land is required for road widening purposes.

Under the Instrument of Delegation from the WAPC 2011/02 - Powers of Local Government (MRS) the City is the determining authority provided the matter has been referred to the DOP and there is no objection raised.

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 7.1.15 – Banks Precinct;
- Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Developments;
- Policy No. 7.7.1 – Parking and Access.

The applicant has exercised their 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*. If Council refuses the application, the matter will proceed to a full hearing and the application will be determined by the State Administrative Tribunal.

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 and/or reconsideration of an application as part of a SAT Application for Review.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL
The business will operate with a triple inceptor, saving approximately 80% of the water used in each wash.

SOCIAL
The proposal provides for access to a wider range of services to the local community. The redevelopment and reuse of the site will improve the amenity of the local area.

ECONOMIC
The development will provide increased employment opportunities.

FINANCIAL/BUDGET IMPLICATIONS:

To date this matter has cost the City approximately \$4,000 excluding officer time. If the matter proceeds to a SAT hearing there would be cost implications associated with appointing consultants to represent the Council in a full hearing.

COMMENTS:

The proposal has been amended and now addresses Council's reasons for refusal as follows:

Reason 1: The Use is inappropriate in this area

The subject site abuts a vehicle repair and sales business on Summers Street and a motor bike sales and repair business on Lord Street. A residential and commercial mixed use development has been constructed on the southern side of Summers Street (corner Lord Street) and the Acoustic report demonstrates that the revised proposal can meet the Environmental Protection (Noise) Regulations in terms of the likely noise received at all of those premises.

Attachment 5 provides a zoning plan which clearly identifies the extent of land reserved "Other Regional Road" under the Metropolitan Region Scheme for the future road widening of Lord Street. The portion of the lot reserved for road widening (almost half of the lot) cannot be developed with permanent buildings and as such the opportunities for use of the land are limited. The timing for the acquisition and construction of the road widening of Lord Street is unknown.

This is a vacant site that is presently run down and does not positively contribute to the area. Draft TPS2 envisages medium rise development on this side of Lord Street, but TPS2 has not yet been gazetted and the land for the widening of Lord Street has not yet been ceded. The high quality landscaping proposed and increased opportunity for surveillance as a result of the development will result in a positive contribution to the locality.

Reason 2: The use will have an adverse impact on the amenity of the area due to:

2a) Traffic and Access

In regard to traffic, Summers and Lord Streets can accommodate the additional traffic. In regard to parking, the applicant has provided the required number of parking bays onsite. Vehicle access is proposed from the existing crossover to Summers Street, which is preferable to the existing crossover to Lord Street. The revised plan clearly identifies a 6 metres wide crossover to Summers Street which will allow for two way access.

Because of the proximity of the crossover to the intersection with Lord Street, the section of Summers Street between the crossover and Lord Street is a "No standing zone." The Operational Management Plan states that the sales staff will monitor traffic and access to ensure that vehicles do not queue onto Summers Street. It is recommended that a condition is imposed requiring installation of an illuminated sign be installed in proximity to the Summers Street crossover that can be illuminated with the words "No vacancy" to be operated by the cashier when the bookings are full. A condition has been recommended that the Operational Management Plan be updated to include reference to the "No Vacancy" sign and that it be operated by the cashier when bookings are full. It is envisaged that this sign will discourage potential customers from queuing on Summers Street.

The operational management plan clearly limits cleaning to the five identified bays, which will assist to limit the number of vehicles washed per day. Given the commitments detailed in the Operational Management Plan and with the additional condition requiring a "no vacancy" sign, it is considered, that traffic and access will not adversely affect the amenity of the locality.

2b) Noise

Noise was identified as a reason for refusal and raised as a concern by the neighbours when they attended mediation. The original application considered by Council in November 2015 had all vacuuming equipment located outdoors in the cleaning bays. With the relocation of the vacuum machinery to a plant room inside the existing building with underground piping to the vacuum bays, the primary noise source has been addressed. The recommendations of the acoustic assessment additional information are that a plant room (inside the existing building) is to be constructed of brick or concrete blocks and the plant room shall accommodate the vacuum machinery and water treatment plant. The acoustic report and additional information confirm that the revised proposal will comply with the *Environmental Protection (Noise) Regulations 1997* in terms of the noise received at the adjoining commercial properties as well as the residential dwellings in the opposite side of Summers Street.

The acoustic assessment, together with the additional information dated 12 April 2016 identifies that noise associated with the revised development will comply with the Regulations.

2c) Odour and overspray

The Operational Management Plan submitted by the applicant provides data sheets on all chemicals used and states most chemicals are water based. The main chemicals used include a leather conditioner and protectant, super sheen, wax, window clean, a washing detergent for use on motor vehicles and Magic Tyres (used for cleaning and protecting plastic and vinyl surfaces). The Operational Management Plan states that the only substance that will be sprayed via a pressure hose is water. Cleaning agents are applied via a sponge, and then sprayed with water as a rinsing agent only where necessary. With regard to overspray, a condition is recommended to limit nozzles to wide angles or fan spray nozzles, in accordance with what is stated in the additional information to the Acoustic Assessment. The proposed screens either side of the wash bay will limit potential overspray to the north and south. In addition, the proposed building will assist to limit the potential for overspray to the adjoining property to the east. Given the use of lower pressure nozzles, overspray will be minimised and is acceptable.

There is likely to be limited odour impact as the applicant has advised that the chemicals used onsite are primarily water based and predominantly organic and no degreasing will be undertaken onsite.

Given the detail provided in the Operation Management Plan, including, that no engine detailing will be undertaken onsite, it is considered that the proposed use is unlikely to generate any offensive odours or issues in regard to chemical residue in the overspray.

Reason 3: Visual impact of the proposed built form, particularly the front fence

The revised plan has been substantially modified to address this concern in that:

- the two storey component of the building has been reduced to one storey;
- the front elevation of the building to Summers Street has been modified to provide greater surveillance to Summers Street;
- the front fence has been removed; and
- the amount of landscaping in the street setback area has been increased.

The landscape plan identifies use of screen planting that will grow to a height of 1.3 metres within the landscape areas, which will assist to soften the visual impact of the proposal. With the addition of three mature trees in the landscape area, as proposed in the conditions, the revised plan and proposed conditions address this concern.

Summary

The proposed redevelopment of the site, including the built form, the removal of any redundant crossovers and the soft landscaping as required in accordance with a condition of this planning approval will improve the amenity of the property.

The property is currently vacant and unsightly. This activity is acceptable in the location as the lot abuts the busy vehicle dominated intersection of Lord Street and Summers Street other commercial uses.

The road reserve over these lots constrains development and this proposal, in its revised form will contribute positively to the locality and provide a service to the local residents and people working in the surrounding area.

The revised plan and additional details provided by the applicant for the proposal, together with the conditions address the reasons for refusal.

CONCLUSION:

It is recommended that Council approves this revised proposal.

5.1.2 No. 146 (Lot: 93; D/P: 2001) East Parade, East Perth – Proposed Extension of Term of Approval: Demolition of Existing Single House and Construction of Six Multiple Dwellings

Ward:	South	Date:	13 May 2016
Precinct:	Precinct 15 – Banks	File Ref:	PR20844; 5.2016.137.1
Attachments:	1 – Development Application Plans 2 – Plans and Conditions of Development Approval 5.2014.297.1 3 – Car Parking and Bicycle Tables		
Tabled Items:	Nil		
Reporting Officer:	T Wright, Senior Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

RECOMMENDATION:

That Council, in accordance with Schedule 2, Part 9, Clause 77(4)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVES the application for the extension of the term of approval of the existing planning approval granted on 9 September 2014 numbered 5.2014.297.1 for the proposed demolition of existing Single House and construction of a three storey development comprising of six Multiple Dwellings at No. 146 (Lot: 93; D/P: 2001) East Parade, East Perth on plans date stamped 14 April 2016, as shown on Attachment 1, subject to the following:

1. All conditions and advice notes detailed on the previous approval number 5.2014.297.1 of 9 September 2014 shall apply.

PURPOSE OF REPORT:

To consider an application to extend the validity of a current approval by a further two years.

BACKGROUND:

History:

The following is a list of applications for the subject property which the City has previously determined:

Date	Comment
9 September 2014	Council resolved to approve the demolition of the existing dwelling and construction of a three storey development comprising of six Multiple Dwellings.

Previous Reports to Council:

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

DETAILS:

Application Details:

Landowner:	G Edwards and M Newman
Applicant:	Franco Carozzi Architects
Date of Application:	14 April 2016

The application is for an extension of the validity of the existing approval granted on 9 September 2014 number 5.2014.297.1 application for a further period of two years. The current approval lapses on 9 September 2016 and there is no substantial commencement onsite.

The applicant has provided the following justification for the request to extend the validity period:

“The owner would like to delay the commencement of construction until November 2016, with completion anticipated early 2018.”

Principal Statutory Provisions

Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R60 Draft Town Planning Scheme No. 2 (TPS2): Residential R100
Existing Land Use:	Single House
Use Class:	Multiple Dwelling
Use Classification:	“P”
Lot Area:	492 square metres
Right of Way (ROW):	A four metre wide ROW currently exists to the east of the site and is subject to a ROW widening requirement of 1 metre.
Heritage List:	No

The application to extend the validity of an approval can be considered in accordance with Schedule 2, Part 9, Clause 77(1)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CONSULTATION/ADVERTISING:

The application was originally advertised to the adjoining and adjacent landowners and occupiers for a period of 21 days from 10 July 2014 to 31 July 2014.

In relation to readvertising, Clause 8.3 of the City’s Policy No. 4.1.5 specifies that:

*“Amended proposals received after expiration of the consultation comment period do not require further notification or consultation prior to determination where the amended proposals **do not involve further variation** to the development requirements.”*

As this proposal seeks a time extension for the validity of the current approval and proposes no further variations to the current approval, this proposal was not advertised.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes;
- Policy No. 7.1.15 – Banks Precinct;
- 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."*

"Leadership, Governance and Management

4.1.2 *Manage the organisation in a responsible, efficient and accountable manner."*

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL
The design of the development is of a high quality and allows access to natural light and ventilation to all affected properties. Extending the validity of the approval assists to ensure that this design will be constructed as opposed to a potentially poorer quality design that may allow less access to natural light and ventilation.
SOCIAL
The development allows for an increase in housing diversity by providing dwellings for smaller households within the City and extending the validity of the approval assists to ensure that greater housing diversity will be achieved.
ECONOMIC
Extending the validity of the approval assist to ensure that the development will proceed and that the employment opportunities associated with the construction of the building will occur.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

While the proposal has not changed since it was granted approval in September 2014, the planning framework has changed in relation to demolition and parking requirements.

The existing single house is not on the City's Heritage List and does not require planning approval from the City for demolition given the exemption provisions in the Deemed Provisions of the Regulations.

The proposal provides for 8 car bays. Under the previous requirement this represented an oversupply of 1 bay. Under the current requirements the provided number of car parking bays complies with the minimum requirements.

Given the above and that the proposal is unchanged from the initial approval, the request to extend the validity of the planning approval for a further two years is supported subject to the existing conditions detailed on the previous Council approval of 9 September 2014 numbered 5.2014.297.1.

CONCLUSION:

It is recommended that Council approves this proposal.

5.1.3 No. 124 (Lot: 41; D/P: 1879) Wright Street, Highgate – Proposed Six Single Bedroom Dwellings

Ward:	South	Date:	13 May 2016
Precinct:	Precinct 14 – Forrest	File Ref:	PR27428; 5.2016.58.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification 4 – Marked up plans showing proposed versus required setbacks 5 – Applicant’s response to submissions 6 – Letter of support from owner at No. 15 Phelps Lane		
Tabled Items:	Nil		
Reporting Officer:	A Groom, Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application for six two storey Single Bedroom Dwellings at No. 124 (Lot: 41; D/P: 1879) Wright Street, Highgate on plans date stamped 29 March 2016, as shown on 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) wall facing No. 15 Phelps Lane in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork to the satisfaction of the City;

2. Car Parking and Access

- 2.1 A minimum of six resident bays shall be provided onsite;
- 2.2 The car park shall be used only by residents directly associated with the development;
- 2.3 The car parking and access areas are to comply with the requirements of AS2890.1;
- 2.4 Vehicle and pedestrian access points are required to match into existing footpath levels;
- 2.5 All new crossovers shall be constructed in accordance with the City’s Standard Crossover Specifications; and
- 2.6 The area 500mm in width adjacent to Phelps Lane is required to be sealed, drained and graded to match into the level of the existing road and remain free of any structures;

3. External Fixtures

All external fixtures shall not be visually obtrusive from Wright Street, Phelps Lane 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. 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. The following is to form part of the application for a Building Permit, and shall be approved by the City prior to commencement of the development:

5.1 Acoustic Report

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

5.2 Landscape and Reticulation Plan

A detailed landscape and reticulation plan for the development site and adjoining road verge. 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;
- 5.2.3 The removal of redundant crossover; and
- 5.2.4 The location of two 500L Chinese Tallow (*Sapium Sebiferum*) within the Wright Street verge area;

5.3 Schedule of External Finishes

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

5.4 Construction Management Plan

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

5.5 Waste Management

5.5.1 A Waste Management Plan prepared to the satisfaction of the City detailing:

- (a) that waste collection is taken from the Wright Street road reserve; and
- (b) a bin store shall be provided to the satisfaction of the City to accommodate the City's specified bin requirement; and

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

6. Prior to occupation or use of the development the following shall be completed to the satisfaction of the City:
- 6.1 **Clothes Drying Facility**
- Each 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; and
- 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 expense of the owners/occupiers; and
7. Where any of the above conditions have a time limitation for compliance, and the condition is not met in the required time frame, the obligation to comply with the requirements of the condition continues whilst the approved development exists.

ADVICE NOTES:

1. With reference to Condition 1, the owner of the subject land shall obtain the consent of the owner(s) of relevant adjoining property before entering the property in order to make good the boundary walls;
 2. With reference to Condition 2.4, 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 2.5, 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 5.2, 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. No permit will be issued if the proposed encroachment into the road reserve is deemed to be inappropriate;**
7. **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;**
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; and**
9. **A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site.**

PURPOSE OF REPORT:

To consider an application to construct six single bedroom dwellings.

BACKGROUND:

Council in June 2015 refused the demolition of a single house and the construction of a three-storey development comprising of four Grouped Dwellings. The applicant appealed the decision to the State Administrative Tribunal (SAT), where SAT invited Council to reconsider its decision at the Council Meeting of 22 September 2015. Council reaffirmed its refusal.

At a Directions Hearing held on 30 October 2015, the Applicant requested that the item be 'placed on hold' whilst a new planning application is submitted and determined by the City.

This is the new proposal that the applicant wishes to pursue now. It is separate and unrelated to the application for four grouped dwellings that Council refused and that is before SAT at this moment.

A further Directions Hearing for the initial proposal is scheduled for 3 June 2016.

History:

The following is a list of applications for the subject property which the City has previously determined:

Date	Comment
2 June 2015	Council resolved to refuse the application for the proposed Demolition of an Existing Single House and Construction of a Three-Storey Development comprising of four Grouped Dwellings.
22 September 2015	Following an invitation from SAT to reconsider its decision, Council resolved to reaffirm its refusal of the application for the proposed Demolition of an Existing Single House and Construction of a Three-Storey Development comprising of four Grouped Dwellings.

Previous Reports to Council:

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

DETAILS:

Application Details:

Landowner:	Tiger Developments WA Pty Ltd
Applicant:	Myfanwy Zrinski
Date of Application:	17 February 2016

Principal Statutory Provisions

Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R80 Draft Town Planning Scheme No. 2 (TPS2): Residential R80
Existing Land Use:	Single House
Use Class:	Single Bedroom Dwellings
Use Classification:	"P" Use
Lot Area:	840 square metres
Right of Way (ROW):	Not Applicable
Heritage List:	No

The proposal involves the demolition of the existing single house and construction a two storey development comprising of six single bedroom dwellings. All units include a kitchen, living, dining and laundry area on the ground floor and a bedroom and bathroom on the upper floor. A single carport is provided for each unit.

Under Clause 61 of Schedule 2, Part 7 of the *Planning and Development (Local Planning Schemes) Regulations 2015* development approval is not required for the demolition of a single house.

The proposal was revised on one occasion as follows:

Date	Comment
17 February 2016	Initial application received.
29 March 2016	Plans amended to correctly reflect plot ratio on the plans and to amend visual truncations.

ASSESSMENT:

Summary Assessment

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

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

Detailed Assessment

The assessment is as follows:

Density/Plot Ratio		
Requirement	Proposal	Variation
Residential Design Codes Clause 5.5.3 – Single bedroom dwellings		
A maximum plot ratio area of 70 square metres per dwelling	Unit 2 = 72.16 square metres Units 3 – 6 = 70.6 square metres	Unit 2 = 2.16 square metres Units 3 – 6 = 0.6 square metres

The assessment against the-principles is as follows:

Density/Plot Ratio
Applicable Principles
Residential Design Codes Clause 5.5.3 – Single bedroom dwellings
<p>P3 Alternative and affordable housing options for singles or couples where it can be demonstrated that the development:</p> <ul style="list-style-type: none"> reduces car dependency, i.e. is located in close proximity to public transport and convenience shopping; does not impinge upon neighbour amenity; and responds to a demand for single bedroom accommodation in the locality which is recognised in the local planning framework.

Density/Plot Ratio
Applicant's Justification
<i>"The slight increase in 2-3% is mainly due to having a 2 storey design which creates a small footprint by going up. This allows larger than required courtyards, additional private open space in the balcony and greater northern light penetrations to all rooms".</i>
Officer Technical Comment
The purpose of plot ratio in this instance is to limit the size of the floor area of each dwelling rather than considering plot ratio of the total development.
The development proposes a minor variation to the maximum plot ratio permitted per dwelling and meets the Applicable Principles as follows:
<ul style="list-style-type: none"> The site is located in close proximity to the high frequency bus routes along Beaufort Street, Lord Street and the East Perth Train Station. This location can contribute to reducing car dependency of residents. The proposal meets the requirements for scale and bulk for this area as it aligns with the permitted two storey building height requirements. The built form is similar to other developments in the locality. The bulk of the development is dispersed across the site when viewed from adjoining properties. The development also does not result in overshadowing or overlooking of adjoining properties. It contributes to a mix of housing typologies.
The plot ratios as proposed are considered to be acceptable.

The assessment is as follows:

Street Setback		
Requirement	Proposal	Variation
Policy No. 7.2.1 – Residential Design Elements <u>Wright Street (Units 1 and 2)</u> <u>Upper Floor</u> – 2 metres behind each portion of the ground floor setback.(7.3 metres from street boundary) <u>Balconies</u> – 1 metre behind each portion of the ground floor setback. (6.3 metres from the street boundary) <u>Phelps Lane (Units 3, 4, 5 and 6)</u> <u>Upper Floor</u> – 1.5 metres behind each portion of the ground floor setback. (4 metres from the street boundary)	 Upper floor sits directly above ground floor. (6.684 metres from street boundary) Overhangs ground floor by 3 metres (3.689 metres from street boundary). Walls directly above ground floor. (5.850 metres minimum from the street boundary)	 2 metres from the ground floor. (0.616 metres from the street boundary) Forward of the ground floor (2.611 metres from the street boundary) Directly above ground floor (5.850 metres from the street boundary)

The assessment against the principles is as follows:

Street Setback
Applicable Principles
Policy No. 7.2.1 – Residential Design Elements
SPC 5 (i) Development is to be appropriately located on site to: <ul style="list-style-type: none">• Maintain streetscape character;• Ensure the amenity of neighbouring properties is maintained;• Allow for the provision of landscaping and space for additional tree plantings to grow to maturity;• Facilitate solar access for the development site and adjoining properties;• Protect significant vegetation; and• Facilitate efficient use of the site. (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.
Applicant's Justification
<p><i>"We will be seeking variation under point (ii) as the dwellings all have quite significant articulation, 3 varying finishes (brick, render and cladding) together with a contemporary design which suits the style.</i></p> <p><i>Although the balconies are not setback from the ground floor this style is common in the area on Phelps Lane and Turner Street.</i></p> <p><i>The overhanging balconies create covered alfresco areas below and help create efficient use of the site.</i></p> <p><i>The setback of the balcony is greater than the distance required if it had been setback 1m from a ground floor wall at minimum laneway/street setback. It is now further setback than previous DA to provide greater privacy for Harold Street residents and partially enclosed as well."</i></p>
Officer Technical Comment
<p><u>Units 1 and 2 (Wright Street frontage):</u> The average street setback for Wright Street is 5.3 metres. The proposal provides a ground floor setback of 6.684 metres which exceeds the required setback. Discretion is sought for the upper floor and balcony setbacks only.</p> <p>The front elevations on both the ground and upper floors are articulated in terms of materials and are staged at each level. This aligns with the streetscape along Wright Street and the design principles for upper storey front setback variations as outlined in the Residential Design Elements.</p> <p><u>Units 3, 4, 5 and 6 (Phelps Lane frontage):</u> Phelps Lane is a dedicated road and is considered a secondary street frontage. The deemed-to-comply setback for the ground floor is 2.5 metres. The development proposes a 5.850 metres setback to Phelps Lane. Discretion is sought for the upper floor setbacks only.</p> <p>The front elevation to Phelps Lane is broken up by including balconies that visually articulate the elevation as the balconies partially cover the respective carports on the ground floor.</p>

Street Setback
<p>If the ground floor was brought forward to meet the deemed-to-comply requirements, the upper floor would also meet the required street setbacks.</p> <p>The streetscapes along Wright Street, Turner Street and Phelps Lane combine modern contemporary developments with interwar bungalow styles. The development has incorporated elements of both styles of built form. Both street frontages provide a 3.5 metre front setback for soft landscaping including turf, selected shrubs and trees to grow to maturity.</p> <p>In this instance, the setbacks proposed are consistent with the existing streetscape and produce a better outcome.</p> <p>This aspect of the proposal meets the relevant design principles and is acceptable.</p>

The assessment is as follows:

Building Setbacks/Boundary Wall		
Requirement	Proposal	Variation
<p>Residential Design Codes Clause 5.1.3 – Lot Boundary Setback</p> <p>Boundary Walls:</p> <p>Maximum length 23 metres Maximum height 3.5 metres Average height 3 metres</p>	<p>Length: 7.8 metres Maximum Height and average height: 6 metres</p>	<p>Maximum height – 2.5 metres Average height – 3 metres</p>

The assessment against the principles is as follows:

Building Setbacks/Boundary Wall
<p>Applicable Principles</p> <p>Residential Design Codes Clause 5.1.3 – Lot Boundary Setback</p> <p>P3.1 Buildings set back from lot boundaries so as to:</p> <ul style="list-style-type: none"> • reduce impacts of building bulk on adjoining properties; • provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • minimise the extent of overlooking and resultant loss of privacy on adjoining properties. <p>P3.2 Buildings built up to boundaries (other than the street boundary) where this:</p> <ul style="list-style-type: none"> • makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas; • does not compromise the design principle contained in clause 5.1.3 P3.1; • does not have any adverse impact on the amenity of the adjoining property; • ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and • positively contributes to the prevailing development context and streetscape.
<p>Applicant's Justification</p> <p><i>"Permission has been given by Eastern neighbour to build this 2 storey wall to boundary as they would also like to build 2 storey to the boundary in the very near future.</i></p> <p><i>This is the only boundary wall in the development to reduce any impact on neighbours."</i></p>

Building Setbacks/Boundary Wall
Officer Technical Comment
<p><u>Boundary Wall</u></p> <p>The development proposes that discretion is required in relation to the height of the eastern boundary wall only. The development includes a two-storey boundary wall on the lot boundary shared with No. 15 Phelps Lane.</p> <p>The boundary wall extends for a length of 11.2 metres on the ground floor and 7.8 metres on the upper floor. The wall is located at the rear of the property and will therefore have no impact on the streetscape of Wright Street.</p> <p>The owner of No. 15 Phelps Lane has submitted a letter in support of the boundary wall.</p> <p>The proposed boundary wall meets the relevant design principles and is acceptable, because the setbacks do not restrict day light, direct sun and ventilation for the proposed development or adjoining property, or create any privacy issues for adjoining properties.</p>

The assessment is as follows:

Roof Form		
Requirement	Proposal	Variation
<p>Policy No. 7.2.1 – Residential Design Elements</p> <p>The use of roof pitches between 30 degrees and 45 degrees (inclusive) being encouraged.</p>	Flat roof	30 degrees

The assessment against the principles is as follows:

Roof Form
Applicable Principles
<p>Policy No. 7.2.1 – Residential Design Elements</p> <p>BDPC3 (ii) The roof of a building is to be designed so that:</p> <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
Applicant's Justification
<p><i>"The design is of a contemporary cubic nature which utilises a flat roof. The flat roof complements the other flat roof on Phelps Lane which is opposite units 4, 5 and 6."</i></p>
Officer Technical Comment
<p>The proposed roof form assists to keep the overall height and bulk of the proposed buildings lower than it would be if the development had a pitched roof. The streetscape already has a mix of roof designs and the proposed concealed roof would not have a detrimental impact on the streetscape and does not result in undue overshadowing.</p>

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period:	24 March 2016 to 10 April 2016
Comments Received:	Five objections, two letters of support and one general concern was received during the community consultation period.

A total of 73 letters were sent to owners and occupiers within a 75 metre radius of the property subject of this application.

Community Consultation resulted in a response rate of 10.9%.

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

Comments Received in Support:	Officer Technical Comment:
<i>"The sooner this property is developed the better it has become an eyesore and a centre for a social problems."</i>	Noted.

Comments Received in Objection:	Officer Technical Comment:
<p><u>Street Setback</u></p> <p>The design is not consistent with the streetscape of Wright Street, Turner Street and Phelps Lane.</p>	<p>A variety of housing styles and designs exist within close proximity to the site. The surrounding area is defined by a combination of single storey houses, terrace style developments, two-storey grouped dwellings and contemporary dwellings. The development has incorporated elements of these styles in the design. The building height complies with the height specified for the area.</p>
<p><u>Lot Boundary Setbacks</u></p> <p>Lack of adequate setback to Phelps Lane.</p>	<p>The development proposes a setback of 5.85 metres to the ground floor and 5.85 metres – 6.3 metres for the upper floor to Phelps Lane, which exceeds the City's policy requirements.</p> <p>A 3.5 metre setback to Phelps Lane has been proposed on the ground floor to provide an area for soft landscaping.</p>
<p><u>Roof Form</u></p> <p>Flat roofs do not maintain the streetscape character of the immediate surrounding area.</p>	<p>A number of properties with flat roofs exist in close proximity to the site. The proposed roof form assists to keep the overall height and bulk of the proposed buildings lower than would be if it were pitched roof.</p>
<p><u>General</u></p> <p>Six single bedroom units will devalue the housing in the area.</p>	<p>Impact on property value is not a valid planning consideration.</p> <p>The Residential Design Codes state that single bedroom dwellings are an important source of alternative and affordable housing.</p>

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

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes;
- Policy No. 7.1.14 – Forrest Precinct; and
- Policy No. 7.2.1 – Residential Design Elements.

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

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:

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

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

SOCIAL
The proposal allows for an increase in housing diversity and provides dwellings for smaller households.

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The existing single house is not on the City's Heritage List and does not require planning approval from the City for demolition give the exemption provisions in the Deemed Provisions of the Regulations.

The proposal seeks approval for six single bedroom dwellings. The area has already seen change from single dwellings to grouped and multiple dwelling developments over the last few years due to the Residential R80 zoning permitted within this area. The scale of the development is comparable to existing developments in the area.

The proposal complies with the deemed-to-comply provisions apart from minor aspects in relation to street setbacks, lot boundary setbacks and plot ratio for each dwelling for which discretion is sought.

The proposal is considered to be a good design, and an appropriate type and size of development for this site and is not expected to have a negative impact on the amenity of the adjoining properties.

CONCLUSION:

It is recommended that Council approves this proposal.

5.1.4 No. 62 (Lot: 1; D/P: 9454) Robinson Avenue, Dual Frontage to Brisbane Terrace, Perth – Proposed Four Grouped Dwellings

Ward:	South	Date:	16 May 2016
Precinct:	Precinct 12 – Hyde Park	File Ref:	PR25219; 5.2015.166.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification 4 – Drainage Plan 5 – Marked up plans showing proposed versus required setbacks		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application for the proposed construction of Four Three Storey Grouped Dwellings at No. 62 (Lot: 1; D/P: 9454) Robinson Avenue, Dual Frontage to Brisbane Terrace, Perth on plans date stamped 10 April 2016 and 13 May 2016, as shown on 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. 64A Robinson Avenue and 3 Brisbane Place in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork to the satisfaction of the City;

2. Car Parking and Access

- 2.1 The car parking and access areas are to comply with the requirements of AS2890.1;
- 2.2 Vehicle and pedestrian access points are required to match into existing footpath levels; and
- 2.3 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 Robinson Avenue, Brisbane Terrace and neighbouring properties. External fixtures are such things as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like;

4. Verge Trees

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

5. **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 dwellings under Policy No. 3.9.3 – Parking Permits;

6. The following is to form part of the application for a Building Permit, and shall be approved by the City prior to commencement of the development:

6.1 **Revised Plans**

6.1.1 The proposed floor level of the Unit 3 tandem garage area shall be no higher than 13.65RL;

6.1.2 The proposed crossovers shall have a minimum width of 3 metres and be at right angle to the street;

6.2 **Acoustic Report**

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

6.3 **Landscape and Reticulation Plan**

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

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

6.3.2 Areas to be irrigated or reticulated; and

6.3.3 The removal of redundant crossover;

6.4 **Schedule of External Finishes**

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

6.5 **Construction Management Plan**

A Construction Management Plan that details how the construction of the development will be managed to minimise the impact on the surrounding area in accordance with the requirements of the City's Policy No. 7.5.23 – Construction Management Plans and shall include the following:

6.5.1 Dilapidation Reports at the applicant's cost to the satisfaction of the City for the following heritage listed properties:

(a) Nos. 7 – 32 Brookman Street, Perth;

(b) Nos. 8 – 28 Moir Street, Perth;

(c) Nos. 43-45 and 51-53 Robinson Avenue, Perth;

(d) No. 427 William Street, Perth; and

(e) Nos. 165-171 Brisbane Street, Perth;

Construction on and management of the site shall thereafter comply with the approved Construction Management Plan;

6.6 Waste Management

6.6.1 A Waste Management Plan prepared to the satisfaction of the City detailing a bin store to accommodate the City's specified bin requirement; and

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

6.7 Drainage Infrastructure

The City's existing drainage infrastructure that traverses the site shall be replaced at the applicant's costs to the satisfaction of the City; and

6.8 Heritage Significance

An interpretative plaque or another appropriate form of interpretation that recognises the history of the place at No. 62 Robinson Avenue, Perth, shall be provided in accordance with the City's Policy No. 7.6.4 – Heritage Management – Interpretive Signage;

7. Prior to occupancy or use of the development the following shall be completed to the satisfaction of the City:

7.1 Stormwater

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

7.2 Acoustic Report Certification

With reference to Condition 6.2, certification from an acoustic consultant that the recommended measures have been undertaken shall be provided to the City;

7.3 Landscape Plan and Verge Upgrade Plan

With reference to Condition 6.3, 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

7.4 Heritage Significance

The approved interpretative plaque or another appropriate form of interpretation that recognises the heritage significance of No. 62 Robinson Avenue, Perth shall be installed at the owners/occupiers expense prior to occupation and thereafter maintained by the owners/occupiers; and

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

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 2.2, 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 2.3, 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 \$4,000 shall be lodged with the City by the applicant, 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 6.3, the City encourages landscaping methods and species selection which do not rely on reticulation;
 6. Any new street/front wall, fence and gate within the Robinson Avenue and Brisbane Terrace setback areas including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences;
 7. 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. No permit will be issued if the proposed encroachment into the road reserve is deemed to be inappropriate;
 7. With reference to Condition 6.7, if there is a need to repair or replace the infrastructure once the existing pipe has been exposed and examined, the final design shall be approved by the City prior to any works commencing; and
 8. With reference to Condition 7.1, 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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PURPOSE OF REPORT:

To consider an application for the construction of four three storey grouped dwellings.

BACKGROUND:

The subject site is currently vacant. The site has two street frontages being Robinson Avenue to the south and Brisbane Terrace to the north.

The lot was zoned from R80 to R50 through Scheme Amendment 37 which was gazetted on 27 January 2015.

A subdivision application for four survey strata lots was granted conditional approval from the WAPC on 3 February 2015.

The sizes of the four lots are reflective of the minimum and average lot sizes required under the Residential R80 coding (average 120 square metres and minimum 100 square metres).

The proposed plans accord with the approved subdivision.

The former building on the site, which is noted in the survey plans, was demolished in 2015 as part of the clearance of the subdivision of the site. The building was not listed on the Municipal Heritage Inventory but has some historic interest.

DETAILS:

Application Details:

Landowner:	Element Accommodation Pty Ltd
Applicant:	Tangent Nominees Pty Ltd
Date of Application:	10 April 2015

Principal Statutory Provisions

Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R50 Draft Town Planning Scheme No. 2 (TPS2): Residential R50
Existing Land Use:	Vacant Site
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	458 square metres
Right of Way (ROW):	Not Applicable
Heritage List:	Not Applicable

The proposal is to construct four three storey grouped dwellings, one on each of the four lots created as a result of the approved subdivision.

Each of the four proposed dwellings consists of tandem parking for two cars and a home office on the ground level, three bedrooms on the first floor and dining and living areas and a kitchen on the top floor. A balcony is provided on the top floor of each dwelling and serves as the outdoor living area.

The application is required to be determined by Council as delegation is limited to proposals with a maximum of three dwellings.

The proposal was revised on several occasions as follows:

Date	Comment
10 July 2015 to 10 March 2016	Several amended plans received to accommodate the existing drainage infrastructure on site.
3 May 2016	Further amended plans received showing changes to the layout to the ground floor (tandem car parking and office to address each street) front setbacks and elevations.
12 May 2016	Further amended plans received showing changes to overall wall heights and location of adjoining buildings
13 May 2016	Further amendments to reduce the extent of walls on the boundary.

ASSESSMENT:

Summary Assessment

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

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

Detailed Assessment

The assessment is as follows:

Street Setback		
Requirement	Proposal	Variation
Policy No. 7.2.1 – Residential Design Elements SADC 5 <u>Robinson Avenue</u> Ground Floor – Front Setback – 5.5 metres (Average of 5 properties either side of the subject property)	4.469 metres	1.031 metres

Street Setback		
Requirement	Proposal	Variation
<p>First Floor – 2 metres behind lower floor (7.5 metres from street boundary)</p> <p>Balconies – Second Floor – 1 metres behind lower floor (6.5 metres from street boundary)</p> <p>Policy No. 7.2.1 – Residential Design Elements SADC 10</p> <p><u>Brisbane Terrace</u></p> <p>Dual Street Frontages – Rear – upper floor to be 1.5 metres behind ground floor (4 metres from street boundary)</p>	<p>Forward of the ground floor level (4.145 metres from street boundary)</p> <p>Directly above the first floor planter boxes (4.145 metres from street boundary)</p> <p>Directly above the ground floor (4.128 metres from street boundary)</p>	<p>Forward of the ground floor (3.355 metres from street boundary)</p> <p>Directly above first floor planter boxes (2.355 metres from street boundary)</p> <p>1.5 metres from ground floor (5.628 metres from street boundary)</p>

The assessment against the principles is as follows:

Street Setback
<p>Applicable Principles</p> <p>Policy No. 7.2.1 – Residential Design Elements SPC 5</p> <p>(i) Development is to be appropriately located on site to:</p> <ul style="list-style-type: none"> • Maintain streetscape character; • Ensure the amenity of neighbouring properties is maintained; • Allow for the provision of landscaping and space for additional tree plantings to grow to maturity; • Facilitate solar access for the development site and adjoining properties; • Protect significant vegetation; and • Facilitate efficient use of the site. <p>(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>SADC 10</p> <p>Dwellings on dual street frontages or corner lots are to present an attractive and interactive elevation to each street frontage. This may be achieved by utilising the following design elements:</p> <ul style="list-style-type: none"> • Wrap around design (design that interacts with all street frontages); • Landscaping; • Feature Windows; • Staggering of height and setbacks; • External Wall surface treatments and finishes; and • Building Articulation.

Street Setback
<p>Summary of Applicant's Justification</p> <p><u>Robinson Avenue</u></p> <p>The Robinson Avenue streetscape is characterised by larger setbacks to the terrace dwellings. The proposed inclusion of the new dwellings will provide for a streetscape that is staggered from west to east.</p> <p><u>Brisbane Terrace</u></p> <p>The existing street frontage along Brisbane Terrace is characterised by reduced street setbacks and as such will not be impacted by the proposed development.</p>
<p>Officer Technical Comment</p> <p><u>Robinson Avenue</u></p> <p>The proposed Robinson Avenue streetscape at ground level is active and open and able to interact with the streetscape with the home office element addressing the street. The area also includes adequate space to accommodate a landscaped area that will provide softening to the streetscape. This fits in with the prevailing character of Robinson Avenue.</p> <p>The proposed street setbacks are an acceptable balance between the existing character terrace dwellings on the western side of the property and the unit development on the eastern side of the property.</p> <p><u>Brisbane Terrace</u></p> <p>The proposed Brisbane Terrace ground floor setbacks exceed the minimum setback requirements of 2.5 metres. The existing streetscape has little form or significant appeal along this section of the road and is characterised by solid garage doors and fencing that allows little interaction with the streetscape. With the home offices and entrances addressing the street, this development is expected to improve the existing streetscape.</p> <p>In summary, the proposed setbacks are acceptable given that the scale and bulk of the building is consistent with the adjoining buildings and the proposal includes articulation measures such as varying window sizes, colour, face brick, glass, cladding and planters.</p>

The assessment is as follows:

Building Setbacks/Boundary Wall		
Requirement	Proposal	Variation
Residential Design Codes Clause 5.1.3 –		
<u>Boundary Walls</u>		
One boundary wall	Two boundary walls	One boundary wall
Maximum Height – 3.5 metres	10.5 metres (Eastern) 8.5 metres (Western)	7 metres 5 metres
Average Height – 3 metres	10.2 metres (Eastern) 8.5 metres (Western)	7.2 metres 5.5 metres

Building Setbacks/Boundary Wall		
Requirement	Proposal	Variation
<u>Western Setback</u>		
Unit 1 – First Floor Balance – 1.5 metres	1.310 metres	0.19 metres
Second Floor – Balance – 1.7 metres	1.310 metres	0.39 metres
Unit 4 – First Floor – 1.5 metres – Second Floor – (Balance) – 1.9 metres	1.012 metres 1.012 metres	0.488 metres 0.888 metres
<u>Eastern Setback</u>		
Unit 2 – First Floor – 1.5 metres Second Floor – Eastern – 1.7 metres	Nil – 1.304 metres Nil – 1.304 metres	1.5 metres – 0.196 metres 1.7 metres – 0.396 metres
Unit 3 – First Floor – 1.2 metres	Nil (minimum) – 1.006 metres	1.2 metres – 0.194 metres
Second Floor- 1.9 metres	Nil – 1.304 metres	1.9 metres – 0.596 metres

The assessment against the principles is as follows:

Building Setbacks/Boundary Wall
Applicable Principles
<p>Residential Design Codes 5.1.3</p> <p>P3.1 Buildings set back from lot boundaries so as to:</p> <ul style="list-style-type: none"> • reduce impacts of building bulk on adjoining properties; • provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • minimise the extent of overlooking and resultant loss of privacy on adjoining properties. <p>P3.2 Buildings built up to boundaries (other than the street boundary) where this:</p> <ul style="list-style-type: none"> • makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas; • does not compromise the design principle contained in clause 5.1.3 P3.1; • does not have any adverse impact on the amenity of the adjoining property; • ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and • positively contributes to the prevailing development context and streetscape.
Summary of Applicant's Justification
<p><u>Western Boundary</u></p> <p>The proposed western boundary setbacks about a three level boundary parapet wall for the majority of the common boundary. The proposed boundary walls are largely back to back with the already existing boundary wall and enable useable space on the property on each individual lot.</p> <p><u>Eastern Boundary</u></p> <p>The proposed boundary setbacks for Units 2 and 3 along the eastern boundary are well articulated and designed to provide as much light as possible. The separation of the building from the boundary will provide ample distance for sunlight and ventilation to permeate the openings along the wall.</p>

Building Setbacks/Boundary Wall
<p>Officer Technical Comment</p> <p><u>Western Boundary</u></p> <p>The proposed boundary walls on the western elevation generally aligns with the existing boundary wall on the adjoining property at 64 Robinson Avenue, with the exception of a minor projection of 1.4 metres. It is considered that the portion of wall is negligible and unlikely to have any adverse impact on the streetscape or the amenity of the adjoining property.</p> <p>The remaining section of wall on both the first and second floors has been articulated with a setback of 1.31 metres (Unit 1) and 1.012 metres (Unit 4) respectively. These setback will enable light and ventilation to be provided to the adjoining property to the west. The presence of design features and colour in this section of wall including wall cladding will also enable reduce the building bulk when viewed from the street and the adjoining property.</p> <p>Both the boundary wall and setbacks are acceptable will have no impact on overshadowing and privacy on the adjoining property.</p> <p><u>Eastern Boundary</u></p> <p>The proposed walls on the eastern boundary measure 7.8 metres (Unit 2) and 3.9 metres (Unit 3) respectively and are separated by 3 metres. The dwellings are positioned to take into account the slope of the property. The proposed levels together with the separation of walls provides for building bulk to be reduced. The use of finishes and colour enable a visual separation of the wall to be further enhanced.</p> <p>The building on the neighbouring property is generally two storeys in height and also includes a 3 metre area adjoining the boundary utilised for landscaping and a garage. Whilst the sections of boundary wall proposed are significant in height at a maximum of 10.5 metres it is considered that the proposal is unlikely to dominate along this boundary given the existing built form.</p> <p>The remainder of the sections of the wall are setback ranging from 1.307 metres (Unit 2) to 1.006 metres (Unit 3) respectively. This staggering of setbacks enables light and ventilation to be provided to both the subject and adjoining property.</p> <p>Although the height of the development results in overshadowing of the south western corner of the adjoining lot the overshadowing complies with the permitted requirements of the Residential Design Codes.</p> <p>Overall the proposal is considered to be acceptable in regard to setbacks and boundary walls.</p>

The assessment is as follows:

Building Height/Storeys		
Requirement	Proposal	Variation
Policy No. 7.2.1 – Residential Design Elements BDADC 5		
2 storeys	3 storeys	1 storey
7 metres (to concealed roof)	10.5 metres	3.5 metres

The assessment against the principles is as follows:

Building Height/Storeys	
Applicable Principles	
Policy No. 7.2.1 – Residential Design Elements BDPC 5	
(i) Building height is to be considered to: <ul style="list-style-type: none"> • Limit the height of dwellings so that no individual dwelling dominates the streetscape; • Limit the extent of overshadowing and visual intrusion on the private space of neighbouring properties; and • Maintain the character and integrity of the existing streetscape. 	
Summary of Applicant's Justification	
The proposed height integrates well with the existing scale of the built form along both Robinson Avenue and Brisbane Terrace. Both of these streets include buildings of a height of three storeys in a narrow built form.	
Officer Technical Comment	
Located between an existing three storey building to the west and a two storey building to the east, a three storey development on the site is considered acceptable in this location for the following reasons: <ul style="list-style-type: none"> • it does not dominate the existing streetscape given the existing built form prevalent along Robinson Avenue; • it has no overshadowing or visual intrusion impacts on surrounding properties; and • it maintains the character and integrity of the existing streetscape. 	

The assessment is as follows:

Roof Form		
Requirement	Proposal	Variation
Policy No. 7.2.1 – Residential Design Elements SADC 3 30-45 degrees	2 degrees (Skillion)	28-43 degrees (Pitched)

The assessment against the principles is as follows:

Roof Form	
Applicable Principles	
Policy No. 7.2.1 – Residential Design Elements BDPC 3	
(i) The roof of a building is to be designed so that: <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space. 	
Summary of Applicant's Justification	
The proposed design has a flat roof in order to provide for a modern concept in design and reduce the bulk of the building to ensure that the building is compatible with the streetscape.	

Roof Form
Officer Technical Comment
<p>The skillion roof of the dwellings enables a slight reduction in the scale of the buildings and bulk when compared to a pitched roof design. Whilst the flat roof of the dwelling does not correlate with the older dwellings to the west, it does allow for a transitioning of scale to the two storey eastern property.</p> <p>The skillion roof design also prevents overshadowing of adjoining properties.</p> <p>The roof form is acceptable.</p>

The assessment is as follows:

Outdoor Living Areas		
Requirement	Proposal	Variation
Residential Design Codes Clause 5.3.1 C1.1		
4 metres dimension	2.5 metres	1.5 metres

The assessment against the principles is as follows:

Outdoor Living Areas
Applicable Principles
<p>Residential Design Codes Clause 5.3.1</p> <p>P1.1 Outdoor living areas which provide spaces:</p> <ul style="list-style-type: none"> • capable of use in conjunction with a habitable room of the dwelling; • open to winter sun and ventilation; and • optimise use of the northern aspect of the site. <p>P1.2 Balconies or equivalent outdoor living areas capable of use in conjunction with a habitable room of each dwelling, and if possible, open to winter sun.</p>
Summary of Applicant's Justification
<p>The proposed outdoor living areas (balconies) are of a useable size of 16 square metres and when used in unison with the habitable living spaces provide adequate and useable spaces for the future residents of the property.</p>
Officer Technical Comment
<p>The area of each outdoor living areas comply with the requirements of the Residential Design Codes.</p> <p>The proposed outdoor living areas are located on the second floor of each dwelling, with access from dining/living rooms. When used in conjunction with these living spaces it will enable the space to function as an inside/outside area given the openings and expansive glazing. Each dwelling has the opportunity to utilise a secondary outdoor area within the ground floor setback should the need arise.</p> <p>Additionally the north facing Brisbane Terrace dwellings will have good access to northern light and provide adequate outdoor living areas for the occupiers.</p> <p>On this basis the reduced dimension of the outdoor living areas are acceptable.</p>

The assessment is as follows:

Site Works		
Requirement	Proposal	Variation
Residential Design Codes – Clause 5.3.7		
0.5 metres	1.3 metres (eastern boundary)	0.8 metres

The assessment against the principles is as follows:

Site Works
Applicable Principles
Residential Design Codes Clause 5.3.7
P7.1 Development that considers and responds to the natural features of the site and requires minimal excavation/fill.
P7.2 Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.
Summary of Applicant's Justification
The subject site has a significant slope of 2.2 metres from the northern boundary to the southern boundary of the site which, has resulted in the need to cut the southern portion of the lot and fill along the western and northern sides.
This use of cut and fill has enabled the street frontages of the properties to match up appropriately with the existing street levels.
Officer Technical Comment
The natural sloping nature of the site together with the need to protect the existing on-site drainage infrastructure presents as a development constraint.
To address this element, the proposed levels are predominantly contained within the brick build-up of the dwellings and in the transition between the properties fronting Robinson Avenue and Brisbane Terrace. The proposed finished floor level of Unit 4 is not able to be further reduced, although there is opportunity to reduce the finished floor level of the tandem garage for Unit 3 to a level of 13.65RL. A condition is recommended to be imposed to ensure the level is reduced.

CONSULTATION/ADVERTISING:

Required by Legislation:	No	Required by City of Vincent Policy:	Yes
Consultation Period:	17 March 2016 – 3 April 2016		
Comments Received:	Six Submissions have been received with six objections received.		

A total of 161 letters were sent out with a total of 6 responses received, resulting in a 3.7% response rate.

Following the consultation period, the proposed plans have been amended on numerous occasions as follows:

- To reconfigure the ground floor level with a single garage door and a tandem car parking layout and locating the home office with orientation to the street alongside the entrance to the dwellings;
- To modify the street elevations to both Robinson Avenue and Brisbane Terrace to reduce the building bulk on the streetscape;

- To reconfigure the internal spaces to accommodate the changes to the front façade;
- To modify the second floor balcony to remove a portion of the roof structure and provide a replacement perforated cover for the remaining section;
- To alter the eastern and western boundary walls to reduce the size and resultant bulk from the adjoining properties.

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

Comments Received in Objection:	Officer Technical Comment:
<p><u>Height</u></p> <p>Concern in relation to the height of the proposed building.</p> <p>Concern in relation to the height and size of the boundary wall and its impact on the adjoining properties.</p>	<p>The proposed height of three storeys reflects the existing built form along Robinson Avenue and Brisbane Terrace. The proposal includes varying finishes, articulation and a flat roof design all of which assist the visual amenity of the building.</p> <p>The majority of the boundary wall abuts the existing boundary walls along the western boundary and therefore present no impact to the adjoining property.</p> <p>The boundary walls on the eastern side have been setback and separated from the boundary to assist and reduce building bulk.</p> <p>On the eastern side, the existing two storey building, the placement of the existing garage and landscaped area (of approximately 3 metres) together with the amended boundary walls provides reduction in bulk. Accordingly it is considered that the wall is unlikely to impact on available light and ventilation.</p>
<p><u>Streetscape</u></p> <p>The proposal is not in keeping with the existing streetscape.</p> <p>Concern in relation to the visual aspect of the garages.</p>	<p>The proposal is of a modern contemporary design and scale. The development reflects the existing height along Robinson Avenue and Brisbane Terrace. The design has included several modifications following the consultation period on the ground floor and building façade to better address the street character including tandem garaging, landscaping, open balcony to reduce the scale to the street.</p> <p>The proposed double garages originally proposed have been replaced by a single tandem car parking design. Together with the ground floor home office and entrances of the dwellings to better address the street and therefore are less dominant to the streetscape.</p>
<p><u>Landscape</u></p> <p>Concern that there is not more landscaping onsite.</p> <p>Concern if any street trees are being removed.</p>	<p>Following the community consultation period, the applicant has amended the proposed plans to include further landscaping within the front setback area and within the balcony areas.</p> <p>The existing street tree on the Brisbane Terrace is to be retained. It is recommended that a condition in this regard is imposed.</p>

Comments Received in Objection:	Officer Technical Comment:
<p><u>Setbacks</u></p> <p>Concern the front and rear setbacks do not respect the existing streetscape.</p>	<p>The proposed amended Robinson Avenue setback reflects the existing streetscape.</p> <p>A reconfigured home office entrance closer to the street frontage, enables a more active street frontage which addresses the street.</p> <p>The upper floor is open and articulated and the varying finishes assist to present an open streetscape appearance.</p> <p>The proposed revised rear setback along Brisbane Street will enable greater activation of a streetscape that does not have any consistent streetscape character.</p>
<p><u>Privacy</u></p> <p>Concern with privacy from the upper storey windows.</p>	<p>The proposed dwelling complies with the privacy provisions of the Residential Design Codes.</p>
<p><u>Built Form</u></p> <p>Concern that the parapet walls on the boundary will undermine the adjoining buildings.</p>	<p>The builder, in the event of approval requires to provide engineering certification as part of a Building Permit that the development would not impact the adjoining property.</p>

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

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

The application was not referred to the Design Advisory Committee as the development is for grouped dwellings and not considered of a significant development.

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes;
- Policy No. 7.1.12 – Hyde Park Precinct; and
- Policy No. 7.2.1 – Residential Design Elements.

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Economic Development

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

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

ENVIRONMENTAL
Nil.

SOCIAL
The development 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.

ECONOMIC
The building will provide increased short term local employment opportunities.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The subject site is located within close proximity to a number of heritage properties listed on the City's Municipal Heritage Inventory as Management Category A properties and on the Heritage Councils State Register. Accordingly, it is recommended that a condition is imposed that requires the applicant to provide dilapidation reports for these properties.

The former building on the site, which is noted in the survey plans, was demolished in 2015 as part of the clearance of the subdivision of the site. The building was not listed on the Municipal Heritage Inventory but has some historic interest. Given the historic interest of the property, a condition is imposed, with the applicant's support, requiring the installation of a plaque on the Robinson Avenue street frontage describing the site's former use.

The site has a City of Vincent drainage pipe running adjacent to the western boundary of the lot, from Brisbane Terrace to Robinson Avenue. The system is a vitreous clay pipe, and could be susceptible to damage during construction and requires protection from surcharge from the development, which has footings within the zone of influence. The developer and the City have come to an agreement that the pipe will be replaced at the developer's cost, and the new pipe will be encased in concrete for additional protection. A condition is recommended to be imposed to reflect this agreement.

The development of four dwellings on the subject site has been designed to connect with the existing built form and streetscape. The proposed boundary walls and setbacks take into account the existing walls on the boundary and the built form on the neighbouring properties. The height of three storeys is consistent with the existing terrace dwellings to the western side of the property and transitions into the two storey development on the eastern side.

The development accords with the requirements of the Residential Design Codes in relation to privacy and overshadowing. The design addresses the need to protect the City's drainage infrastructure. A condition is also recommended to be imposed in relation to the proposed crossovers requiring their widths to be 3 metres as opposed to the 2.5 metres shown on the plans and the crossovers to be at right angles to the street boundary.

On the above basis, the portions of the development provisions are acceptable.

CONCLUSION:

It is recommended that Council approve this application.

5.1.5 Nos. 168-172 (Lots: 3 & 4; D/P: 1084) Charles Street, West Perth – Proposed Four Grouped Dwellings

Ward:	South	Date:	13 May 2016
Precinct:	Precinct 12 – Hyde Park	File Ref:	PR19734; 5.2015.452.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Marked up plans showing proposed versus required setbacks		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application for the proposed four two storey Grouped Dwellings at Nos. 168-172 (Lots: 3 & 4; D/P: 1084) Charles Street, West Perth on plans date stamped 27 April 2016, as shown on 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. 155-166 Charles Street and 1 Violet Street in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork to the satisfaction of the City;

2. **Car Parking and Access**

- 2.1 The car parking and access areas are to comply with the requirements of AS2890.1; and
- 2.2 Vehicle and pedestrian access points are required to match into existing footpath levels;

3. **Charles Street**

- 3.1 No earthworks shall encroach onto the Charles Street Road Reserve; and
- 3.2 The existing levels on the Charles Street reserve boundary are to be maintained as existing;

4. **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;

5. **Verge Trees**

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

6. The following is to form part of the application for a Building Permit, and shall be approved the City prior to commencement of the development:

6.1 **Amalgamation of Lots**

Lots 3 and 4 shall be amalgamated into one lot on a certificate of title to the satisfaction of the City;

6.2 **Acoustic Report**

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

6.3 **Section 70A Notification under the *Transfer of Land Act 1893***

The applicant agrees in writing to a notification being lodged under Section 70A of the *Transfer of Land Act 1893*; and to include a condition in the Sales Contract, notifying proprietors and/or (prospective) purchasers of the property that the use or enjoyment of the property may be affected by traffic noise;

6.4 **Landscape and Reticulation Plan**

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

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

6.4.2 Areas to be irrigated or reticulated; and

6.4.3 The removal of redundant crossovers;

6.5 **Schedule of External Finishes**

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

6.6 **Construction Management Plan**

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

6.7 **Waste Management**

6.7.1 A Waste Management Plan prepared to the satisfaction of the City detailing:

- (a) that waste collection is taken from the Right of Way at the rear of the property and collection is not permitted from the Charles Street road reserve; and

- (b) a bin store shall be provided to the satisfaction of the City to accommodate the City's specified bin requirement; and

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

6.8 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;

7. Prior to occupancy or use of the development the following shall be completed to the satisfaction of the City:

7.1 Stormwater

All storm water produced on the subject land shall be retained onsite, by suitable means to the satisfaction of the City. No stormwater drainage shall be discharged onto the Charles Street road reserve;

7.2 Acoustic Report Certification

With reference to Condition 6.2, certification from an acoustic consultant that the recommended measures have been undertaken shall be provided to the City and thereafter maintained;

7.3 Landscape Plan and Verge Upgrade Plan

With reference to Condition 6.4, 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

7.4 Right of Way (ROW)

The full length and width of the adjacent Right of Way from Violet Street to the southern most boundary of the development lot, shall be sealed and drained in accordance with the City's specification, at the full cost of the developer; and

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

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 6.1, all costs associated with this condition shall be borne by the applicant/owner. Amalgamation of the lots is not required if it can be demonstrated that the proposed development complies with the relevant requirements of the National Construction Code Series;
-

3. A bond for the sum of \$12,000, shall be lodged with the City by the applicant, prior to the issue of a building permit to provide for the following:

- 3.1 \$2,000 for a road and verge security bond; and
3.2 \$10,000 to ensure the sealing of the Right of Way (ROW).

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 Bulwer Street, including verge trees, has been repaired/reinstated to the satisfaction of the City and the ROW has been sealed. An application for the refund of the security bond shall be made in writing. The bond is non-transferable;

4. With reference to Condition 6.2, the development is to comply with WAPC State Planning Policy 5.4 "Road and Rail Transport Noise and Freight Considerations in Land Use Planning" and implement Noise insulation "deemed-to-comply" packages for this residential development;
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. No permit will be issued if the proposed encroachment into the road reserve is deemed to be inappropriate;
6. With reference to Condition 7.1, 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; and
7. With reference to Condition 7.3, the City encourages landscaping methods and species selection which do not rely on reticulation.

PURPOSE OF REPORT:

To consider a proposal for four two-storey grouped dwellings.

DETAILS:

Application Details:

Landowner:	R Rispoli
Applicant:	Design Better Buildings
Date of Application:	8 October 2015

Principle Statutory Provisions

Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R80 Draft Town Planning Scheme No. 2 (TPS2): Residential R80
Existing Land Use:	Vacant
Use Class:	Grouped Dwellings
Use Classification:	'P' Permitted
Lot Area:	Lot 3 – 364 square metres Lot 4 – 360 square metres TOTAL:724 square metres
Right of Way (ROW):	Eastern, 3 metres, City owned, unsealed
Heritage List:	No

The proposed application is for the construction of four two-storey grouped dwellings on the existing two vacant sites.

The lots front Charles Street, and have access to the ROW at the rear.

Each of the four dwellings has a double garage and living areas comprising of family, meals and day room on the ground floor and three bedrooms and balconies on the top floor.

The application is required to be determined by Council as delegation is limited to proposals with a maximum of three dwellings.

Date	Comment
8 October 2015	Initial application received.
12 November 2015 & 12 January 2015	Amended Plans received addressing levels of internal vehicle access in relation to the ROW.
29 March 2016	Further amended plans received incorporating fencing
21 April 2016	Final amended plans received addressing privacy issues

ASSESSMENT:

Summary Assessment

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

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

Detailed Assessment

The assessment is as follows:

Street Setback		
Requirement	Proposal	Variation
<p>Policy No. 7.2.1 – Residential Design Elements</p> <p>Ground Floor 5 metres (average of 5 properties on either side)</p> <p>Upper Floor 2 metres behind ground floor (7 metres from street boundary)</p>	<p>1.5 metres (minimum)</p> <p>1 metre behind ground floor) (2.5 metres from street boundary)</p>	<p>3.5 metres</p> <p>1 metre behind ground floor (4.5 metres from the street)</p>

The assessment against the principles is as follows:

Street Setback
Applicable Principles
<p>Policy No. 7.2.1 – Residential Design Elements</p> <p>SPC 5</p> <p>(i) Development is to be appropriately located on site to:</p> <ul style="list-style-type: none"> • Maintain streetscape character; • Ensure the amenity of neighbouring properties is maintained; • Allow for the provision of landscaping and space for additional tree plantings to grow to maturity; • Facilitate solar access for the development site and adjoining properties; • Protect significant vegetation; and • Facilitate efficient use of the site. <p>(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>
Summary of Applicant's Justification
<p>The street setback is proposed to maximise the sites' potential in terms of density.</p> <p>The design of the dwellings has incorporated articulation to the street to provide interest in order to provide a desired streetscape.</p> <p>A setback from the lower to upper floors has been provided to lessen the impact of building bulk to the street.</p>
Officer Technical Comment
<p>This lot is part of a street block that consists only of three lots facing Charles Street. The existing streetscape along this section of Charles Street has no consistent street setback character as it consists of a secondary street frontage to the north and a larger open expanse of an irregular shaped lot to the south. Therefore there is no distinct streetscape character that needs to be protected.</p>

Street Setback
<p>This development assists to create a streetscape as the proposed setback of the two dwellings fronting Charles Street will provide for a gradual stepping back of the built form when looking at the streetscape from the Violet Street to Cowle Street.</p> <p>The dwellings offer a contemporary housing design that consists of a pitched roof appearance with large window openings that enable surveillance of the street.</p> <p>The area in front of the dwellings enables landscaping to be provided. The proposal includes complying solid 1.8metre fencing to Charles Street.</p> <p>On the above basis, the proposed street setbacks are acceptable.</p>

The assessment is as follows:

Building Setbacks/Boundary Wall		
Requirement	Proposal	Variation
Residential Design Codes Clause 5.1.3		
<u>Boundary Walls</u>		
<u>South</u>		
Permitted Wall Length – 2/3 of boundary = 21.45 meters	Units 1 and 2 length 23.8 metres = 73.3%	2.35 metres or 6.6%
<u>North</u>		
Maximum Wall Height – 3.5 metres	4.3 metres (Unit 3)	0.8 metres
Average Wall Height – 3 metres	4 metres (Unit 3)	1 metre
<u>Setbacks</u>		
<u>South</u>		
1.6 metres	1.2 metres (Unit 2)	0.4 metres
3.9 metres	1.2 metres (Unit 1)	2.7 metres

The assessment is as follows:

Building Setbacks/Boundary Wall
Applicable Principles
Policy No. 7.2.1 – Residential Design Elements
<p>P3.1 Buildings set back from lot boundaries so as to:</p> <ul style="list-style-type: none"> • reduce impacts of building bulk on adjoining properties; • provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • minimise the extent of overlooking and resultant loss of privacy on adjoining properties. <p>P3.2 Buildings built up to boundaries (other than the street boundary) where this:</p> <ul style="list-style-type: none"> • makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas; • does not compromise the design principle contained in clause 5.1.3 P3.1; • does not have any adverse impact on the amenity of the adjoining property; • ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and • positively contributes to the prevailing development context and streetscape.

Building Setbacks/Boundary Wall

Summary of Applicant's Justification

Boundary Walls

The use of parapet walls enable effective use of space on the lot. There is no negative effect of the parapet walls on the adjoining properties outdoor living areas in terms of reduction of sunlight, ventilation or overshadowing. The walls provide enhanced privacy and security between the adjoining properties.

Southern Setback

The proposed southern boundary wall is articulated to reduce building bulk onsite. There are no privacy issues through the use of highlight windows. Adequate direct sun and ventilation will be retained to the adjoining property, given the existing setbacks.

Officer Technical Comment

Although there are boundary walls on the two side boundaries of this development site, the number of boundary walls complies with the requirement as the development site consists of two separate lots.

Boundary Walls

The boundary wall along the southern boundary complies in height but not length whereas the boundary wall along the northern boundary complies in length but not height.

Both proposed boundary walls are articulated with 4 meters separations between different sections of the walls, although the articulation on the northern side is greater. The breaks in the boundary walls assist with breaking up their respective bulk.

The southern boundary wall abuts an open paved area on the adjoining property, which is not used for any specific purpose. The impact of the boundary wall on the adjoining property is therefore minimal. The development site and the property to the south are owned by the same owner.

The northern boundary abuts open courtyard areas of the terrace housing along Violet Street. These properties are higher lying than the development site and this development proposes to have finished floor levels approximately 1 metre below the levels of its northern neighbours. The boundary wall height therefore closely relates to the permitted height when viewed from the adjoining northern properties. As a result of the location of the walls on the southern side of the open rear yard areas of the adjoining properties, the boundary wall will not have any overshadowing impact on its northern neighbours. Overall the impact of the boundary wall and its additional height is minimal.

Both boundary walls allow for effective use of space of the dwellings on the development site and ensure that privacy is maintained.

The proposed boundary walls are considered to be acceptable.

Southern Setback (Refer **Attachment 3**)

Along the southern boundary, the proposed dwellings abut the single house which has large boundary setbacks from its northern boundary. This secures access to sunlight and ventilation to the adjoining property.

Discretion is sought in relation to setbacks for Units 1 and 2 on the upper floor. The variation from the deemed to comply provisions in relation to unit 2 is considered to be minor.

Building Setbacks/Boundary Wall
<p>As a result of the proposed open balcony to Unit 1 the setback requirement is 3.9 metres, which would reduce to 1.9 metres if the balcony were to be screened and result in a smaller variation.</p> <p>Both setbacks affect an open paved area on the adjoining lot, which is owned by the same land owner as the development sites.</p> <p>The proposed setbacks are acceptable.</p>

The assessment is as follows:

Building Height		
Requirement	Proposal	Variation
<p>Policy No. 7.2.1 – Residential Design Elements</p> <p>Permitted wall height: 6 metres</p>	<p>Wall Height ranging from 6.1metres to 6.9 metres (Unit 3)</p>	<p>0.9 metres</p>

The assessment against the principles is as follows:

Building Height
<p>Applicable Principles</p> <p>Policy No. 7.2.1 – Residential Design Elements BDPC 5</p> <p>(i) Building height is to be considered to:</p> <ul style="list-style-type: none"> • Limit the height of dwellings so that no individual dwelling dominates the streetscape; • Limit the extent of overshadowing and visual intrusion on the private space of neighbouring properties; and • Maintain the character and integrity of the existing streetscape.
<p>Summary of Applicant’s Justification</p> <p>None Provided</p>
<p>Officer Technical Comment</p> <p>The proposal complies in regard to the maximum wall height except in relation to the north western corner of Unit 3. A greater wall height is required in this location due to the changes in levels on the site.</p> <p>As the additional height is located at the rear of Unit 3, it will not have an impact in terms of bulk when viewed from the street and as the northern adjoining neighbour is higher lying than the development, its impact on the neighbour, which is also a double storey building, is minimal.</p> <p>The additional wall height does not contribute to overshadowing of the neighbour immediately adjoining the northern boundary.</p> <p>Overall building height is which 8.5 metres at the highest point within is less than the permitted maximum height of 9 metres to the top of the roof pitch. The proposed overshadowing at 6% of the adjoining southern property complies with the 50% permitted under the provisions of the Residential Design Codes.</p> <p>In this context the additional wall height is acceptable.</p>

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period:	22 February 2016 – 6 March 2016
Comments Received:	Two comments received noting concerns to the development.

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

Two comments were received during the consultation process, out of 183 letters sent out to the community, accounting for a 1% response rate.

Comments Received in Objection:	Officer Technical Comment:
<p><u>Privacy</u></p> <p>Concern in relation to privacy and in particular in relation to the balconies at the rear of the property.</p>	<p>The proposed plans have been revised to ensure the development complies with the privacy provisions of the Residential Design Codes.</p>
<p><u>Noise</u></p> <p>Concern in relation to the potential noise derived from these balconies and properties/vehicles.</p>	<p>The proposed balconies and the driveway are located internally within the site. Any noise generated by the use of the balconies and the driveway will be retained within the site.</p> <p>The noise levels are required to comply with the <i>Environmental Protection (Noise) Regulations 1997</i>.</p>
<p><u>Reflectivity</u></p> <p>Concern from any potential glare from the roofing of the new dwellings. Especially if any solar water systems or air conditioners face north.</p>	<p>The proposed roofing is colorbond. Reflectivity is expected to be low due to the pitch of the roof and in any event will lessen over time.</p> <p>A condition is recommended to be imposed that requires external fixtures such as air conditioners not to be visually intrusive on adjoining properties.</p>
<p><u>Stormwater</u></p> <p>Concern in relation to the storage of stormwater from the property and for any stormwater to be contained onsite.</p>	<p>A condition is recommended to be imposed that requires that any stormwater is contained onsite.</p>
<p><u>Traffic</u></p> <p>Impact of vehicular traffic in and out of the property.</p>	<p>The proposal will result in eight more vehicles using the ROW regularly and the traffic generated is not expected to have a negative impact on the existing road system.</p>
<p><u>Sunlight</u></p> <p>Concern from the loss of sunlight from the scale of the development on the adjoining properties causing limited sunlight to garden areas.</p>	<p>The proposal is located to the south of the properties along Violet Street and will not have a negative impact on access to sunlight for these properties.</p>

Comments Received in Objection:	Officer Technical Comment:
<p><u>Amenity</u></p> <p>Concern in the loss of any City views for the property.</p>	<p>The development is within the total building height permitted at 9 metres and is two storeys. Loss of views is only a valid planning consideration where overall building heights exceed the permitted requirements.</p>

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

Consultation with other Agencies

Main Roads of WA

The City referred the application to Main Roads WA as the site abuts Charles Street, a District Distributor Road. Main Roads indicated no objection to the proposal subject to conditions relating to noise, stormwater, the requirement to contain earthworks on site and maintaining of levels on the Charles Street reserve boundary.

These requirements have been incorporated into Conditions and Advice Notes in the recommendation.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes;
- Policy No. 7.1.12 – Hyde Park Precinct; and
- Policy No. 7.2.1 – Residential Design Elements.

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

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

SOCIAL
The proposal allows for an increase in housing diversity and provides dwellings for smaller households.

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

As the lots will be required to be amalgamated as part of any approval a condition is recommended to be imposed in this regard.

The construction of the proposed four grouped dwellings will reinvigorate a currently under developed area of West Perth given the site is vacant, as it will result in improved surveillance and positively contribute to the general aesthetics of the area.

The units will provide greater housing choice for the area.

The proposal is considered to make a positive contribution to the area and the variations to the deemed to comply provisions are acceptable.

CONCLUSION:

It is recommended that Council approves this proposal.

5.1.6 No. 92 (Lot: 58; D/P: 18024) Sydney Street, North Perth – Retrospective Amendment to Previous Approval: Construction of Single House

Ward:	North	Date:	13 May 2016
Precinct:	Precinct 8 – North Perth	File Ref:	PR17028; 5.2015.584.1
Attachments:	1 – Consultation Map 2 – Development Application Plan 3 – Site Survey detail provided by the Applicant 4 – Independent Site Survey 5 – Original Site Plan 6 – Levels Comparison Tables		
Tabled Items:	Nil		
Reporting Officer:	C Sullivan, Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

RECOMMENDATION:

That Council, in accordance with the Schedule 2, Part 9, Clause 77(4)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVES the application for retrospective approval for an amendment to wall height for a two storey Single House at No. 92 (Lot: 58; D/P: 18024) Sydney Street, North Perth on plans date stamped 17 December 2015, as shown on Attachment 2, subject to the following conditions:

1. **Limitation of Approval**

This approval relates only to the amendments denoted on the approved plans;

2. **External Fixtures**

All external fixtures shall not be visually obtrusive from Sydney 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. **On an ongoing basis prior to occupation of the development, the following shall be completed to the satisfaction of the City:**

3.1 **Stormwater**

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

4. **Within 28 days of the issue date of this ‘Approval to Commence Development’, the owners or the applicant on behalf of the owners shall comply with the following requirements:**

4.1 **Building Approval Certificate**

A Building Approval Certificate application along with structural details certified by a Practising Structural Engineer, including plans and specifications of the subject unauthorised development, shall be submitted to and approved by the City of Vincent Building Services as required under Sections 51, 52 & 54 of the Building Act 2011, and Regulation 4 of the Building Regulations 2012.

ADVICE NOTES:

1. **With reference to Condition 3.1, 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.**

PURPOSE OF REPORT:

To consider a retrospective amendment to the previously approved construction of a two storey single house.

BACKGROUND:

Previous approvals for two storey single dwelling were issued for the property on 25 November 2014 (planning application 5.2014.420.1) and 11 May 2015 (building permit 6.2015.243.1). The development is currently under construction and it has become apparent that the height of the building is not constructed in accordance with the approved plans.

Following an investigation, the City's invited that a retrospective application is submitted to gain approval for the non-complying aspect of the development. The City invites retrospective applications where there is the view that the extent of the modifications could be considered.

History:

The following is a list of the applications for the subject property which the City has previously determined:

Date	Comment
24 November 2014	Planning Approval was granted under delegated authority for demolition of existing dwelling and construction of two storey single house

DETAILS:

Application Details:

Landowner:	J & Y Marvelli
Applicant:	J & Y Marvelli
Date of Application:	21 December 2015

Principal Statutory Provisions

Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R20 Draft Town Planning Scheme No. 2 (TPS2): Residential R20
Existing Land Use:	Single House Under Construction
Use Class:	Single House
Use Classification:	"P"
Lot Area:	1,020 square metres
Right of Way (ROW):	Not applicable
Heritage List:	No

The application seeks approval retrospectively for an increase in the overall wall height of the northern wall of the dwelling and resultant lot boundary setback variations from the original approval.

The site has a dwelling with an approved wall height of 6.45 metres (75 brick courses) measured from the finish level of the garage which is located 629mm below natural ground level. From natural ground level the wall height is 5.821 metres. (**Attachment 3**).

The constructed wall height is 6.966 metres (81 brick courses) which is 6.337 metres above the lowest natural ground level in this location. The additional height of 516mm is as a result of the precast concrete panel having been constructed offsite to different dimensions than shown on the approved plans (**Attachment 2**).

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

Additional information was sought on several occasions as follows:

Date	Comment
26 February 2016	Updated Site Survey submitted by applicant.
27 April 2016	The City commissioned an independent Site Survey and an As Constructed levels plan (Attachment 4)

The matter is being presented to Council due to complaints received from adjoining landowners.

ASSESSMENT:

Summary Assessment

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

The table reflects the elements where discretion has already been exercised as part of the previous approval, and the elements where discretion is required as a result of the request for retrospective approval.

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

Detailed Assessment

The assessment is as follows:

Building Setbacks/Boundary Wall		
Requirement	Proposal	Variation
Residential Design Codes Clause 5.1.3 – Lot Boundary Setback <u>Northern Boundary</u> 2.3 metres Previous requirement 2.2 metres	2.175 metres	0.125 metres Previous approval: 0.025 metres

The assessment against the principles is as follows:

Building Setbacks/Boundary Wall
Applicable Principles
Residential Design Codes Clause 5.1.3 P3.1 Buildings set back from lot boundaries so as to: <ul style="list-style-type: none"> • reduce impacts of building bulk on adjoining properties; • provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • minimise the extent of overlooking and resultant loss of privacy on adjoining properties.
Applicant's Justification
None provided.
Officer Technical Comment
The previous approval already granted a minor setback variation. The additional height requires a further setback from the northern boundary of 100mm. The extent of this variation is minimal and the setback as proposed will not have any impact on bulk or overshadowing of adjoining properties, and the visual privacy remains compliant. The setback is acceptable.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	23 March 2016 – 9 April 2016		
Comments Received:	Two objections and two lists of signatures objecting to the proposal.		

A total of 20 letters were sent to owners and occupiers surrounding the property subject of this application. Given the two objections received the response rate is 10%.

The two lists of signatures objecting to the proposal were received on 19 January 2016 (107 signatures) and 13 April 2016 (90 signatures).

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

Comments Received in Objection:	Officer Technical Comment:
<p><u>Height/Bulk</u></p> <p>The proposed height will have a detrimental impact to the lifestyle, privacy and value of adjoining properties.</p> <p>There is concern that the ground level of the site has been raised, plus an increase in the overall height of the dwelling which increases in the impact on adjoining properties.</p>	<p>Additional evidence derived from an independent survey has indicate that the difference between the approved and as constructed height and levels is minor. Even with the additional height, the proposal complies with the maximum permitted building height, does not result in increased overshadowing to adjoining properties or has any privacy implications for adjoining properties.</p> <p>Property values are not a planning consideration.</p> <p>The survey plans indicate that the level changes along the northern boundary of No. 92 Sydney Street pre demolition and post construction are minimal and well below the permitted 500mm level change of the Residential Design Codes. (Refer Attachment 4, 5 and 6).</p>

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

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

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

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL
Nil.

SOCIAL
Nil.

ECONOMIC
Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The costs of the independent survey obtained by the City was paid from the Operating Budget.

COMMENTS:

An independent survey indicates that the finished floor levels of the dwelling have been constructed to either align with or be marginally lower than the approved plans. (Refer **Attachment 6**).

The finished levels between the dwelling and the northern boundary are between 50 - 250mm higher than the original levels, which is well within the permitted 500mm levels increase allowed under the Residential Design Codes without planning approval. It should be noted that the maximum external ground level at No. 92 Sydney Street does not exceed the height of the existing retaining walls along the rear boundaries of the properties on Gill Street.

Although the height of the northern wall at No. 92 Sydney Street has increased by 516mm, its overall height from natural ground level at its highest point is 6.337 metres which is within the maximum permitted wall height for a concealed roof design of 7 metres under the Residential Design Codes.

The additional wall height requires a setback marginally greater than was previously required. As a result further discretion for the setback to the northern boundary is required. The setbacks already approved are between 1.2 – 2.175 metres, which previously equated to a variation of 25mm. The additional 100mm increases the overall variation from the deemed to comply provision to 125mm which will not have a negative impact on the locality and is acceptable.

Had the increased wall height been part of the original application it would have been approved as part of the original approval.

CONCLUSION:

It is recommended that Council approves this proposal.

5.1.7 No. 6 (Lot: 888; D/P: 405492) Sekem Street, North Perth – Amendment to Previous Approval: Construction of a Grouped Dwelling

Ward:	North	Date:	16 May 2016
Precinct:	Precinct 6 – Smiths Lake	File Ref:	PR54061; 5.2016.74.1
Attachments:	1 – Consultation Map 2 – Development Application Plans		
Tabled Items:	Nil		
Reporting Officer:	C Sullivan, Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

RECOMMENDATION:

That Council, in accordance with the Schedule 2, Part 9, Clause 77(4)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVES the application to amend an existing planning approval granted on 10 March 2015 numbered 5.2014.598.1 to construct a proposed three storey Grouped Dwelling at No. 6 (Lot: 888; D/P: 405492) Sekem Street, North Perth on plans date stamped 25 February 2016, as shown on Attachment 2, subject to the following conditions:

1. All conditions, requirements and advice notes detailed on the previous approval number 5.2014.598.1 dated 10 March 2015 shall apply.

PURPOSE OF REPORT:

To consider amendments to the previous approval for the construction of a three storey grouped dwelling.

BACKGROUND:

The application is for an amendment to a previous approval (planning application 5.2014.598.1 granted on 10 March 2015) for a proposed three storey dwelling that includes a roof terrace on the third level and is located at the rear of the original dwelling at No. 4 Sekem Street, North Perth.

The lot was subdivided in 2012, and the new lot renumbered as No. 6 Sekem Street.

In early 2016, an application for a Building Permit was submitted with a number of modifications from the approved development application plans and has triggered the need for this application.

The previous application was approved by Council on 10 March 2015 (under the address No. 4 Sekem Street as site has since been subdivided) and any further decision in this regard is referred to Council for determination.

History:

The following is a list of applications for the subject property which the City has previously determined:

Date	Comment
10 March 2015	Council resolved to approve a three storey grouped dwelling

Previous Reports to Council:

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

DETAILS:

Application Details:

Landowner:	R & J James
Applicant:	R James
Date of Application:	25 February 2016

Principal Statutory Provisions

Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R40 Draft Town Planning Scheme No. 2 (TPS2): Residential R40
Existing Land Use:	Vacant
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	210 square metres
Right of Way (ROW):	Yes (south and west)
Heritage List:	No

The proposal seeks an amendment to a previously approved three storey grouped dwelling.

The amendment comprises minor changes compared to the previous approval in relation to front fencing, street setback, boundary walls and the store room. There are also minor changes to the overall design in terms of materials and window location.

The street setback, lot boundary setback, roof form and overall height are the same as previously approved.

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

ASSESSMENT:

Summary Assessment

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

The table reflects the elements where discretion has already been exercised as part of the previous approval, and the elements where further discretion is required as a result of this application.

Planning Element	Use Permissibility/ Deemed-to-Comply	Previously approved	Requires further Discretion
Street Setback		✓	
Front Fence			✓
Building Setbacks/Boundary Wall		✓	✓
Building Height/Storeys		✓	
Roof Form		✓	
Open Space	✓		
Privacy	✓		
Parking & Access	✓		

Planning Element	Use Permissibility/ Deemed-to-Comply	Previously approved	Requires further Discretion
Bicycles	✓		
Solar Access	✓		
Site Works	✓		
Essential Facilities			✓
Surveillance	✓		
Landscaping	✓		

Detailed Assessment

The assessment is as follows:

Dual Street Frontage		
Requirement	Proposal	Variation
<p>Policy No. 7.2.1 – Residential Design Elements Clause SPC10 – Dual Street Frontages and Corner Sites</p> <p><u>Ground Floor</u> 2.5 metres from lot boundary</p> <p><u>Balcony/deck</u> 3 metres from lot boundary</p>	<p>1.1 -1.9 metres</p> <p>1.9 metres</p>	<p>0.6 metres - 1.4 metres Current Approval: 0.49 metres and 1.5 metres</p> <p>Variation: 1.1 metres Current Approval: compliant with requirement</p>

The assessment against the principles is as follows:

Dual Street Frontage
Applicable Principles
<p>Policy No. 7.2.1 – Residential Design Elements</p> <p>SPC 10</p> <p>(i) Dwellings on dual street frontages or corner lots are to present an attractive and interactive elevation to each street frontage. This may be achieved by utilising the following design elements:</p> <ul style="list-style-type: none"> • Wrap around design (design that interacts with all street frontages); • Landscaping; • Feature windows; • Staggering of height and setbacks; • External wall surface treatments and finishes; and • Building articulation.
Summary of Applicant’s Justification
The reduced setback at ground level has been proposed due to the narrow depth of the lot, and the Right of Way widening area.
Officer Technical Comment
The street setbacks are almost identical to those previously supported. The design has been improved to achieve higher sustainability targets, with altered materials and windows to finesse the design. The changes make a positive contribution to the design while still addressing the streetscapes.

The assessment is as follows:

Front Fence		
Requirement	Proposal	Variation
<p>Policy No. 7.2.1 – Residential Design Elements Clause SPC13 – Street Walls and Fences</p> <p>Maximum solid height of 1.8 metres (above footpath level)</p>	<p>Solid fence to 2.2 metres (above natural ground level at the boundary)</p>	<p>0.4 metres above permitted wall height</p>

The assessment against the principles is as follows:

Front Fence
Applicable Principles
<p>Policy No. 7.2.1 – Residential Design Elements</p> <p>SPC 13</p> <p>(i) Street walls and fences are to be designed so that:</p> <ul style="list-style-type: none"> • Buildings, especially their entrances, are clearly visible from the primary street; • A clear line of demarcation is provided between the street and development; • They are in keeping with the desired streetscape; and • Provide adequate sightlines at vehicle access points.
Summary of Applicant's Justification
<p>None provided.</p>
Officer Technical Comment
<p>The proposal seeks a solid 2.2 metre high fence along the western boundary (adjacent to the ROW) for a length of 9.2 metres, to screen the western side of the ground floor outdoor living area. 7.4 metres of the wall is proposed to be constructed of limestone blocks and the remaining 1.8 metres being a slatted panel and gate. The fence is positioned on top of a 400mm high retaining wall (proposed) which contributes towards the total height.</p> <p>The ROW way currently consists of a mixture of fencing types mostly in poor to average condition. It is considered that this proposal is unlikely to have an adverse impact on the ROW or the amenity of the adjoining properties.</p> <p>Visual truncations have been provided as required. The remainder of the fence proposed along the southern elevation along Sekem Street complies.</p> <p>On the above basis the additional height requested for the fence is supported.</p>

The assessment is as follows:

Building Setbacks/Boundary Wall		
Requirement	Proposal	Variation
<p>Residential Design Codes Clause 5.1.3 – Boundary Wall</p> <p>Boundary wall to one side lot boundary.</p> <p>Maximum length of two thirds the length of the lot boundary.</p>	<p>Two boundary walls (eastern and northern boundaries)</p>	<p>Current Approval: Two boundary walls</p>

Building Setbacks/Boundary Wall		
Requirement	Proposal	Variation
Maximum height of 3.5 metres. Average height of 3 metres.	<u>Eastern Boundary</u> Maximum boundary wall height of 6 metres	Current Approval: 5.6 metres Variation from approved plan: 0.4 metres higher resulting in a total cumulative variation of 2.5 metres
	Average wall height of 5.8 metres	Current Approval: 5.5 metres Variation from approved plan: 0.3 metres higher resulting in a total cumulative variation of 2.3 metres
	<u>Northern Boundary</u> Maximum boundary wall height of 4.5 metres	Current Approval: 5.8 metres Variation from approved plan: 1.3 metres lower resulting in a total cumulative variation of 1 metre
	Average wall height of 3.3 metres	Current Approval: 5.5 metres Variation from approved plan: 2.2 metres lower resulting in a total cumulative variation of 0.3 metres

The assessment against the principles is as follows:

Building Setbacks/Boundary Wall
Applicable Principles
Residential Design Codes Clause 5.1.3
P3.2 Buildings built up to boundaries (other than the street boundary) where this: <ul style="list-style-type: none"> • makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas; • does not compromise the design principle contained in clause 5.1.3 P3.1; • does not have any adverse impact on the amenity of the adjoining property; • ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and • positively contributes to the prevailing development context and streetscape.
Summary of Applicant's Justification
The building on the boundary has been proposed: <ul style="list-style-type: none"> • To facilitate more efficient use of the site and maximises open space; • To enhance the amenity of the development; • Is integral to the contemporary design proposed; • Provide adequate privacy screening to adjoining properties; • Facilitates solar access to the dwelling on the northern elevation.

Building Setbacks/Boundary Wall
Officer Technical Comment
<p>The proposal seeks two boundary walls to the eastern and northern boundaries which was supported in the previous application.</p> <p>The eastern boundary wall increases in maximum and average height as a result of the changes to the stairwell. The dwelling on the adjoining lot (No. 4 Sekem Street) is well setback and is currently in the same ownership as this development site. Given the orientation of the lot, it is considered that there will be no impact from the resultant overshadowing.</p> <p>The northern boundary wall forms the screen of the first floor balcony area. There is no change from the previous approval to the length of the two storey boundary wall element on this elevation but there is a decrease to the maximum height of the two storey wall element and an increase in height to the single storey portion of boundary wall thus affecting the proposed average wall height. No objection has been received from the adjoining property (No. 2a Sekem Street).</p> <p>The proposal does not have any adverse impact on the amenity of adjoining properties, and does not restrict direct sunlight to major openings or outdoor living areas of adjoining properties. The proposal seeks to make better use of space with the northern boundary wall creating a privacy screen to the adjoining neighbour. The design of the dwelling is similar to existing two and three storey small lot developments in the immediate streetscape area.</p> <p>In this context the proposed walls on the boundary are supported.</p>

The assessment is as follows:

Essential Facilities		
Requirement	Proposal	Variation
Residential Design Codes Clause 5.4.5 – Utilities and Facilities		
Store room minimum dimension of 1.5 metres	Store room minimum dimension 1 metre	0.5 metre

The assessment against the principles is as follows:

Essential Facilities
Applicable Principles
Residential Design Codes Clause 5.4.5
<p>P5 External location of storeroom, rubbish collection/bin areas, and clothes drying areas where these are:</p> <ul style="list-style-type: none"> • convenient for residents; • rubbish collection areas which can be accessed by service vehicles; • screened from view; and • able to be secured and managed.
Summary of Applicant's Justification
None provided.
Officer Technical Comment
<p>The original application provided a fully compliant store room. The design has been refined, and the store room now has full width doors along the full length of the store room which makes the space more easily accessible. The store area of 4 square metres complies. The reduced depth can be supported as the store is still fit for purpose and allows for the provision of a larger outdoor living area.</p>

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	20 April 2016 – 4 May 2016		
Comments Received:	One submission in support of and one letter with concerns were received		

A total of 14 letters were sent to owners and occupiers of properties in the immediate vicinity of this application, and resulted in a response rate of 14 %.

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

Comments Received in Support:	Officer Technical Comment:
The proposed dwelling will enhance the street and the modern design and materials will fit in to the area.	Noted

Comments Received in Objection:	Officer Technical Comment:
<u>Privacy</u> Would require all windows and outdoor areas to comply with privacy screening requirements to protect amenity of neighbours.	The proposal fully complies with privacy requirements from all major openings.
<u>Boundary Fence</u> Support the increased wall height on ground floor (northern boundary), however have concern about the length of time that the boundary fencing would be down during construction as neighbours have dogs.	The construction period and interim measures for the proposed wall on the boundary is a civil matter. The requirement for consent from the adjoining property owner during the building licence process opens communications between parties.

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

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes;
- Policy No. 7.1.6 – Smith's Lake Precinct; and
- Policy No. 7.2.1 – Residential Design Elements.

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL
The development will assist in offsetting urban sprawl and associated negative impacts.

SOCIAL
The development contributes positively to the social sustainability of the area by increasing density, social mix and the diversity of dwelling types.

ECONOMIC
The construction will provide short term employment.

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

The proposed dwelling is located in an area which is primarily characterised by dwellings with a minimum height of two storeys, some with roof terraces, located directly opposite the site. Located at the rear of No .4 Sekem Street, the site is hidden from view from Sekem Street which has limited through traffic.

The proposed amendments to the original approval do not substantially change the development approved by Council. The proposed dwelling enables for the most efficient use of the small lot and demonstrates that it addresses the applicable principles of the City's Policies and the Residential Design Codes.

CONCLUSION:

It is recommended that Council approves this proposal.

5.1.8 No. 2 (Lot: 1; D/P: 3785) Coogee Street, Mount Hawthorn – Proposed Reconsideration of Condition: Change of Use from Local Shop/Residential to Local Shop/Eating House including Alterations and Additions

Ward:	North	Date:	13 May 2016
Precinct:	Precinct 1 – Mount Hawthorn	File Ref:	PR11888; 5.2016.72.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification 4 – Car Parking and Bicycle Tables		
Tabled Items:	Nil		
Reporting Officer:	A Groom, Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

RECOMMENDATION:

That Council, in accordance with Schedule 2, Part 9, Clause 77(4)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, REFUSES the application for reconsideration of Condition 3.2 of existing planning approval granted on 2 December 2014 numbered 5.2014.429.1 to increase patrons numbers from 15 to 40 at No. 2 (Lot: 1; D/P: 3785) Coogee Street, Mount Hawthorn on plans date stamped 29 February 2016, as shown on Attachment 2, for the following reasons:

1. **Car Parking**
 The proposal does not meet the onsite car parking requirements as stipulated in the City’s Policy No. 7.7.1 – Parking and Access;
2. The increased patronage is not compatible with the surrounding residential land uses; and
3. The proposed maximum patron number will adversely impact on the amenity of the residents on Anzac Road and Coogee Street by virtue of noise and parking.

PURPOSE OF REPORT:

To reconsider Condition 3.2 from Development Application 5.2014.429.1 to increase patron numbers from 15 to 40 customers.

BACKGROUND:

A change of use from Local Shop/Residential to Local Shop/Eating House including alterations and additions was approved by Council on 2 December 2014. Condition 3.2 of the approval restricts the number of patrons for the eating house to a maximum of 15 patrons at any one time.

The proposal is for the reconsideration of Condition 3.2 to allow a maximum of 40 patrons at the premises at any one time. No other alterations are proposed to the existing valid approval. No additional car parking is proposed onsite.

The alterations and additions approved by Council in December 2014 are currently under construction.

The hours of operation approved by Council are from 7:00am to 5:00pm Monday to Friday and 7:00am to 4:00pm Saturday and Sunday.

History:

The following is a list of applications for the subject property which the City has previously determined:

Date	Comment
12 February 2001	Delegated Authority approval granted for a double garage and second storey single house located at the eastern end of the property.
18 November 2014	Council resolved to defer the item for further consideration.
2 December 2014	Council resolved to approve the proposal for the Change of Use from Local Shop/Residential to Local Shop/Eating House including Alterations and Additions.

Previous Reports to Council:

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

DETAILS:

Application Details:

Landowner:	R & A Burton
Applicant:	GHD Pty Ltd
Date of Application:	24 February 2016

Principle Statutory Provisions

Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R30 Draft Town Planning Scheme No. 2 (TPS2): Residential R30
Existing Land Use:	Currently under construction to Local Shop/Eating House
Use Class:	Local Shop/Eating House
Use Classification:	"SA" Use
Lot Area:	372 square metres
Right of Way (ROW):	Not Applicable
Heritage List:	No

The application to amend or delete any condition of an existing approval can be considered in accordance with Schedule 2, Part 9, Clause 77(1)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Clause 77(4) provides the local government the ability to approve the application with or without conditions or refuse the application.

The hours of operation are proposed to remain unchanged and apply to the indoor and outdoor eating area.

ASSESSMENT:

Summary Assessment

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

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

Detailed Assessment

The assessment is as follows:

Parking & Access		
Requirement	Proposal	Variation
Policy No. 7.7.1 – Parking and Access		
Additional 7 car bays	Nil	Shortfall of 6.84 car bays (Attachment 4).

The assessment against the principles is as follows:

Parking & Access
Applicable Principles
Policy No. 7.7.1 – Parking and Access
<ol style="list-style-type: none"> 1. To define parking requirements that meet the needs of the users of developments without resulting in the oversupply of parking. 2. To ensure safe, convenient, and efficient access for pedestrians, cyclists and motorists. 3. To promote a high standard of design for parking areas. 4. To ensure that parking and access facilities do not prejudice the environmental and amenity objectives of the City's Town Planning Scheme No. 1. 5. To promote alternative transport modes by including requirements to provide bicycle parking and reducing parking requirements where alternatives exist. 6. To enable to payment of cash-in-lieu for parking shortfalls and to provide a set of guidelines to enable the calculation of cash-in-lieu to be determined in a consistent and transparent manner. 7. To ensure long term viability of parking proposals by defining the circumstances in which Parking Management Plans are required and providing guidelines for their content.
Applicant's Justification
<p><i>"Car parking is not proposed to be accommodated on site. The current outdoor area will form part of the outdoor eating area and would reduce the amenity of the area if it were occupied by car parking. There is existing on-street parking adjacent to the property that can accommodate patrons of the eating house/local shop. It is also assumed that the local community will walk or ride to the business.</i></p> <p><i>As a result, the landowner is opting to pay a cash-in-lieu contribution rather than providing onsite car parking."</i></p>
Officer Technical Comment
<p>An increase from 15 to 40 patrons onsite without the provision of any additional car parking will significantly impact on the amenity of the surrounding residential properties.</p> <p>Anzac Road is classified as a District Distributor road with approximately 6,000 cars using the road every day. The addition of up to 25 persons and their vehicles at any one time without any car parking provided onsite is likely to impede traffic flow and cause congestion.</p> <p>The streets within close proximity of the site are used for car parking during school drop offs and pick-ups, sporting events and visitors to the residential properties. The additional intensity of use on this site will be to the detriment of the existing residents.</p> <p>With the current development, there is no space onsite to accommodate the additional car parking demand and other than the existing street parking no dedicated area to provide public car parking.</p>

Parking & Access
<p>The City's Policy No. 7.7.1 – Access and Parking provides that cash in lieu be considered where there is an inability to provide adequate parking on site as a “a mechanism to enable otherwise desirable developments to proceed”. In this instance, the payment of cash-in-lieu is not considered to be appropriate as the increased intensity of the use with the additional patrons will be to the detriment of the surrounding residential properties.</p> <p>The proposed increase in patron numbers is not acceptable and does not meet the objectives of the City's Policy No. 7.7.1 – Parking and Access.</p>

The assessment is as follows:

Bicycle Parking		
Requirement	Proposal	Variation
<p>Policy No. 7.7.1 – Parking and Access</p> <p>1 Class 1 or 2 facilities and 3 Class 3 facilities.</p>	<p>4 Class 3 bicycle bays.</p>	<p>Shortfall of 1 Class 1 or 2 bicycle bays.</p>

The assessment against the principles is as follows:

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

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	24 March 2016 to 17 April 2016		
Comments Received:	25 objections, 4 general concerns and 8 letters of support were received during the community consultation period.		

A total of 21 letters were sent to owners and occupiers. A sign was also placed onsite and a notice placed in the local newspaper.

Of the 21 letters sent to owners and occupiers, a total of 9 letters were received in response resulting in a response rate of 42.8%.

A total of 28 additional respondents provided comment during the community consultation period.

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

Comments Received in Support:	Officer Technical Comment:
The development will be great for the neighbourhood.	Noted.
Fantastic move into the 20 th Century.	Noted.
No issue with the proposed increase in patron numbers with the exception of parking concerns.	Noted. No car parking has been provided onsite to address car parking concerns.

Comments Received in Objection:	Officer Technical Comment:
<p><u>Car Parking</u></p> <p>The significant increase in vehicular traffic will destroy any amenity that local residents currently experience.</p> <p>Car parking issues are due to the bus route along Anzac Road, school parking and sporting events, already exist.</p>	<p>Council approved a 2.28 car bay shortfall on the site for a maximum of 15 patrons within the eating house component at any one time at the Council meeting held on 2 December 2014.</p> <p>Since the approval was issued, construction has commenced with no effort being made to accommodate additional car parking onsite.</p> <p>This proposal increases the car parking shortfall by an additional 6.84 car bays in a Residential zone where parking is already at a premium.</p>
<p><u>Noise</u></p> <p>An additional 40 patrons and staff will create an unacceptable and unnecessary level of noise to the surrounding area.</p>	<p>The proposal does not include any noise attenuation.</p> <p>With the hours of operation from 7:00am to 5:00pm Monday to Friday and 7:00am to 4:00pm Saturday and Sunday, and given that most of the activity will be within the outdoor dining area, the proposal is expected to have significant impact on the adjoining residential properties.</p>
<p><u>Use</u></p> <p>No demand for an additional café. Existing café strip within 300 to 400 metres of the proposed site.</p> <p>The viability of the café should not be to the detriment of the residents who will endure the problems including car parking, congestion and noise.</p>	<p>The eating house has been approved by Council on 2 December 2014.</p> <p>The proposed increase in intensity in the use of the site without any additional consideration to the adjoining landowners will result in an unreasonable impact of the residential amenity.</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. 7.1.1 – Mount Hawthorn Precinct; and
- Policy No. 7.7.1 – Parking and Access.

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

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL
Nil.

SOCIAL
Nil.

ECONOMIC
Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposal to increase the maximum number of patrons from 15 to 40 customers at any one time will be to the detriment of the surrounding residential area as it will cause congestion and noise issues.

The site is located in a Residential zone with car parking already restricted due to visitor, school and sporting event parking.

At its meeting on 2 December 2014 Council approved a cash-in-lieu payment for a 2.28 car bay shortfall. With the proposed increase in the number of patrons from 15 to 40, the adjusted car parking requirement is for 9.12 car bays which is reduced to 6.84 car bays once the cash-in-lieu payment is taken into consideration (**Attachment 4**).

Anzac Road is considered a District Distributor road with approximately 5000 cars (using this road on weekdays day (traffic count: June 2015). The addition of 25 extra patrons at any one time without any car parking having been provided will impact significantly on the traffic movements and congestion of Anzac Road.

The existing use includes a large outdoor dining area which will be used to accommodate the increased patron numbers. Being outside, no noise attenuation of this area is possible and any increase in patron numbers will have a negative impact on the surrounding residents.

While the initial proposal for 15 patrons is acceptable in a Residential Zone, the proposal to increase the patrons by a further 25 persons is not acceptable and will be at the detriment of the residents that live within close proximity of the site.

CONCLUSION:

It is recommended that Council refuses this proposal.

5.1.9 Response to Notice of Motion (Item 10.6 from OMC 5 April 2016) – Request for a Further Review of the City of Vincent Town Planning Scheme No. 2

Ward:	Both	Date:	15 May 2016
Precinct:	All	File Ref:	SC2652
Attachments:	1 – 2015 Residential Design Codes Amendments 2 – WA Planning Commission Planning Bulletin 113/2015		
Tabled Items:	Nil		
Reporting Officer:	S Smith, Coordinator Policy & Place		
Responsible Officer:	G Poczyn, Director Development Services		

RECOMMENDATION:

That Council NOTES Administration’s response to the Notice of Motion presented at the Ordinary Council Meeting of 5 April 2016 (Item 10.6) and TAKES NO ACTION under Regulation 30 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

PURPOSE OF REPORT:

To consider Administration’s response to the Notice of Motion presented at the Ordinary Council Meeting of 5 April 2016 (Item 10.6).

BACKGROUND:

Draft Town Planning Scheme No. 2 (TPS 2) was referred to the Western Australian Planning Commission (WAPC) in December 2014, following advertising and final adoption by Council on 18 November 2014.

Since this time there have been several changes to the local and state planning framework that may impact draft TPS 2, namely:

1. Changes to the R Codes
 - Release of Planning Bulletin 113/2015 in July 2015;
 - Changes to State Planning Policy 3.1 – Residential Design Codes (R Codes) in October 2015;
2. Introduction of new *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) in October 2015; and
3. Draft Planning Reform Policies
4. Third Party Decisions

At its meeting on 5 April 2016 Council adopted the following Notice of Motion (Item 10.6):

*“That Council REQUESTS the Chief Executive Officer to provide a report to Council in May 2016, identifying the impact on the City’s Draft Town Planning Scheme No. 2 of changes to State legislation and policy that have come into effect since Council’s final adoption of the Scheme on 18 November 2014, to enable Council to formally consider further modifications to the Scheme in response to those changes, in accordance with Regulation 30 of the *Planning and Development (Local Planning Schemes) Regulations 2015*”.*

This report identifies the impacts of these changes on draft TPS 2.

History:

Date	Comment
11 October 2011	Council adopted draft TPS 2 and Local Planning Strategy (LPS) (Item 14.2).
11 March 2014 – 27 June 2014	Draft TPS 2 and LPS advertised for public comment.
18 November 2014	Council adopted revised draft TPS 2 and LPS following advertising and forwarded the documents to the WAPC for final approval (Item 7.1).
5 April 2016	Council adopted Notice of Motion (Item 10.6) requiring Administration to prepare this report.

DETAILS:

The changes to the planning framework have the potential to impact on draft TPS2 as follows:

1. Changes to the R Codes

In July 2015 the State Government released Planning Bulletin 113/2015 which was followed on 23 October 2015 by an amendment to the R Codes. These changes facilitate greater control and influence over multiple dwelling developments. (Refer **Attachment 1: 2015 R Code Amendments** and **Attachment 2: Planning Bulletin 113/2015**) and provide:

- (a) The ability for local governments to contemplate scheme amendments seeking to control multiple dwelling development in certain R40 coded areas outlined by Planning Bulletin 113/2015; and
- (b) A reduction in the number of multiple dwellings that can be built on blocks coded R30 and R35 by re-instating minimum site area requirements per dwelling rather than a maximum plot ratio requirement in the R Codes.

Clause 4.6 in Draft TPS 2 states:

“4.6 Multiple Dwelling Land Uses

- 4.6.1 *Multiple dwellings are not permitted within the area coded R50 bounded by Vincent Street, Beaufort Street, Lincoln Street and William Street, in the Mount Lawley/Highgate Precinct.*
- 4.6.2 *Multiple dwellings are not permitted in the area coded R50 and R25 between Cleaver Street and Beaufort Street in the Perth Precinct.*
- 4.6.3 *The use Multiple Dwelling is an ‘A’ use in accordance with Clause 4.3.2 on land zoned R30 and below in Mount Hawthorn.”*

The above Clause 4.6 in Draft TPS 2 controls multiple dwellings in specific areas in the City.

Neither of the abovementioned changes have a detrimental impact on the current provisions in Clause 4.6 of draft TPS 2.

To expand on the provisions of Clause 4.6 in line with Planning Bulletin 113/2015, Council may wish to contemplate a review of draft TPS 2 to provide greater control over multiple dwelling development in R40 areas throughout the City, but Administration recommends that this work is undertaken as a future amendment to TPS 2 once adopted, rather than a modification to draft TPS 2 under Regulation 30.

2. Introduction of new Regulations

On 19 October 2015 the new Planning and Development (Local Planning Schemes) Regulations 2015 came into effect. The Regulations set out:

- The process to make and amend a local planning scheme and strategy;
- New model provisions that local planning schemes must follow; and
- New deemed provisions which apply automatically as part of a local planning scheme.

The Regulations generally standardise processes across local governments and provide standard wording for local planning scheme provisions.

The Regulations are State Government legislation that affect every local government and local planning framework so there is:

- (a) limited ability for the City to request significant modifications to the requirements of the model provisions; and
- (b) no legal ability to modify the deemed provisions.

Local governments are still able to have unique scheme provisions, such as variations to the R Codes and land use permissibility, where these can be accommodated in the appropriate part of the model provisions.

In the context of the new Regulations, the next steps to progress TPS 2 are (in sequence):

- Officers at the Department of Planning (DoP) to complete their assessment and provide a report to the Statutory Planning Committee (SPC) of the WAPC;
- SPC to consider the report and make a recommendation to the Minister for Planning;
- Minister for Planning to review the SPC recommendation and make a determination under section 87(2) of the *Planning and Development Act 2005*;
- Minister to advise the City of her decision.

The full extent of any potential changes that the Minister may require the City to make will only be known once the City is formally notified following the steps above.

Administration will advise Council when this information becomes available, together with any potential changes that may be required to the City's Local Planning Policy framework to align all documents.

Administration has completed a review of draft TPS 2 in the light of the new Regulations in conjunction with the Department of Planning. This has revealed that a number of administrative modifications that may be required by the Minister to bring draft TPS 2 clauses into alignment with the standard clauses in the Regulations. In addition Administration has also identified the following areas of draft TPS 2 that may require additional review:

- A review of land use definitions and land use permissibility in light of changes to land use definitions and the fact that Permitted Uses no longer require development approval in some circumstances;
- A review of the location of zones and R Codes in light of the State Government's new Perth and Peel @ 3.5 Million suite of documents (released for public comment at the end of 2015); and
- A review of the type of developments that are required to obtain planning approval in light of the fact that Permitted uses no longer require planning approval in some circumstances.

Administration acknowledges that the current draft TPS 2 does not align with the Regulations but believes that it is appropriate to continue to review the document in

collaboration with the DoP as part of the process to finalise draft TPS 2, which is being done as a matter of course in any event.

3. Draft Planning Reform Policies

In mid-2015 the City advertised a suite of six new draft planning policies, including five new precinct policies and a new policy to guide development standards and building design. The City also advertised the rescission of four local planning policies including the Residential Design Elements Policy, Exercise of Discretion for Development Variations Policy, Commercial and Mixed Use Development Policy and Multiple Dwellings Policy.

The City's new planning policy framework is scheduled to be reconsidered by Council in the coming months and has been prepared in light of its current relationship with Town Planning Scheme No. 1 (TPS 1) and future relationship with TPS 2. The revised format of the draft Policy (advertised as a suite of new policies but since consolidated into a single policy) means that it is likely to have a very limited impact on TPS 2, if any at all. The new planning policy framework will work in conjunction with TPS 2 and will provide all the standards and development requirements to support TPS 2. The exact extent of any impact will only be known once these Policies have been formally adopted by Council.

Administration believes that any unintended or undesirable impacts on TPS 2 could be addressed through a future amendment to TPS 2 or the policies, if and when necessary.

4. Third Party Decisions

Several decisions have recently been made by the Development Assessment Panel (DAP) and State Administrative Tribunal (SAT) under TPS 1 and the existing local planning policies. Administration agrees that there is merit in reviewing both TPS 2 and the City's local planning policies in light of these decisions to ensure they provide adequate guidance to enable a decision maker to determine development applications in a manner that aligns with Council's vision. However, in Administrations view it would be best to undertake this work as a separate future amendment to TPS 2, rather than delaying the overall progress of TPS 2.

CONSULTATION/ADVERTISING:

If Council did proceed with proposing modifications to TPS 2 under Regulation 30(1)(a) of the Regulations, any proposed modification will need to be:

1. explicitly worded to prescribe the proposed amendment to the scheme and the exact location in the documents where the changes are to be made; and
2. referred to the Minister who may determine that the changes are significant and therefore needs to be advertised for public comment or determine that advertising is not required.

If advertising is deemed to be necessary, the Minister (or authorised person) will direct the local government of the process to be followed and of the time frames required.

In either event this process will be time consuming and will delay the introduction of TPS 2.

LEGAL/POLICY:

- *Planning and Development (Local Planning Schemes) Regulations 2015;*
 - State Planning Policy 3.1 – Residential Design Codes; and
 - City of Vincent draft Town Planning Scheme No. 2.
-

RISK MANAGEMENT IMPLICATIONS:

Risks associated with requesting changes to the Scheme prior to its finalisation:

The specific modifications will need to be identified and clearly articulated in order to receive the support of the WAPC. Given that consideration of TPS 2 by the WAPC is imminent, the modifications will have to be lodged urgently and there is limited time to do this work comprehensively and accurately.

The City's resources would be directed towards this task if required by Council, although doing so would divert those resources from other projects, particularly the review of development policies, the parking policy and further policy amendments recently initiated.

The further round of advertising of any modifications could cause confusion within the community in the context of the previous community consultation for the scheme and the new development policy currently underway.

Overall, the risk is that TPS 2 will be delayed which will have an undesirable impact on the City's planning function.

Risk associated with not proceeding with modifications before the scheme is gazetted:

TPS 2 may be gazetted with elements that do not reflect Council's vision, making a future scheme amendment necessary.

However, given that the scheme was originally adopted in 2011 and again (for Final Adoption) in 2014 with substantial modifications, Administration has already identified this possibility and proposes to undertake an immediate review of the new Scheme following its gazettal, to identify and address any issues and implement a scheme amendment to correct them if deemed necessary by Council.

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."

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

TPS 1 was adopted on 4 December 1998 and amendments to the document since that time have predominately dealt with individual provisions or specific issues rather than an overall review and update of the scheme to align with State Government legislation and industry best practice. Given the significant changes to the planning framework, the current scheme is out of date and misaligned to current legislation, and therefore less able to achieve Council's desired vision. Administration considers it to be critical to progress the finalisation of TPS 2 without any delay.

Once TPS 2 has been finalised any changes can be undertaken through a series of individual amendments. This approach will also enable each of these pieces of work to be carefully considered by Council before being advertised for public comment independently.

CONCLUSION:

Administration acknowledges there have been some significant changes since draft TPS 2 was referred to the WAPC, however recommends that TPS 2 is progressed as a priority with any specific issues addressed through future amendments.

Administration recommends that Council takes no further action to request changes to draft TPS 2 under Regulation 30.

5.2 TECHNICAL SERVICES

5.2.1 Fitzgerald Street Peak Period Bus Lanes – Progress Report No 2

Ward:	South	Date:	12 May 2016
Precinct:	Precinct 9 – North Perth Centre	File Ref:	SC976, SC228
Attachments:	1 – PTA Signs and Pavement Marking Sheet 8 2 – PTA Signs and Pavement Marking Sheet 6 3 – Proposed Indicative Signage		
Tabled Items:	Nil		
Reporting Officers:	D Doy, Place Manager F Sauzier, TravelSmart Officer		
Responsible Officer:	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council:

1. **NOTES** that a bicycle parking station in a location along Fitzgerald Street, as previously offered by the Public Transport Authority as part of the approved 'Fitzgerald Street Peak Period Bus Lanes', as shown in Attachment 1, is not considered appropriate, for the reasons outlined in the report;
2. **SUPPORTS** the naming of, and the installation of signage on the two existing North Perth Town Centre Bus Shelters/stops located adjacent to the North Perth Plaza on the east and west side of Fitzgerald Street, as shown in Attachment 2, in lieu of a bicycle parking station; and
3. **ADVISES** the Public Transport Authority of its decision.

PURPOSE OF REPORT:

To consider naming and implementing signage on the existing North Perth Town Centre Bus Stops located adjacent to the North Perth Plaza on Fitzgerald Street, in lieu of a bicycle parking station.

BACKGROUND:

Ordinary Meeting of Council held on 8 March 2016:

Council considered a report on the Fitzgerald Street bus lanes where the following decision was made (in part):

"That Council REAFFIRMS its previous position that peak period bus lanes along Fitzgerald Street are a useful interim public transport solution but are not a substitute for light rail and ADVISES the Public Transport Authority (PTA) that it has no objection to the installation of AM and PM peak period 'red asphalt' bus lanes along Fitzgerald Street between Walcott and Newcastle Streets subject to the PTA:

3. *Supplying and installing a bicycle parking station, at a location to be determined by the City's Chief Executive Officer and to the satisfaction of that Officer;"*

The PTA proposed to supply and install a bicycle parking station opposite Woodville Reserve, as per **Attachment 1**. However following an assessment of the proposed location and its potential usage, the Chief Executive officer considered that bicycle parking station was not considered appropriate at that location and there was limited room for such a shelter nearer to the Town centre.

DETAILS:

Bicycle Parking Station:

The principle behind the bicycle parking station is to encourage multi-modal active transport and that it is only justified where a member of the public would have to travel some distance to a bus route.

Currently, any resident living in Vincent, within the areas serviced by the proposed Fitzgerald Street bus lanes, will be within 300 metres of a bus stop (easily walkable), significantly reducing any usage or positive impact a combined bicycle parking station could have.

Therefore, as mentioned above, locating the station opposite Woodville Reserve is not considered appropriate and there is limited room for such a shelter nearer to the town centre.

Alternative to the Bicycle Parking Station:

Following consideration of alternative options, Administration is seeking Council's support for the following alternate proposal to the installation of the Bicycle Parking Station:

- Naming the Bus Stop adjacent to North Perth Plaza (which is currently known as Stop: 12823) as 'North Perth Town Centre Bus Stop'.
- Designing a sign for the Bus Shelter and a sign to sit in the footpath which highlights this Bus Stop as an important public transport node.
- Requesting the PTA to fund the design, fabrication and installation of the signage (the City would be responsible for project management).

Administration is proposing to 'name' the existing Transperth Stop No's 12823 and 12814, North Perth' for the following reasons:

- The legibility of the bus network which passes through the City's Town Centres has significant room for improvement. Bus stops lack the identity, permanency and presence of Train Stations, and the current stops in TransPerth's network are particularly ambiguous. A more identifiable and legible public transport node could improve usability and therefore patronage numbers;
- Administration's intent is to create an identity for North Perth's most centrally located public transport node. Giving important locations a sense of identity is a central principle of wayfinding; and
- Administration also acknowledges that by naming the stop and affirming it as a key public transport node that it may provide further impetus to the revitalisation of North Perth Plaza and other nearby commercial tenancies.

CONSULTATION/ADVERTISING:

PTA have consulted the property owners, residents and businesses along Fitzgerald Street (Walcott Street to Newcastle Street) about the Peak period Bus Lanes. No formal consultation is proposed for the naming of the Bus Stop.

LEGAL/POLICY:

Fitzgerald Street is a District Distributor A Road and comes under the care, control and management of the City. Under the PTA's Bus Shelter Grants Scheme (BSGS) the PTA traditionally takes responsibility for undertaking all physical works to install bus shelters.

RISK MANAGEMENT IMPLICATIONS:

Low: Naming the bus stops has minimal or no risk implications.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

- 1.1 *Improve and maintain the natural and built environment and infrastructure*
 - 1.1.2 *Enhance and maintain the character and heritage of the City*
 - 1.1.5 *Take action to improve transport and parking in the City and mitigate the effects of traffic”.*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The City requested quotes from designers to design, fabricate and install two standing signs (eastern and western sides of Fitzgerald Street) and a roof mounted sign on the existing bus shelter (western side of Fitzgerald Street) for the existing bus stop adjacent to the North Perth Plaza.

The estimated costs to implement the naming is in the order of \$10,000 which the PTA has agreed to fund.

COMMENTS:

As mentioned above the installation of a bicycle parking station (integrated into a bus stop) in the two locations identified along Fitzgerald Street, North Perth were considered to be unsuitable for the reason provided above and an alternate proposal was explored.

The recommended proposal includes the naming of the two existing bus stops in the Town Centre with the name 'North Perth' bus Stops, giving it a sense of identity and permanency, improving its legibility and potentially improving patronage on Fitzgerald Street bus services.

5.2.2 Proposed 40kph Area Wide Speed Zone Trial – South Vincent Progress Report No 1

Ward:	South	Date:	12 May 2016
Precinct:	Precinct 11 – Mount Lawley Centre, Precinct 12 – Hyde Park, Precinct 13 – Beaufort Precinct 14 – Forrest, Precinct 15 – Banks, Precinct – MRA, Precinct 16 – EPRA, Precinct – EPRA 15	File Ref:	SC466
Attachments:	1 – Proposed Trial Area		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council:

1. **ADVISES Main Roads WA and the Commissioner of Road Safety that it supports, in principle, undertaking a 40kph Area Wide Speed Zone Trial in the area bounded by Charles Street, Vincent Street, Beaufort Street, Walcott Street, Guildford Road, Stanley Street and Mitchell Street, as shown in Attachment 1, subject to the State Government, through Main Roads WA, the Office of Road Safety, or other relevant State Agency or Agencies;**
 - 1.1 **partnering with the City of Vincent to undertake community consultation with residents and ratepayers in the affected, area, in accordance with the City’s Consultation Policy, for a minimum period of four weeks;**
 - 1.2 **advertises the proposal to conduct a trial, including the lowering of the existing school zones from 40kph to 30kph within the trial area;**
 - 1.3 **bearing, or substantially contributing to the funding of all works associated with the consultation, design and, if approved, implementation of the trial; and**
 - 1.4 **providing a report, to Council, at the conclusion of the consultation period outlining the comments received and recommendations thereon; and**
 - 1.5 **should the trial proceed, undertaking a formal independent assessment/review of its effectiveness; and**
2. **NOTES that a further report will be presented, to Council on this matter, once a formal response to recommendation 1, has been received.**

PURPOSE OF REPORT:

To consider a proposal to undertake a ‘40kph area wide speed zone trial’ in the southern part of the City of Vincent.

BACKGROUND:

In March 2000 Council considered a report on lowering the posted speed limit on the state's local roads from 60kph to 50kph where it supported the introduction of the lower speed limit on the proviso that:

- the proposed speed limits would be designated by appropriate regulatory signage and line marking only, to minimise the requirement for the implementation of traffic calming devices, and
- enforcement of the proposed lower speed limits would be the responsibility of the WA Police.

The posted speed limit on over 70% of the State's road network was subsequently reduced from 60kph to 50kph.

The Mayor and Chief Executive Officer met with the Managing Director of Main Roads WA (MRWA) in early 2015 to discuss the possibility of undertaking a 40kph trial in the City of Vincent.

In June 2015 MRWA advised that there was in principle support for the trial from the Minister and that officers from MRWA would be in touch with the City to discuss the implementation of the trial.

Several meetings between Administration and MRWA followed where the proposed trial area was identified and costings undertaken.

DETAILS:

Lowering Speed Limits:

The findings of a recent study by Monash University in relation to the potential impact of lowered speed limits in urban and metropolitan areas, are summarised below:

- *Lowered average travel speeds brought about by a reduction in speed limits in urban and metropolitan areas will bring about considerable reductions in road trauma;*
 - *A relatively minor impact on average travel times (mobility) is likely to occur at the individual level; at the societal level there are likely to be overall benefits depending on how values are assigned to travel times increases;*
 - *Achieving community acceptance and support for speed limit reductions is critical as is the need to encourage better safety awareness by changing attitudes toward speeding and giving greater consideration to the needs of less prioritized road users;*
 - *Vulnerable road users (pedestrians and cyclists) are likely to benefit most from reductions in average travel speeds;*
 - *Lowered speed limits encourage better and safer forms of interaction between different types of road users which in turn should lead to a more attractive and liveable environment;*
 - *Lowered average travel speeds should bring about an increase in energy efficiency with a corresponding reduction in fuel consumption and vehicle running costs, and a reduction in vehicle emissions (Greenhouse gases) and noise;*
 - *Lowering speed limits, where circumstances permit, can prove to be a highly effective way of achieving and sustaining the long-term goals and intermediate targets proposed in traffic safety strategies and action plans.*
-

Table 1, from the study, shows the consensus view of the 'risk of death' and 'serious injury' with respect to impact for pedestrians struck by a car (from Scully et al., 2007)

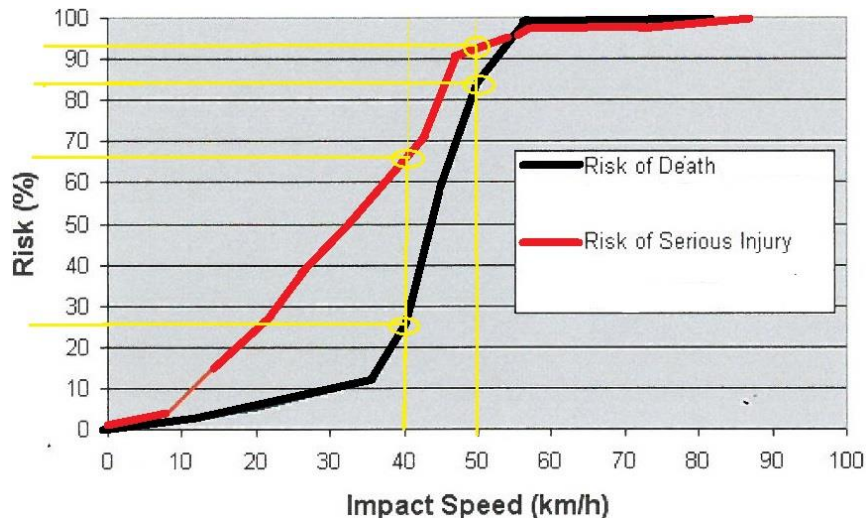


Table 1

As can be seen from the above table at 40kph (compared with 50kph) there is almost 60% lower risk of a fatality and 17% lower risk of serious injury to a pedestrian struck by a car.

Proposed '40kph Area Wide Speed Zone Trial':

The area under consideration for the trial is all the residential streets in the area bounded by Charles, Vincent, Beaufort and Walcott Streets, Guildford Road, Stanley and Mitchell Streets as shown in **Attachment 1**.

The proposal would comprise the following:

- The identification of appropriate location for the installation of new 40kph signs and poles in the trial zone;
- Possible upgrading the existing LED signs at the two existing schools within the trial area*; and
- An assessment of the traffic data prior to the trial and a comprehensive review during the trial by an independent road research provider.

Note:* With regards to the school zones, this created an issue having speed differential which may compound and confuse the trial results. In addition MRWA have indicated this is likely to cause significant state-wide logistic, cost and political implications. MRWA have subsequently advised that they do not support the 30kph school zone at this stage and are arranging for a position paper to be prepared by a leading road research consultant to assess the benefits and costs associated with introducing 30kph school zones in WA before proceeding further with this.

CONSULTATION/ADVERTISING:

It is considered that the community in the area bounded by Charles, Vincent, Beaufort and Walcott Streets, Guildford Road, Stanley and Mitchell Streets be consulted prior to progressing further with the proposal.

LEGAL/POLICY:

All streets in the proposed trial area except for Charles Street, Guildford Road and East Parade are under the care, control and management of the City. Stanley and Mitchell Street are boundary roads with the City of Bayswater.

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."

SUSTAINABILITY IMPLICATIONS:

Lowering of speed limits on roads would result in reduced pollution and improved safety.

RISK MANAGEMENT IMPLICATIONS:

Low. The risk to the community is considered to be low as the proposal is likely to reduce traffic speeds and possibly volumes and provide a safer environment.

FINANCIAL/BUDGET IMPLICATIONS:

The estimated cost to install new signage in the trial area is \$150,000. The estimated cost to upgrade the LED school zone signage is \$80,000 and it is being requested that MRWA fund and undertake the consultation and the supply and installation of the signage.

With regards to review and monitoring during the trial the Road Safety Commission has indicated that they would arrange this, in partnership with MRWA as the trial results would have state wide significance. The cost of this has not been determined.

COMMENTS:

As mentioned in the report a recent study by Monash University concluded that even a small reduction in travel speeds brought about by a reduction in speed limits in urban and metropolitan areas will result in considerable reductions in road trauma.

In addition the study found that while relatively minor impacts on average travel times is likely to occur, at the individual level, at an overall collective level there are likely to be overall benefits depending on how values are assigned to travel times increases.

It is considered that implementing a 40kph trial would have many benefits for the community including a potential reduction in rat running due to the lower speed zoning.

5.2.3 Proposed Demonstration Bike Boulevard Project Shakespeare Street, between Green Street and Scarborough Beach Road, Mount Hawthorn – Progress Report No 3

Ward:	Both	Date:	12 May 2016
Precinct:	Precinct 3 – Leederville Precinct 1 – Mount Hawthorn	File Ref:	SC1847, SC817
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council:

1. **NOTES** that, as previously requested, the Department of Transport have;
 - 1.1 agreed to fully fund the Demonstration Bike Boulevard Project implementation in Shakespeare Street, between Green Street and Scarborough Beach Road, Mount Hawthorn including the detailed design and documentation and all associated construction costs estimated to be \$835,000 (plus GST);
 - 1.2 entered into a funding agreement with the City to deliver, the Demonstration Bike Boulevard Project; and
 - 1.3 advised all respondents of the project approval in collaboration with the City’s Chief Executive Officer;
2. **APPROVES BY ABSOLUTE MAJORITY**, in accordance with Section 6.8 (1) of the *Local Government Act 1995*, the expenditure associated with the Bike Boulevard Project along Shakespeare Street, between Green Street and Scarborough Beach Road, Mount Hawthorn, estimated at \$835,000 (plus GST) to be fully funded by the Department of Transport in accordance with the terms of the funding agreement; and
3. **NOTES** the additional Budget amendment associated with Recommendation 2 above:

Project	Income (Grant)	Expenditure
Demonstration Bike Boulevard Project Shakespeare Street, between Green Street and Scarborough Beach Road, Mount Hawthorn	\$835,000	\$835,000

PURPOSE OF REPORT:

To consider the further information provided regarding the implementation of the Demonstration Bike Boulevard Project in Shakespeare Street, between Green Street and Scarborough Beach Road, Mount Hawthorn

BACKGROUND:

Ordinary Meeting of Council 5 April 2016:

Council considered a report on the final consultation outcome regarding the ‘Demonstration Bike Boulevard’ in Shakespeare Street, Mount Hawthorn, between Green Street and Scarborough Beach Road, where the following decision was made (in part):

“That Council:

3. *SUPPORTS the implementation of a ‘Demonstration Bike Boulevard’ along Shakespeare Street, Mount Hawthorn, between Green Street and Scarborough Beach Road, subject to the Department of Transport;*
 - 3.1 *agreeing to fully fund the project implementation including the detailed design and documentation and all associated construction costs;*
 - 3.2 *entering into a funding agreement with the City of Vincent for the delivery, by the City, of the Demonstration Bike Boulevard project once Administration has prepared a detailed estimate for the project implementation; and*
 - 3.3 *advising all respondents of the project approval in collaboration with the City’s Chief Executive Officer; and*
4. *RECEIVES a further report once the actions in 3 above have been completed.”*

DETAILS:

Funding for the project:

Administration have met with Department of Transport (DoT) representatives and they have advised that DoT will fully fund the project including the detailed design and documentation and all associated construction costs and granted approval to commence the survey and detailed design work.

A feature survey has been completed and the detailed design is in progress.

Funding agreement:

DoT have prepared a funding agreement which includes a project completion date of 30 September (2016/17 financial year).

The detailed design is to be completed by 13 June 2016 to enable the 80% payment to be made to the City in 2015/16.

Administration have prepared a detailed estimate for the project (refer Financial/Budget Implications).

Advising all respondents of the project approval:

DoT prepared a letter in liaison with the City’s Administration and this was signed off by the Chief Executive Officer and distributed to respondents on 16 May 2016.

CONSULTATION/ADVERTISING:

As previously reported to Council the DoT undertook two phases of consultation with the residents affected by the proposed Shakespeare Street Bike Boulevard. The consultation strategy was developed in conjunction with the City’s officers.

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.

RISK MANAGEMENT IMPLICATIONS:

Low: Mainly related to amenity improvements for residents and their visitors and it is expected to enhance the streetscape of the area and create a safer road environment for cyclists and pedestrians alike.

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.

FINANCIAL/BUDGET IMPLICATIONS:

ITEM	AMOUNT
Design/Set Out and Supervision	45,000
Intersection Treatments	
Ellesmere	100,000
Woodstock	100,000
Hobart	120,000
Road Resurfacing	
Green to Ellesmere	36,000
Ellesmere to Scarborough Beach Road	72,000
Profiling	35,000
Kerbing / Islands	
Ellesmere to Green	36,000
Slow points	25,000
Infill	7,500
landscaping	3,500
other miscellaneous kerbing	10,000
Reinstatements	
Crossovers - reinstate	15,000
Verge treatments / backfilling	30,000
Reinstatements	15,000
Public Utilities	10,000
Traffic management	110,000
Signage/linemarking	35,000
Contingency	30,000
Total	835,000

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. DoT undertook extensive consultation with the affected residents and have agreed to fund the entire project, estimated to cost \$835k, and enter into a funding agreement with the City of Vincent.

Survey/design is currently in progress and construction is planned to commence in June 2016 and will be completed by the end of September 2016.

Once completed, DoT have committed to undertake a two year public engagement process to monitor and develop usage of the Bike Boulevard.

Conclusion:

The Department of Transport has completed extensive consultation with the local community on Shakespeare Street, with residents having been given the opportunity to vote on a final plan, with Council support provided in April 2016.

The funding agreement has been signed by all parties and the project implementation will commence in June 2016, once the final design has been signed off by both DoT and MRWA.

5.2.4 Proposed Traffic Calming – Carr Street, Florence Street and Strathcona Street, West Perth

Ward:	Both	Date:	12 May 2016
Precinct:	Precinct 5 - Cleaver	File Ref:	SC653, SC735
Attachments:	1 – Community Consultation Summary 2 - Bus Bridge Proposal (Plans A to E) 3 – Plan No. 3268-CP-01A (updated plan) 4 – Plan No. 3268-CP-02A (updated plan) 5 – Plan No. 3268-CP-03A (updated plan) 6 – Plan No. 3264-CP-01A (updated plan)		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council:

1. NOTES;

- 1.1 that Main Roads WA has agreed to fund the proposed traffic management works in the Cleaver Precinct area estimated to cost \$170,000 and the project will be included in the 2016/17 draft budget;
- 1.2 the results of the recent public consultation as contained in Attachment 1; and
- 1.3 that the Public Transport Authority and Main Roads WA have invited the City’s Director Technical Services to be a member of the ‘Charles Street Bus Bridge and Busway Stakeholder Construction Reference Group’:

2. APPROVES the implementation of the traffic management proposals as shown on attached Plan Nos 3268-CP-01A, 02A, 03A at Attachments 3, 4 and 5); and

3. ADVISES the Department of Transport, Main Roads WA and the respondents of its decision.

PURPOSE OF REPORT:

To consider the outcome of the recent public consultation regarding a proposal to implement traffic calming on some streets within the Cleaver Precinct area.

BACKGROUND:

Ordinary Meeting of Council 8 December 2015:

Council considered a proposal by Main Roads WA (MRWA) to implement major changes in Charles Street, West Perth, as part of a Bus Bridge proposal over the Mitchell Freeway which will connect to the new underground City Busport, located beneath the City Link project area in Wellington Street.

As the proposal may result in some traffic redistribution on some of the adjoining residential streets, Council further considered a proposal for targeted traffic management in the surrounding area, where the following decision was made;

“That Council:

1. *NOTES the proposal by Main Roads WA to construct a 'Bus Bridge', south of Newcastle Street, including the construction of dedicated bus lanes on Charles Street, as shown on attached Plans A to E in Attachment 1;*
2. *REQUESTS Main Roads WA to fund Traffic Management works, estimated to cost \$170,000, in the streets within the Cleaver Precinct, potentially affected by the 'Bus Bridge' project, as shown in Attachment 1 to 5;*
3. *CONSULTS with residents within the Cleaver Precinct regarding the Traffic Management proposals as shown in Attachments 1 to 5; and*
4. *RECEIVES a further report at the conclusion of the community consultation."*

DETAILS:

Proposed Charles Street Bus Bridge and Associated Works:

As previously reported to Council the Public Transport Authority, through Main Roads WA, are proposing to construct new bus lanes on Charles Street south of Violet Street, West Perth linking into a new Bus Bridge from Charles Street commencing at Newcastle Street to the existing James Street Bus Bridge.

To facilitate the bus lanes on Charles Street, the Carr Street/Charles Street intersection reconfiguration, which currently allows for straight through movement on Carr Street and right turns into Charles Street, will be reconfigured whereby no right turns into Carr Street from Charles Street will be possible.

Once the project has been completed the buses that currently travel along Carr Street, between Cleaver Street and Fitzgerald Street will be diverted along Cleaver Street, south of Carr Street, to Newcastle Street.

The Cleaver Street/Newcastle Street intersection will be reconfigured to allow for a 'bus only' right turn into Cleaver with right turn arrows on the pavement for buses only and designed to ban straight through movement on Cleaver Street heading north.

Proposed Traffic Management – Cleaver Precinct:

As a result of Charles Street Bus lanes/Bus Bridge proposal, proposed traffic management measures for Carr Street, Stathcona Street and Florence Street were developed to protect the amenity of residents in these streets from the anticipated minor traffic redistribution resulting from banning the right hand turns into Carr Street from Charles Street.

Banning the right turns from Charles Street into Carr Street, to accommodate the centre of road dedicated bus lanes on Charles Street, will result in south bound vehicles on Charles Street (who wish to access the Cleaver Precinct area), turning right at Vincent Street and then turn right into either Florence Street or Cleaver Street further to the West.

CONSULTATION/ADVERTISING:

In late January 2016, 298 consultation packs were distributed to potentially affected residents of the proposal/s. At the close of consultation in February 2016, 16 responses were received with 10 in favour, five against and one with other comments (Refer **Attachment 1**).

Proposal	In Favour	Against	Neither for Nor Against	Total No of Response
General comments	10	5	1	16
Specific to Florence St: Plan No 3268-CP-03	8	3	0	
Specific Carr St: Plan No. 3268-CP-01	9	5	0	
Specific Stathcona St: Plan No. 3268-CP-02	7	3	0	

A meeting was also held with several of the respondents where their views on protecting their amenity was discussed. To deter rat running while still providing access for residents of the area the following proposals were canvassed with residents during the consultation:

Administration Comments:

Street	Initial Proposal	Proposed changes following consultation
Florence St	To implement the following: <ul style="list-style-type: none"> • an entry statement, at Vincent Street, installation of speed humps at strategic locations • removal of the angle slow point and replace with a speed hump; and • entry statement at the Carr Street end. (Plan No 3268-CP-03A) 	Following consultation the entry statement carriageway width at the Vincent Street end has been widened to 6.5m and the existing angled slow point will remain with two speed cushions included within the existing devise. (Plan No 3268-CP-01A)
Carr St	To implement the following: <ul style="list-style-type: none"> • Three pedestrian refuge islands each with allowance for pedestrian crossing • Speed cushions at the tree islands (Plan No. 3268-CP-01A) 	Following consultation the following changes are proposed: <ul style="list-style-type: none"> • The central islands on Carr Street to the west of Strathcona Street and to the east of Florence Street being constructed as solid islands with soft landscaping and no crossing breaks to retain on street parking. • The central island on Carr Street between Strathcona Street and Florence Street remaining and retaining a break for crossing • The proposed speed cushions being deleted from the proposal due to their proximity to existing houses. (Plan No 3268-CP-01A)
Strathcona St	To implement the following: <ul style="list-style-type: none"> • an entry statement, at Newcastle Street, installation of speed humps at strategic locations; and • entry statement at the Carr Street end. (Plan No 3268-CP-03A) 	<ul style="list-style-type: none"> • No changes recommended.

Numerous other comments were received from the community, which are outlined and commented on in **Attachment 1**, some of which will be investigated further following the implementation of the current proposal.

It is important to note that the main purpose of the traffic management proposal in the Cleaver Precinct Streets, which is being funded by the State Government, is to ameliorate any potential effects from the minor redistribution of traffic resulting from the proposed permanent right turn bans at Carr and Charles Streets.

When the bus lanes are operational, and the buses have been removed from Carr Street, the streets in the area will be assessed to determine whether other amenity improvements are justified.

Newcastle/Cleaver:

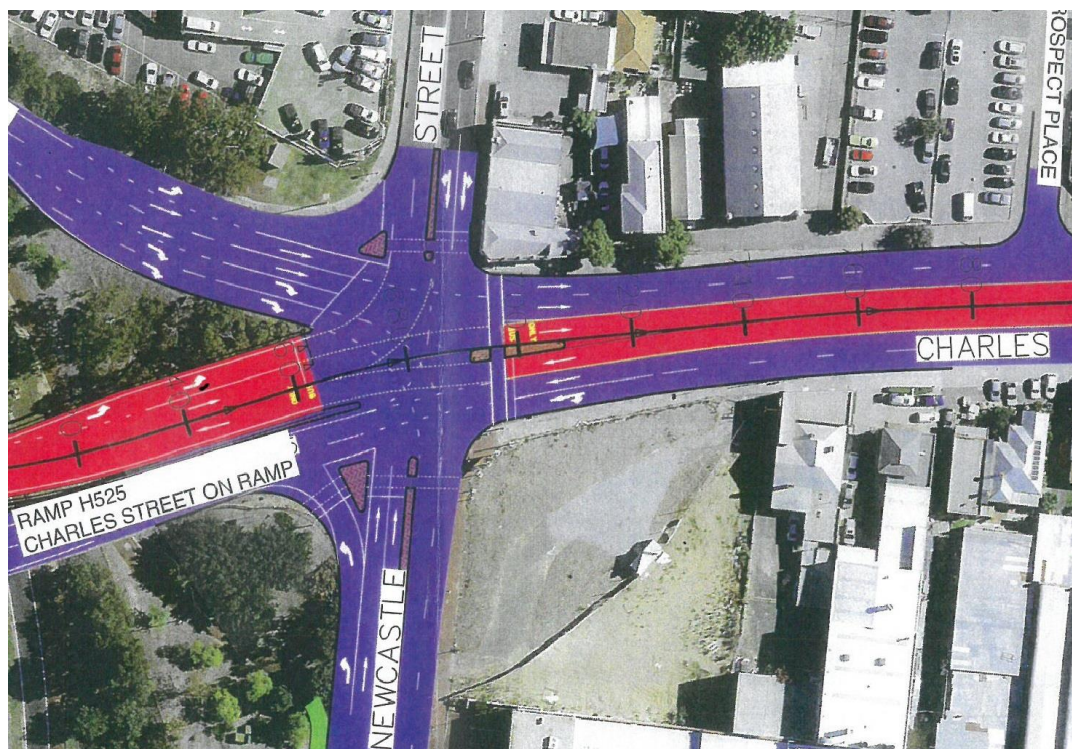
The intersection of Cleaver and Newcastle Street will be reconfigured to ensure only buses turn right at this location and no straight through movements will be permitted. MRWA have been advised that the design needs to ensure that no vehicles other than buses can undertake the right hand/straight through movement.

The design outcome will be carefully scrutinised by Technical Services.

Newcastle/Charles Street:

There has been a suggestion that with the proposed reconfiguration of the Newcastle/Charles intersection, vehicles should be permitted to turn right from Newcastle Street (west bound) into Charles Street.

Administration has discussed this with MRWA and this will not be permitted as the proposed turning circle room required to accommodate all classes of vehicles wishing to perform this manoeuvre is not adequate and hence not supported by MRWA (Refer diagram below).



Charles Street Bus Bridge and Busway Stakeholder Construction Reference Group:

The first Charles Street Bus Bridge and Busway Stakeholder Construction Reference Group (SCRG) meeting was held on 6 May 2016 at the Public Transport Administration Building in East Perth.

The purpose of the SCRG is to provide a forum to facilitate and improve communication between the community, other stakeholders, MRWA and the project contractor – York Civil.

The SCRG is a forum to:

- assist in identifying, discussing and providing advice on community and stakeholder issues associated with the construction of the project;
- receive information from MRWA and the contractor for sharing with the respective networks;
- provide representative community and stakeholder input into some project design details; and

- advise any additional ways to communicate with the community and other stakeholders.

SCRG roles have been appointed to represent the broad range of stakeholders expected to be impacted by the construction of the project – including bus users, cyclists, local residents, local businesses and local governments.

It is anticipated that five meetings will be scheduled during the life of the construction period – between May 2016 and March 2017.

LEGAL/POLICY:

All streets discussed in the report except for Charles Street, and the Freeway on and off ramps, are under the care, control and management of the City.

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:

The City endeavours to maintain its road infrastructure to an acceptable level of service to ensure a safe and efficient journey for all road users.

RISK MANAGEMENT IMPLICATIONS:

Low. The risk to the community is considered to be low as the proposal will enhance the streetscape, reduce traffic speeds and volumes and provide a safer environment for residents and cyclists.

FINANCIAL/BUDGET IMPLICATIONS:

The estimated cost of implementing the proposed traffic management is \$170,000.

On 1 February 2016 Administration wrote to MRWA requesting that the State Government provide funding of \$170,000 for the implementation of traffic management at selected locations within the Cleaver precinct area.

On 22 March 2016 MRWA advised as follows:

"Main Roads confirms that:

- *the requested funding (\$170,000) will be made available to the CoV for the Cleaver Precinct works;*
- *the CoV is responsible for all design, construction and management of the Cleaver Precinct works;*
- *this without prejudice funding offer will not be increased at a later date, regardless of the final cost of the Cleaver Precinct works by the CoV.*

In light of the above, Main Roads proposes that once the CoV completes the Cleaver Precinct works the CoV should invoice Main Roads to the value of \$170,000."

COMMENTS:

The proposal is a positive step towards improving the efficiency of the bus service and to encourage the use of public transport as it will create a more direct route to the new City Busport. It will also take buses off two of the City's roads namely Carr Street and a portion of Fitzgerald Street.

There may be some positive and negative impact on the Cleaver Precinct however the State Government, through MRWA, have agreed to fund traffic management improvements in the local road network.

5.2.5 Review of Waste Management Practices in the City of Vincent – Progress Report No 6

Ward:	Both	Date:	12 May 2016
Precinct:	All	File Ref:	SC1181
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	C Wilson, Manager Asset and Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council:

- 1. NOTES the information in the report that, while not widely advertised, residents can already request a 360 litre Mobile Recycling Bin (MRB) in-lieu of a 240 litre MRB and conversely a 140 litre Mobile Garage Bin (MGB) in-lieu of a 240 litre MGB; and**
- 2. NOTES that to introduce a 360 litre MRB service across the City at this time would have significant budget implications, which would need to be considered in the context of the 2016/17 budget deliberations.**

PURPOSE OF REPORT:

To consider the implications of giving residents the option of 'up-sizing' to 360 Litre Mobile Recycling Bins.

BACKGROUND:

The collection, recycling and disposal of waste, in an environmentally and economically sustainable way, is rapidly becoming one of the major issues confronting the greater Perth metropolitan area and in particular Local Governments who are vested with the task.

The State Waste Authority's Strategy paper published in 2012, '*Creating the Right Environment*', sets out some immediate and longer term targets for waste diversion from landfill, a 50% diversion by 2015 and 65% diversion by 2020.

Ordinary Meeting of Council 24 May 2014:

Council considered a report on a 'Review of the City's Waste Practices' prepared by Hyder Consulting, where the following decision was made:

"That the Council;

- 1. NOTES that;*
 - 1.1 the Hyder Consulting report on the Review of Waste Practices and the proposed Three (3) Bin Implementation Considerations, as attached and laid on the table; and*
 - 1.2 the City has achieved the Waste Authority's 2015 target of 50% waste diversion rate from landfill but as a further enhancement;*
- 2. ENDORSES the permanent collection/recycling of mattresses as part of the City's annual bulk verge collection service;*
- 4. APPROVES IN PRINCIPLE the implementation of an on-demand mattress collection and recycling service in the 2014/2015 financial year for a subsidised fee of \$10 per mattress at an annual estimated cost of \$5,000, to be funded from the*

- Collection/Disposal Contract Expenditure budget to be reviewed after twelve (12) months;*
5. *DEFERS making a decision on the introduction of a separate waste charge in 2015/2016 until the issue of Local Government Amalgamations has been resolved;*
 6. *LISTS the following for Considerations in the 2014/2015 Draft Budget;*
 - 6.1 *increase in the Recycling Display and Promotion budget from \$55,000 to \$75,000 to better advertise the City's recycling services and encourage greater community participation; and*
 - 6.2 *an additional amount of \$80,000 per annum in the Recycling Collection Budget for expanded plastics recycling to include coded plastics Nos. 4, 6 and 7;*
 7. *CONTINUES to work with the Mindarie Regional Council to develop regional strategies and adopt best practices in Waste Management;*
 8. *DOES NOT submit an application to the Waste Authority to participate in the Better Bins Trail program, for the reasons outlined in the report; and*
 9. *RECEIVES further progress reports on a number of the above matters as they are progressed."*

The above actions were implemented, as per Council's decision, with the mattress and the full range of plastics recycling proving to be very successful.

Ordinary Meeting of Council 9 February 2016:

Council adopted the following Notice of Motion;

"That Council REQUESTS the Chief Executive Officer to investigate and provide a report to Council by May 2016 on the implications/benefits of introducing a program to allow residents to exchange their 240L recycling Mobile Garbage Bin for a 360L recycling Mobile Garbage Bin in exchange for either a reduction in frequency of domestic waste collection (fortnightly collections) or being provided with a reduced size of domestic rubbish bin from the existing 240L to 140L Mobile Garbage Bin."

DETAILS:

While Hyder Consulting were not specifically asked to assess the implications of making 360 litre Mobile Recycling Bins (MRB) available to single residential properties, and reducing either the frequency of collection or size of their domestic waste bin, they were asked to investigate a similar initiative as per below.

In addition they were asked to investigate a *Separate Waste Charge*, rather than have it incorporated in the general rates as is the current practice.

<i>Provision of a detailed assessment of the implementation of a separate waste charge and the potential impact on future annual budgets.</i>	<i>Section 2.5.1. The consultant's report discusses the implications of introducing a separate waste charge in detail and as is discussed in the body of the report.</i>
<i>Consideration of the possibility of financial incentives to residents to reduce consumption.</i>	<i>Section 2.5.2. the consultants key conclusion is: '...to incentivise reduced consumption (and therefore reduced waste generation) is to provide differential costing for smaller waste bins, and ensure there is a legitimate gap between the cost for a waste service and the cost for a recycling service. This can only be achieved if the City introduces a separate waste charge as outlined in the section above, and breaks down the separate waste charge into waste and recycling service charge components.' Further:, in respect of single residential properties '...reduce the</i>

	<i>cost of 140L waste service (available on request) as compared to a standard 240L service...</i>
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The discussion around a separate waste charge is particularly relevant to assessing implications of the Notice of Motion.

In the 2013 Waste Management Review Hyder concluded that:

“It is clear that there is a direct cost associated with providing waste and recycling management services to the City’s residents. This cost is currently ‘hidden’ in the general rate charge applied to all rateable properties.

In order to provide a more transparent and equitable cost structure to the City’s residents, Hyder recommends a separate waste charge be introduced, following a bin reconciliation audit. The introduction of the separate waste charge should be preceded by a clear and concise education campaign that introduces ratepayers to the concept that this is an itemisation of an existing built in cost, not a new or additional cost.”

It should be noted that the introduction of a separate waste charge was not actively pursued by the City in either 2014/15 nor in 2015/16 due to the uncertainty surrounding Local Government amalgamations.

Separate Waste Charge:

The City’s Corporate Services Directorate is currently preparing a position paper for Council that will likely recommend a separate waste charge be introduced in the 2016/17 financial year. However in order to ensure a seamless introduction an audit of the City’s existing bin ‘stock’, needs to be undertaken. This is currently in progress.

Administration Comments:

The proposed waste charges are being determined based upon the current range of waste services (and bin sizes) being offered by the City. To introduce other bin sizes at this time may complicate the process and therefore the recommendation is not to proceed with a ‘wholesale’ roll out offering a 360 litre recycling bin to residents at this time but rather a limited ‘roll’ out to residents upon request.

Recent Enhancements in the Recycling Service:

There have been three significant enhancements to the City’s recycling service in the past two years:

- The introduction of 360 litre MRB in Multi Unit Developments to reduce the number of bins presented for collection in the inner City areas.
- Recycling all plastics including ‘shopping bags’ was introduced in early 2015; and
- the Mindarie Regional Council’s (MRC’s) ‘No Glass Campaign’.

The latter targeting glass in the general waste bin and the impact upon the quality of MRC’s Neerabup Resource Recovery Facilities output of compostable material.

The City is currently assessing the differences in the tonnages between general waste and recyclable waste however the initial ‘raw’ figures indicate that there has been a decrease in general waste tonnages and an increase in recycling tonnages since the introduction of the ‘No Glass Campaign’.

Current Situation:

Item	Total Nos	Residential	Commercial	Frequency	Collection
240 litre MRBs	17,200	13,600	3,600	Fortnightly	Contract
360 litre MRBs	460	-	-	Fortnightly	Contract

240 litre MGB*	17,200	-	-	Weekly**	In house
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Note: * Mobile Garbage Bins;
** May vary for commercial/flats/Units up to four times per week

Domestic Waste Collection

The standard allocation is a 240 litre MGB however resident have the option of requesting a smaller, 140 litre MGB in-lieu of a 240 litre MGB. The 'lift' cost, however for both bin sizes is similar as the resources allocated to the task is one in the same (driver, vehicle running costs etc.). There would be some minor reductions in waste tonnages however to make any significant difference a large number of smaller bins would need to be rolled out.

Do date very few residents have requested a 140 litre MGB, however this option has not been widely advertised to date.

The Costs of Offering a 360 litre MRB to Residents:

In 2014/15 the total cost to the City for providing a fortnightly recycling service was in order of \$1.07m

It should be noted that in respect of additional services provided, i.e. extra bins, over and above the standard allocation, the cost is recouped (for both domestic and commercial) in accordance with the City's fee and charges.

The City owns all of the MRB's in circulation. The following table outlines residential service only.

Item	Supply cost per MRB	Cost per lift*	Approx. No 'current' lifts per annum (fortnightly)	Approx. No lifts per annum (weekly)	Approx. Cost per annum (fortnightly)	Approx. Cost per annum (weekly)
240 MRB	\$80.00	\$1.91	354,000	707,000	\$676,000	\$1,352,000
360 MRB	\$115.00	\$2.09	354,000	707,000	\$740,000	\$1,500,000

Note:* The lift cost is the service cost to the City that is charged by Perth Waste in accordance with the terms of the contract.

Also the cost to provide all residential properties with a new 360litre MRB would be in the order of \$1.56m i.e. 13,600 x \$115 = \$1,564,000.

Administration Comments:

As can be seen from the above the difference between the direct costs, when considered in isolation, are not great, but if extrapolated across the City, as a straight line change-over to 360 litre MRB's, it would be significant. In addition the City would be left a very large volume of redundant (branded) 240 litre MRB's, which would have little value other than being recycled themselves.

Obviously this was not the intent behind the Notice of Motion.

However it should be noted that, while not widely advertised nor currently actively encouraged, the residents are already able to request a 360 litre MRB in-lieu of a 240 litre MRB for which the City partially recovers its costs.

Upon receiving a formal request the City would arrange for the 240 MRB to be swapped for a 360 litre MRB with a one off, upfront fee of \$115 (the actual cost of the bin charged out by Perth Waste including delivery). However the 'lift' cost would be absorbed into the City's annual contract costs.

The City does not charge to down grade from a 240 litre MGB to a 140 litre MGB because the smaller bins are already in stock at the City's works depot and accounted for in the City's operational costs.

360 litre MGB fortnightly collection:

The option offering a 360 litre MRB to residents in lieu of a 240 litre MRB could be feasible if rolled out incrementally upon request only until such time as the level of demand and the impact upon the City's budget can be established.

The City's waste budget is structured to allow for new recycling services to be added, albeit as result of in-fill and higher density residential development, or new commercial activity.

When any of the above are completed the City's contractor (Perth Waste) is contacted and the appropriate number of MRB's are delivered and added to the service round. This in-turn is added to the City's data base and reflected in the monthly invoices.

For example if 100 residents were to request a 360 litre MRB, in-lieu of a 240 litre MRB, over the course of 2016/17 the costs to the City, if it does not recover the upfront cost of the MRB, and based upon the current change over and lift costs would be as follows:

- Supply 100 360 litre MRB's x \$115 per unit = \$11,500
- additional lift cost 100 x \$0.18 (the difference between the 240 litre and 360 litre lift costs) x 26 services per annum = \$468
- Total cost approximately \$12,000 in the first year.

The 100 displaced 240 litre MRB's would be absorbed into the system and reallocated.

It should be noted that while many residents are keen to increase their level of recycling it does not necessarily hold that the volume of recycling will automatically increase by 33% (the difference between a 240 and 360 litre MRB's) as it tends to fluctuate depending upon the residents activities over the preceding fortnight.

That said the City often receives enquires from residents asking if they can upgrade to a larger MRB, far more frequently than asking for a smaller domestic MGB.

240 litre MRB weekly collection:

If the City were to offer a weekly domestic recycling service in lieu of the existing fortnightly service the annual cost would increase by approximately \$0.74m to \$1.5m+.

Obviously given that much of the infrastructure and resources are already in place it may not necessarily be double the current costs, however it would require the City's existing contract to be re-negotiated if not a new tender called due to the overall contract value.

Fortnightly Domestic Waste Collection:

In regards the frequency of the domestic service being provided it is not currently feasible to differentiate between a property that has a weekly services and one that elects to have a fortnightly service only. However, as occurs now, residents do not always present bins for collection, albeit by circumstance (they have either forgotten, or are away, etc.) or by choice.

However the nature of putrescibles waste is best suited to a weekly collection over that of a fortnightly collection and it could be expected that there would be some community resistance to a fortnightly service.

CONSULTATION/ADVERTISING:

The measures recommended in the report with financial implications will be advertised as part of the budget process.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

High: Reducing the quantity of waste to landfill is of paramount importance. In addition providing an improved waste and recycling provision/collection service will improve the amenity for the City's residents.

STRATEGIC IMPLICATIONS:

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

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

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

SUSTAINABILITY IMPLICATIONS:

The proposal is to provide a more sustainable service which will take into account and try to address the many issues associated with waste generation/collection/disposal.

FINANCIAL/BUDGET IMPLICATIONS:

If the change-over cost of upgrading to a 360 litre MRB is re-couped from the residents then the potential impact upon the City Waste Management Budget is in the order of \$500 per year based upon the 'lift' cost for 100 units. If the City were to absorb the full cost (per 100 units), as outlined in the report, it would be in the order of \$12,000 per year. However 100 x 360 litre MRB could be accommodated in the 2016/17 Waste Management budget.

COMMENTS:

Proposed Limited Roll-Out of 360 Litre MRB's Upon Request:

Given the level of interest from some residents wanting to increase their ability to actively recycle this should be supported where possible. However to introduce 360 litre MRB across the board, would have a significant implications upon the City's budget.

That said, pending discussions with the City's contractor (Perth Waste), it should be possible to offer a limited roll-out of 360 litre MRB's to residents in 2016/17.

A suggested starting point could be to budget for 100 single or individual dwellings, as per the example in the discussion, for an 'upfront' fee of \$115. Alternatively the Council, during its budget deliberations, may wish to consider only charging the resident \$35, the difference between the direct bin costs, or at no cost if it's seen as a positive message to promote greater recycling.

In addition, the residents would also be offered a voluntary trade of their 240 litre MGB for a 140 litre MGB.

If the introduction of a 360 litre MRB is to be encouraged in 2016/17 a limited roll-out is recommended as the 2016/17 'draft' budget is currently being finalised and a City wide roll-out would have a significant impact.

Conclusion:

The Administration is currently gathering data from other Local Governments and Regional Councils regarding the impact upon recycling rates where 360 litre MRBs have been introduced.

5.2.6 Leederville Town Centre – Removal or Relocation of Newcastle Street Taxi Rank

Ward:	South	Date:	12 May 2016
Precinct:	Precinct 4 - Oxford Centre	File Ref:	SC1730
Attachments:	1 – Taxi Industry Forum of WA Inc. letter supporting the retention of the Taxi Rank		
Tabled Items:	Nil.		
Reporting Officers:	C Wilson, Manager Asset and Design		
Responsible Officer:	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council:

1. **NOTES** the options discussed in the report to be incorporated in the Leederville ‘Town Centre Place Plan’ currently being prepared;
2. **DEFERS** making any changes to the Newcastle Street Leederville Taxi Rank, at this time, until the draft ‘Leederville Town Centre Place Plan’ has been adopted; and
3. **ADVISES** the Taxi Industry Forum of WA Inc. of its decision.

PURPOSE OF REPORT:

To consider the options and implications for either removing or relocating the Newcastle Street taxi rank to another location within the Leederville Town Centre.

BACKGROUND:

Newcastle Street Taxi Rank:

Date	Action
Prior to 2006	The primary Leederville taxi rank was located in the Frame Court car park however the (then) Taxi Council of WA were of the opinion that it was too far away from the centre of activity and asked that it be relocated to adjacent the Leederville Hotel in Newcastle Street.
Latter part of 2006	A 24/7 taxis only rank was installed in Newcastle Street directly outside the Leederville Hotel, and originally accommodated up to 10 vehicles
June 2013	The views of the Taxi Council of WA (TCWA) were sort at the time. The TCWA contended that the demand for taxis in the Leederville area, without quantifying it, was sufficient to justify the entire kerb-side parking lane being retained as an exclusive taxi rank. However, a series of random site surveys had shown that while there are quite often cabs at the rank during the course of the day it is only in the peak periods in the evenings that the entire rank was utilised.
OMC 11 Jun 2013	Council received a report on the Leederville Town Centre Enhancement Project which included a discussion and Recommendation on proposed changes to the Leederville Taxi Rank. However, a series of random site surveys had shown that while there are quite often cabs at the rank during the course of the day it is only in the peak periods in the evenings that the entire rank was utilised. Council decision, in part, was as follows; 3. APPROVES the; 3.2 <i>installation of three (3) x 1/4P parking bays in Newcastle Street, Leederville outside the Leederville Hotel, as shown on attached drawing No. 2455-CP-1A, to operate between the hours of 8.00am and 6.00pm, Monday to Sunday, reverting to a Taxi Zone between the hours 6.00pm to 8.00am, Monday to Sunday;</i>
Mid July 2013	The changes were duly implemented and as a consequence the taxi ‘only’ zone was reduced to a maximum of seven vehicles during the day while maintaining room for 10 cabs at night. as per the photographs below



The split 1/4P and exclusive taxi zone as installed in 2013

<p>OMC 5 May 2015</p>	<p>Council received a report on the Leederville Town Centre Enhancement Project – Newcastle Street and Carr Place Intersection Proposed Modifications Council subsequently approved the project, creating a new public space and pedestrian ‘friendly zone’ at grade crossing linking Newcastle Street to Carr Place. A consequence of which was a reduction of two taxi only bays. The current capacity is five taxis during the day if the 1/4P bays are occupied and 8 vehicles during the taxi only exclusive period between 6.00pm and 8.00am Monday to Sunday.</p>
<p>OMC 9 Feb 2016</p>	<p>Council adopted a Notice of Motion requesting that Administration investigate the need for, and a location of, a taxi rank in the Leederville town centre.</p>

DETAILS:

The Taxi industry is currently in a state of flux with the entry of on demand ride sharing service ‘Uber’, into the market. In addition a new service ‘Shofer’ entered the Perth taxi market in April 2016.

The State Government has indicated that it will be introducing legislation (most likely in 2017) to ‘legalise’ services such as Uber however at this time there is no suggestion that ride sharing services will be allowed to use existing taxi ranks.

As a consequence it is now very difficult to obtain a unified industry view of the need and location of the Leederville Taxi Rank. The bodies that purport to represent ‘traditional’ taxi drivers are the Taxi Council of WA and the Taxi Industry Forum of WA Inc.

The Taxi Industry Council:

The Taxi Industry Council was contacted for comment during the preparation of this report but is yet to respond.

Taxi Industry Forum of WA Inc.

The Taxi Industry Forum was made aware of the Notice of Motion, and in anticipation of the a report being presented to Council, provided a detailed response to the Mayor in justification of maintaining the Leederville Taxi Rank (as per Attachment 1). They concluded that;

‘... taxi ranks and their high profile and strategic locations must be given priority consideration and ultimately protected from threats of removal/relocation. TIFWA asks that you and your councillors consider these arguments when discussing future attempts to

undermine the Leederville taxi rank and consider replacing it with counter intuitive parking bays.'

Taxi Industry Board:

The board is overseen by the Department of Transport, and is a statutory body with an objective to provide a considered and singular view for consideration by the Minister for Transport. However it is not currently convened.

'Uber' and 'Shofer' Taxis:

Uber is an independent operator, using private vehicles, currently operating without legislative authority and therefore are not currently allowed to use taxi ranks. It would be expected that the same would apply to 'Shofer' taxis, which unlike Uber, display the company name and logo on the vehicle.

Current Situation Newcastle Street:

During most day time hours it is not uncommon to see half a dozen taxis in the rank including occupying some, if not all, of the 1/4P area. The drivers tend to use the Leederville rank as convenient layby while either waiting for 'walk-up' fares or jobs to be allocated by their dispatch centre. It is convenient location as there are multitude of cafés, restaurants and shops, as well as toilets (typically the Leederville Hotel during trading hours).

The same applies at night but both the demand and number of taxis increases significantly as the week progresses, peaking on Friday and Saturday nights. It is not uncommon for all 8 bays to be constantly occupied.

However, of greater concern, and which has led to numerous complaints to the City, is when the taxi bays are fully occupied and the late arrivals have tried to join the 'queue' by partially parking on the footpath (i.e. left side up on the footpath and the right side on the road, straddling the kerb) in Newcastle Street near 'Grill'd' burgers, corner of Oxford Street.

Not only is this a safety issue for pedestrians, it also creates traffic problems, especially for larger vehicles such as Transperth buses which struggle to get past without having to mount the central median island.

The Rangers are aware of the problem and in the past issued infringement notices and/or made the driver move on.

Possible Options:

- Retain the dual purpose 1/4P and Taxi Rank;
- Remove and not replace the Taxi Rank and reallocate the parking space to public use or increase the width of the footpath to approx. 5.5m wide the length of the hotel façade (tying into the public space at the Carr Place / Newcastle Street intersection);
- Relocate the Taxi Rank to another location within the Town Centre;
- Defer any further consideration pending the release of the Town Centre Place Plans (currently being developed by Policy and Place), on the basis the matter will be addressed in the said plan.

Other issues to be considered:

ACROD Parking:

The City does not currently have any on-road ACROD bays within the Leederville Town Centre. Recently the matter was raised by a member of the public confined to a wheelchair but with an adapted car. Currently they have to park in either The Avenue, Frame Court or Leederville Hotel car parks to access a compliant Acrod bay.

Security:

The security at the rank is largely reliant upon the volume of pedestrian traffic and activity in the immediate area. If, as discussed above, driver behaviour is an issue in respect of queuing and obstructing traffic there could be a case to employ security at the rank with the purpose of:

- Ensure orderly passenger access
- Controlling taxi queuing (move on the vehicles that can't fit within the allocated space); and
- Liaising with the City's Rangers in respect of the second point.

A similar service is provided at the purpose built Milligan Street rank in Northbridge, which the taxis are directed to use during peak times.

Alternatively the City's CCTV could be extended and/or relocated so that it has an enhanced and unobstructed view of the taxi rank and surrounds.

Obviously there are cost implications which would have to be further explored.

Administration Comments:

Retaining the dual purpose 1/4P and Taxi Rank:

For the reasons outlined above, a unified current industry position on the need or justification for the Newcastle Street Taxi Rank is difficult to ascertain. However recent correspondence from the Taxi Industry Forum of WA Inc., and in past correspondence from the Taxi Council of WA, indicates that both organisations are vehemently opposed to any changes to the rank including that of the dual use 1/4P zone. That said, the popularity of the rank, by vehicle numbers alone, indicates that the taxi drivers support its retention.

Remove and not replace the Taxi Rank:

Because the taxi rank has been well established over the course of a decade many patrons to the Leederville Town Centre are familiar with its location and the volume of taxis using the rank and therefore confident they'll be able to 'walk up' to a vacant cab. If removed and not relocated it has the potential to create a new culture in the precinct where cabs are pulling up indiscriminately rather than a defined location.

Reallocate the parking space to public use:

This would result in an additional five bays being available. However careful consideration would need to be given to the time restriction as long term bays would not be appropriate at this location. As there are already 3 x 1/4P bays do the remaining bays become 5min at all times? During peak period it would ensure a constant turn-over allowing people to be dropped off and picked safely rather than cars stopping in the traffic lane as occurs now. Taxis would also be able to use the area as long as they complied with the time restriction, so to would Uber and Shofer drivers.

Increase the width of the footpath:

There is an opportunity to link the new public space at Carr Place and Newcastle Street to Oxford Street via new a pedestrian 'plaza' 5.5m wide. Potentially it will open up the entire frontage of the Leederville Hotel to other uses and improvements such as additional street trees, street performances, food stalls and expanded alfresco. However the cost would be significant and subject to an approved design, would require an appropriate budget allocation.

Relocate the Taxi Rank to another location within the Town Centre.

While the Leederville Hotel's awning was being replaced in the last quarter of 2015 the Taxi rank was temporally moved, with Council's approval, to the other side of Carr Place (in Newcastle Street) adjacent Duende Restaurant. It only operated as an exclusive taxi rank in

evenings and was able to accommodate three vehicles. During the day the space reverted to its normal functions, a loading zone and 2 x paid parking spaces.

However because the construction fence did not extend the full length of the embayed parking there was room for 2 to 3 taxis outside the Garden (Leederville Hotel) with the temporary area acting as an overflow. As a result it was less popular with the drivers as most patrons still associated the front of the hotel with the 'pick-up point', so it tended to operate as more of a layby while the driver were waiting for jobs to be allocated.

Town Centre Place Plans:

The final option is to maintain the status quo and defer any further consideration pending the development of the 'Leederville Town Centre Place Plan'. The plan, currently being developed by Policy and Place, is intended to be a guiding document, to be endorsed by Council that will set out a vision for the public realm in the town centre.

All of the above options, including that of the need for on-road Acrod bays and security could be listed for consideration and discussion when preparing the plan.

CONSULTATION/ADVERTISING:

Not applicable at this time if the Recommendation is adopted.

LEGAL/POLICY:

As above, not applicable at this time if the Recommendation is adopted

RISK MANAGEMENT IMPLICATIONS:

Low: Maintains the existing function and form of the public realm.

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.

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The financial implications vary from nil capital expenditure if the current arrangement is maintained to considerable capital expenditure if the footpath were widened to create a pedestrian plaza. However given the planning and community consultation that would be involved in developing the Town Centre Place Plan it would be unlikely to impact upon the budget until 2017/18.

COMMENTS:

The existing Newcastle Street taxi rank in Leederville is both well utilised and problematic. Most of the issues associated with the taxi rank is due to errant driver behaviour during the Friday and Saturday nights peak periods.

While the rank should be self-regulating the current disarray and uncertainty in the Taxi industry makes it difficult to open any meaningful dialogue with various representative bodies.

However given that the City is embarking upon developing a Leederville Town Centre Place Plan it is recommended that the taxi ranks future be considered as part of the planning process and that any action be deferred pending the plans adoption and release.

5.3 CORPORATE SERVICES

5.3.1 Investment Report as at 30 April 2016

Ward:	Both	Date:	13 May 2016
Precinct:	All	File Ref:	SC1530
Attachments:	1 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	N Makwana, Accounting Officer G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

RECOMMENDATION:

That Council **NOTES** the Investment Report for the month ended 30 April 2016 as detailed in Attachment 1.

PURPOSE OF REPORT:

To advise Council of the level of investment funds and operating funds available, the distribution of surplus funds in investments and the interest earned to date.

BACKGROUND:

Surplus funds are invested in Bank Term Deposits for various terms, to maximise investment returns in compliance with good governance, legislative requirements and Council's Investment Policy No 1.2.4. Details are attached in **Attachment 1**.

The City's Investment Portfolio is diversified across several Financial Institutions in accordance with the Investment Policy.

DETAILS:

Total funds held for the period ended 30 April 2016 were \$27,011,580 as compared to \$18,216,909 at the end of April 2015.

Total Investments for the period ended 30 April 2016 were \$26,587,166 as compared to \$27,983,289 at the end of March 2016. At 30 April 2016, \$15,561,000 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
October	\$22,411,000	\$30,701,564
November	\$21,111,000	\$31,206,505
December	\$19,361,000	\$27,239,542
January	\$19,361,000	\$29,229,172
February	\$19,361,000	\$29,221,565
March	\$19,061,000	\$27,983,289
April	\$15,561,000	\$26,587,166
May	\$13,561,000	
June *	\$16,372,423	

*Investment report modified from June 2015 to include funds held in the Operating Account.

Total accrued interest earned on Investments as at 30 April 2016:

	Revised Budget	Budget Year to Date	Actual Year to Date	% of FY Budget
Municipal	\$320,000	\$313,642	\$450,233	140.70
Reserve	\$254,624	\$206,362	\$241,247	93.28

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%	29.9%	30%	Nil	90%	63%
A Category	A1	20%	21%	30%	Nil	80%	37%
BBB Category	A2	10%	Nil	n/a	Nil	20%	Nil

RISK MANAGEMENT IMPLICATIONS:

Moderate: As per the City's Investment Policy No. 1.2.4, funds are invested with various financial institutions with high Long Term and Short Term Ratings (Standard & Poor's or equivalent), obtaining more than three quotations for each investment. These investment funds are spread across various institutions and invested as Term Deposits from one to 12 months to reduce risk.

Section 6.14 of the *Local Government Act 1995*, section 1, states, subject to the Regulations:

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

STRATEGIC IMPLICATIONS:

In keeping with the City's Strategic Plan 2013-2023:

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

4.1.2 Manage the organisation in a responsible, efficient and accountable manner;

(a) Continue to adopt best practice to ensure the financial resources and assets of the City are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced."

SUSTAINABILITY IMPLICATIONS:

The City exercises sound financial management in accordance with the City's Investment Policy No. 1.2.4 to effectively manage the City's cash resources within acceptable risk parameters.

FINANCIAL/BUDGET IMPLICATIONS:

The financial implications of this report are as noted in the details and comments section of the report. Overall the conclusion can be drawn that appropriate and responsible measures are in place to protect the City's financial assets and to ensure the accountability of the management.

COMMENTS:

The funds invested have decreased from the previous period after payments to creditors, staff etc.

Funds invested with Bank of Queensland has gone over 20% for the month of April. This is due to the investments maturing with other banks being withdrawn for payments during the period. This reduced the total invested funds.

It is anticipated that the City will continue to receive municipal interest earnings in excess of the budget for the remainder of the financial year due to:

- Increased levels of investment of around \$6 - \$7 million over the budget assumptions - due to a delay in capital spend so far this financial year.
- The average interest rates quoted to the City have been reducing, however, the City has been able to select institutions who have had specific needs for increased funds and have therefore offered a rate significantly higher than the average being quoted. This has increased the average interest rates for term deposit investments over the amounts used in the budget assumptions.

Interest on Reserve Investments will be lower for the duration of the financial year as a result of the decision to transfer the balance of the Aged Persons and Senior Citizen's Reserve to the City's Trust Account.

The City has obtained a weighted average interest rate for current investments of 2.98% which includes the City's operating account. When the investments are calculated excluding the operating account, the average investment rate achieved is 3.03% as compared to the Reserve Bank 90 days Accepted Bill rate of 2.26%. As of 30 April 2016, the City's actual investment earnings are exceeding the budget estimate by \$171,476 (33%).

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 April 2016 to 30 April 2016

Ward:	Both	Date:	13 May 2016
Precinct:	All	File Ref:	SC347
Attachments:	1 – Creditors Report – Payments by EFT 2 – Creditors Report – Payments by Cheque 3 – Credit Card Transactions		
Tabled Items:	-		
Reporting Officers:	A Siapno, A/Accounts Payable Officer; G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

RECOMMENDATION:

That Council: **RECEIVES** the list of accounts paid under Delegated Authority for the period 01 April 2016 to 30 April 2016 as detailed in Attachment 1, 2 and 3 as summarised below:

Cheque numbers 79681 - 79847	\$133,282.10
Cancelled Cheques	- \$406.54
EFT Documents 1921 - 1933	\$3,747,432.77
Payroll	\$1,168,101.45

Direct Debits

- **Lease Fees** \$8,075.12
- **Loan Repayment** \$145,732.42
- **Bank Fees and Charges** \$8,383.49
- **Credit Cards** \$7,137.27

Total Direct Debit \$169,328.30

Total Accounts Paid **\$5,217,738.08**

PURPOSE OF REPORT:

To present to Council the expenditure and list of accounts paid for the period 01 April 2016 to 30 April 2016.

BACKGROUND:

Council has delegated to the Chief Executive Officer (Delegation No. 3.1) the exercise of its power to make payments from the City's Municipal and Trust funds. In accordance with *Regulation 13(1) of the Local Government (Financial Management) Regulations 1996* a list of accounts paid by the Chief Executive Officer is to be provided to Council, where such delegation is made.

The list of accounts paid must be recorded in the **Minutes** of the Council Meeting.

DETAILS:

The Schedule of Accounts paid, covers the following:

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account (Attachment 1 and 2)		
Automatic Cheques	79681 - 79847	\$133,282.10
Cancelled Cheques	79757; 79842	-406.54
EFT Payments	1921 - 1933	\$3,747,432.77
Sub Total		\$3,880,308.33
Transfer of Payroll by EFT		
	05/04/16	\$522,227.36
	15/04/16	\$102,131.58
	19/04/16	\$543,742.51
	March 2016	\$1,168,101.45
Corporate Credit Cards (Attachment 3)		\$7,137.27
Bank Charges and Other Direct Debits		
Lease Fees		\$8,075.12
Loan Repayment		\$145,732.42
Bank Charges – CBA		\$8,383.49
Total Bank Charges and Other Direct Debits (Sub Total)		\$169,328.30
Less GST effect on Advance Account		0.00
Total Payments		\$5,217,738.08

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.

5.3.3 Financial Statements as at 31 March 2016

Ward:	Both	Date:	13 May 2016
Precinct:	All	File Ref:	SC357
Attachments:	1 – Financial Reports		
Reporting Officers:	N Makwana, Accounting Officer G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

RECOMMENDATION:

That Council **RECEIVES** the Financial Statements for the month ended 31 March 2016 as shown in Attachment 1.

PURPOSE OF REPORT:

To present the Financial Statements for the period ended 31 March 2016.

BACKGROUND:

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

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

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

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

DETAILS:

The following documents, included as **Attachment 1** represent the Statement of Financial Activity for the period ending 31 March 2016:

Note	Description	Page
1.	Statement of Financial Activity by Programme Report and Graph	1-3
2.	Statement of Comprehensive Income by Nature and Type Report	4
3.	Net Current Funding Position	5
4.	Summary of Income and Expenditure by Service Areas	6-35
5.	Capital Works Schedule and Funding and Graph	36-42
6.	Cash Backed Reserves	43
7.	Rating Information and Graph	44-45
8.	Receivables	46
9.	Beatty Park Leisure Centre Report – Financial Position	47
10.	Explanation of Material Variance	48-59

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

Summary of Financial Activity By Programme as at 31 March 2016

	Revised Budget \$	Year to date Budget \$	Year to Date Actual \$	Year to Date Variance \$	Year to Date Variance %
Operating Revenue	28,867,827	23,096,314	21,034,051	(2,062,263)	-9%
Operating Expenditure	(54,521,592)	(40,563,922)	(38,281,882)	2,282,040	-6%
Add Deferred Rates Adjustment	0	0	11,996	11,996	0%
Add Back Depreciation	10,103,230	7,576,938	7,566,482	(10,456)	0%
(Profit)/Loss on Asset Disposal	(3,716,718)	(3,716,718)	(2,671,786)	1,044,932	-28%
Leederville Gardens Retirement Village Fund Adjustment	0	0	875,631	875,631	0%
Net Operating Excluding Rates	(19,267,253)	(13,607,388)	(11,465,509)	2,141,879	-16%
Proceeds from Disposal of Assets	4,665,090	4,665,090	3,483,624	(1,181,466)	-25%
Transfer from Reserves	2,485,767	2,485,767	930,396	(1,555,371)	-63%
	7,150,857	7,150,857	4,414,020	(2,736,837)	-38%
Capital Expenditure	(11,786,937)	(11,420,437)	(4,800,326)	6,620,111	-58%
Repayments Loan Capital	(760,288)	(564,380)	(564,379)	2	0%
Transfers to Reserve	(5,172,757)	(4,111,650)	(3,532,383)	579,267	-14%
	(17,719,982)	(16,096,467)	(8,897,087)	7,199,380	-45%
Net Capital	(10,569,125)	(8,945,610)	(4,483,067)	4,462,543	-50%
Total Net Operating and Capital	(29,836,378)	(22,552,998)	(15,948,576)	6,604,421	-29%
Rates	29,596,786	29,556,035	29,554,521	(1,514)	0%
Opening Funding Surplus/(Deficit)	1,007,891	1,007,891	1,007,891	0	0%
Closing Surplus/(Deficit)	768,299	8,010,928	14,613,836	6,602,908	82%

**Totals and sub-totals may include rounding differences.*

Comments on Summary of Financial Activity by Programme:

Revised Budget

Includes all budget amendments approved by Council up to 8th March 2016 including Mid-Year Budget Review.

Operating Revenue

There is a difference in classification in revenue reported by programme or by nature and type. Operating revenue in programme reporting includes 'Non-Operating Grants, Subsidies and Contributions' and 'Profit on Sale of Assets'. Revenue reporting by nature and type excludes these, but adds 'Rates Revenue'.

Revenue by programme is showing a negative variance of 9% (\$2.06m). This is due to reduced revenue in Recreation and Culture (\$423k), Transport (\$678k) and Other Property and Services (\$1.03m).

Operating Revenue as presented on the 'Nature and Type' report (Page 4 of **Attachment 1**) is showing a negative variance of 1%.

Operating Expenditure

The positive variance is currently at 6% and is primarily due to the delayed payment cycle for materials and contracts.

Transfer from Reserves

This is in an unfavourable position as the Transfer from Reserves is aligned with the timing of commencement for Capital Works projects that are Reserves funded and some of the projects have been delayed. However, as part of mid-year budget review there are savings of \$61,200 as the projects have been completed and did not require additional funds.

Capital Expenditure

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

Transfer to Reserves

A transfer of \$934,420 has been processed to Aged Persons and Senior Citizen's Reserve, which includes additional interest of \$58,789. This was approved by absolute majority at OMC 08 December 2015.

It should be noted that the reimbursement of \$62,648 plus interest to the Aged Persons and Senior Citizen's Reserve as approved in OMC 08 March 2016 has not been processed. The reimbursement will be reflected in the April 2016 report.

Monthly transfer to the Asset Sustainability Reserve commenced in July 2015, based on budget phasing. This has been reviewed regularly and there has been no requirement for adjustment.

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

Opening Funding Surplus/(Deficit)

The surplus Opening Balance brought forward from 2014-15 is \$1,007,891, as compared to budgeted opening surplus balance of \$576,865. This has been adjusted as part of the mid-year budget review and is reflected in statements.

Closing Surplus/(Deficit)

There is currently a surplus of \$14,613,836, compared to year to date budget surplus of \$8,010,928. This is substantially attributed to the positive variance in operating expenditure and the current level of Capital Expenditure.

It should be noted that the March 2016 closing balance does not represent cash on hand (please see the Net Current Funding Position on page 5 of the attachment).

Comments on the financial performance as set out in the Statement of Financial Activity (**Attachment 1**) and an explanation of each report is detailed below:

1. Statement of Financial Activity by Programme Report (Note 1 Page 1)

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

2. Statement of Comprehensive Income by Nature and Type Report (Note 2 Page 4)

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

3. Net Current Funding Position (Note 3 Page 5)

Net Current Asset is the difference between the current asset and current liabilities, less committed assets and restricted assets. This amount indicates how much capital is available for day to day activities.

The net current funding position as at 31 March 2016 is \$14,613,836.

4. Summary of Income and Expenditure by Service Areas (Page 6 – 35)

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

5. Capital Expenditure and Funding Summary (Note 5 Page 36 - 42)

Capital mid-year budget adjustments have been completed as per OMC decision on 08 March 2016.

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 5 of Attachment 1.

	Adopted Budget \$	Revised Budget \$	Year to date Budget \$	Year to Date Actual \$	Full Year Budget Remaining %
Furniture & Equipment	469,300	501,219	501,219	218,557	56%
Plant & Equipment	1,831,650	1,872,979	1,872,979	226,307	88%
Land & Building	2,858,272	2,198,201	2,073,201	965,285	56%
Infrastructure	7,498,125	7,214,538	6,973,038	3,390,177	53%
Total	12,657,347	11,786,937	11,420,437	4,800,326	59%

	Adopted Budget \$	Revised Budget \$	Year to date Budget \$	Year to Date Actual \$	Full Year Budget Remaining %
Capital Grants and Contributions	1,791,189	1,531,854	1,189,587	809,501	47%
Cash Backed Reserves	2,391,223	2,485,767	2,485,767	930,396	63%
Other (Disposal/Trade In)	135,000	135,000	135,000	89,287	34%
Own Source Funding – Municipal	8,339,935	7,634,316	7,610,083	2,971,142	62%
Total	12,657,347	11,786,937	11,420,437	4,800,326	59%

Note: Detailed analysis are included on page 36 – 42 of **Attachment 1**.

6. Cash Backed Reserves (Note 6 Page 43)

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 March 2016 is \$10,273,793. The balance as at 29 February 2016 was \$10,291,343.

7. Rating Information (Note 7 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.

The Rates debtors balance as at 31 March 2016 is \$896,339 (this includes deferred rates of \$138,973). This represents 2.96% of the collectable income compared to 2.28% at the same time last year.

8. Receivables (Note 8 Page 46)

Receivables of \$3,391,003 are outstanding at the end of March 2016, of which \$2,956,786 has been outstanding over 90 days. This is comprised of:

\$460,201 (15.6%) relates to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangements for more than one year.

\$180,857 (6.1%) relates to Other Receivables, including recoverable works and property.

\$2,315,728 (79.8%) relates to unpaid infringements (plus costs). 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. Administration is undertaking a full reconciliation of this amount with FER records.

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

9. Beatty Park Leisure Centre – Financial Position Report (Note 9 Page 47)

As at 31 March 2016 the operating surplus for the Centre was \$171,946 in comparison to the year to date budgeted surplus of \$241,009.

The cash position showed a current cash surplus of \$710,802 in comparison to year to date budget estimate of a cash surplus of \$779,884.

All material variance as at 31 March 2016 has been detailed in the variance comments report in **Attachment 1**.

10. Explanation of Material Variances (Note 10 Page 48 - 59)

The materiality thresholds used for reporting variances are 10% and \$10,000. This means that variances will be analysed and separately reported when they are more than 10% (+/-) of the YTD revised budget, where that variance exceeds \$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.”

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENT:

All expenditure included in the Financial Statements is incurred in accordance with Council's revised budget.

5.4 COMMUNITY ENGAGEMENT

5.4.1 Festivals and Events Program Sponsorship 2016/2017

Ward:	Both	Date:	13 May 2016
Precinct:	All	File Ref:	SC392
Confidential Attachments:	<u>Confidential Attachments</u> – Proposals: Confidential – Staged on Beaufort Confidential – Revelation Film Festival Confidential – Lullaby Event Confidential – Light Up Leederville Carnival Confidential – Pride Fair Day Confidential – Hyde Park Fair Confidential – Mt Hawthorn Streets and Laneways Festival Confidential – St Patricks Day Parade and Family Fun Day (pending)		
Attachments	9 – Major Festivals and Events Guidelines and Application Form		
Tabled Items:	Nil		
Reporting Officers:	Y Coyne, Coordinator Arts and Creativity A Curtin, Administration Officer		
Responsible Officer:	M Quirk, Director Community Engagement		

OFFICER RECOMMENDATION:

That Council:

1. **APPROVES** an amount of \$250,550 to be listed for consideration in the Draft 2016/2017 Draft Budget for Festival and Events Program Sponsorship, to be distributed as follows:

	ORGANISATION	EVENT	DATE	AMOUNT REQUESTED	AMOUNT RECOMMENDED	IN-KIND SUPPORT
1	Beaufort Street Network	Staged on Beaufort	01/07/16-30/06/17	\$44,900	\$35,000	\$1,000
2	Revelation Film Festival	Revelation Film Festival	7-17/07/16	\$30,000	\$20,000	\$1,000
3	Awesome Arts	Lullaby Event	03/09/16	\$10,000	\$0	N/A
4	Leederville Connect	Light Up Leederville Carnival	04/12/16	\$65,000	\$50,000	\$10,500
5	Pride WA	Fair Day	12/02/17	\$20,000	\$15,000	\$7,250
6	Rotary Club of North Perth	Hyde Park Fair	5-6/03/17	\$33,000	\$30,000	\$27,000
7	Mt Hawthorn Hub	Streets & Laneways Festival	07/05/17	\$50,000	\$45,000	\$8,800
8	St Patrick's Day WA Inc.	Parade & Family Fun Day	12/03/17	TBC*	TBC*	TBC*
TOTAL (EX GST):				\$252,900	\$195,000	\$55,550
TOTAL OF SPONSORED AMOUNT (INCLUDING IN-KIND SUPPORT & EX						\$250,550*

ORGANISATION	EVENT	DATE	AMOUNT REQUESTED	AMOUNT RECOMMENDED	IN-KIND SUPPORT
GST):					

2. **NOTES all Festival and Events Sponsorship recipients in 2016/2017 remain subject to signing a Sponsorship Agreement with the City of Vincent identifying all related expectations and obligations; and**
3. **APPROVES BY ABSOLUTE MAJORITY the expenditure of \$20,000 for the sponsorship of the Revelation Film Festival to be held from 7 to 17 July 2016, in accordance with Section 6.8 (1) of the *Local Government Act 1995*.**

PURPOSE OF REPORT:

To consider approval of the proposed Festivals and Events Program Sponsorship and the associated budget allocations for 2016/2017.

BACKGROUND:

Ongoing activation of the City's centres, places and spaces through a vibrant festivals and events program remains vitally important to create liveable neighbourhoods, engage our local communities and renew our Town Centres. Festival and Event Program Sponsorship enables Council to support community and other not-for-profit organisations to deliver locally relevant activities. In 2015/2016, the following festivals and events were sponsored through this Program to the amount of \$237,000 (excluding in-kind support):

	ORGANISATION	2015/2016 EVENT	DATE	AMOUNT
1	Revelation Film Festival	Revelation Perth International Film Festival	2-12/07/2015	\$20,000
2	On William	Northbridge Festival	6/02/2016	\$30,000
3	North Perth Local	Angove Street Festival	25/10/2015	\$45,000
4	Beaufort Street Network	Beaufort Street Festival	14/11/2015	\$75,000
5	Leederville Connect	Light Up Leederville Carnival	06/12/2015	\$50,000
6	Pride Western Australia	Pride Sponsorship	07/02/2016	\$15,000
7	Friends of ANZAC Cottage	Anzac Cottage Celebrations	12-14/2/2016	\$7,000
8	Rotary Club of North Perth	Hyde Park Community Fair	6-7/03/2016	\$20,000
9	Mt Hawthorn Hub	Mt Hawthorn Streets & Laneways Festival	01/05/2016	\$45,000
10	St Patrick's Day WA Inc.	St Patrick's Day Parade & Festival	13/03/2016	\$20,000
TOTAL (EX GST):				\$237,000

On 10 February 2016, the City advertised a call out to community groups to apply for sponsorship for major festivals and events proposed to be held within Vincent in 2016/2017. Advertising occurred on the City's Website and Facebook as well as advertising in local newspapers, and direct emails to applicants of previous City sponsored events and other community groups who enquired. A funding information session was also held at the City's Administration and Civic Centre on 2 March 2016. This information session provided

prospective applicants with further information about the application process and key assessment criteria. The deadline for submissions was 31 March 2016.

DETAILS:

To ensure improved alignment with Council's priorities for 2016/2017, and a more robust and equitable assessment process, the City requested applicants respond to the following criteria through their sponsorship submission:

- Criteria 1: Demonstrated support for the event from the Vincent community;
- Criteria 2: Demonstrated economic benefits to local businesses;
- Criteria 3: Demonstrated entertainment and cultural opportunities to the local community;
- Criteria 4: Demonstrated involvement of a cross section of the local community and how the event provides opportunities for increased participation;
- Criteria 5: The Applicant must provide adequate guarantee that they can deliver the event. Such proof of capacity may be (but not limited to) history of previous dealings with the City of Vincent, evidence of funding from other sources, evidence of the capacity of the organising committee to manage, present and market the event;
- Criteria 6: External funding support from agencies such as Lotterywest, Healthway, Department of Culture and the Arts and other sponsors, and the level of naming rights or sponsorship committed to; and
- Criteria 7: Confirmation of not-for-profit status and previous Annual Report.

A total of ten applications were received however the Mount Hawthorn Hub chose to withdraw two of their applications for smaller events, and therefore a total of seven applications were assessed. These applications have been included as Confidential Attachments to this report. The Guidelines and Application Form has also be included as **Attachment 9**.

Given that applicants were subject to a more robust and transparent assessment process compared to previous years their responsiveness to the abovementioned criteria was mixed. Therefore, Administration also considered other important factors to assist with the assessment process. This included consideration of the capacity of the event provider, success or otherwise of previous similar events, whether the proposed event is free of charge for residents, whether the event encourages use of the public spaces, and what marketing/benefits the City would receive.

In addition, to enable stronger financial and budget planning in relation to the Festivals and Events Program Sponsorship both the direct sponsorship amount and in-kind support has been detailed. Over time this will ensure the complete accountability of event and festival associated costs.

1. Staged on Beaufort: Ongoing Small Events from 1 July 2016 – 30 June 2017

The Beaufort Street Network advised that Perth's biggest street festival, The Beaufort Street Festival, would be postponed in 2016 with the intent to focus on a calendar of smaller scale events. A key aim is to engage with the Mt Lawley and Highgate local community and businesses on a more personalised and frequent basis rather than focusing their efforts on a major, once a year event.

The 'Staged on Beaufort' events tabled in the funding application are proposed to take place throughout 2016/17:

- Mary Street Piazza Performances: 6 events between October 2016 and May 2017. These performances would consist of 6 musical performances in the warmer months;
- Theatre productions at 'Late Night Valentine's' outdoor amphitheatre (formerly known as Luxe Bar). This would consist of 1 day of live theatre, with a family performance during the day and 2 shows more suited to adults in the afternoon/evening;
- Inside Out weekends: Local businesses are invited to activate the street by bringing their merchandise out onto the footpath, turning Beaufort Street into one long marketplace; and

- Beaufort Street Art Market: 2 special events. Dogtober October and Easter 2017 are proposed with funding required for infrastructure, workshops, and photographers as well as costs to host an Easter bunny show.

Sponsorship Assessment

The programming of smaller, more intimate, events for the Mt Lawley/Highgate area is an excellent and further demonstrates that the Beaufort Street Network has a strong understanding of how to bring the local community together and activate the area. The Beaufort Street Network provided community survey results to support their ongoing activities. Overall the sponsorship application was sound with detail on the full program of events however it did not fully address all of the key assessment criteria. Nonetheless, the City has identified the merit in supporting the smaller events program albeit not to the full sponsorship amount requested.

City of Vincent In Kind Support

Health Services:	\$750
Waste Services:	N/A
Ranger Services:	N/A
Community Engagement:	\$250
TOTAL In Kind Support	\$1,000

Sponsorship Recommendation

Funding Amount Sought	\$44,900
Funding Amount Recommended	\$35,000
Estimated in-kind support	\$1,000
TOTAL Funding	\$36,000

Please refer to the assessment matrix and full funding submission for Staged on Beaufort in **Confidential Attachment 1**.

2. Revelation Perth International Film Festival: 7-17 July 2016

Revelation Perth International Film Festival is to be held at Luna Cinema in Leederville, Central Institute Technology, Bills Bar and Bites, School of Isolated and Distance Education (SIDE) and surrounding properties in the City of Vincent for 10 days between 7 July and 17 July 2016. The Revelation Film Festival program includes feature films, documentaries, special events, animation, a super-8 film competition, special events and short films screenings. The event claims to bring over 10,000 people into Leederville over the 10 days.

Admission to the film sessions are ticketed (\$18.50 full price and \$14.00 concession), however there are also a number of free events proposed, as follows:

- Window theatre-ettes (film themed window installations along Oxford Street, Leederville);
- Gaming events for 12-18 year olds in unexpected places;
- Free family films and entertainment in unexpected places;
- Film workshops/talks/meet a guest;
- Menagerie Choir and other arts based performers to engage with the public along Oxford Street;
- Professional light show on the exterior of Luna Cinema;
- Magnolias (a low-fi film talk) at Bill's Bar and Bites;
- Multiple Q&A's at Luna Leederville with national and international guests; and
- Multiple Revcon sessions at Luna Leederville, Central Institute of Technology and the Backlot Perth discussing all things film.

The majority of the event is held indoors. The extension of the festival area is proposed to utilise the rear car park at Armani Bar, opposite Luna to create "The Soup Kitchen", which

proposes to be a hub for the festival and an outdoor event area. Note that a planning application is being submitted for Council approval separate to this funding application.

Sponsorship Assessment

The Revelation Perth International Film Festival is the highlight of the year for film enthusiasts and independent cinema goers with approximately 10,000 people attending last year. In previous years this provided an on flow effect for local businesses where “Rev specials” enticed festival goers. The event organisers have made a concerted effort to establish and maintain positive relations with local town centres, and demonstrated alignment with Assessment Criteria 1 and 2 by including letters of support from the Mt Hawthorn Hub and Leederville Connect. The application demonstrated the ability to support local business and attract local community involvement while contributing towards the vibrancy of Leederville Town Centre.

City of Vincent In Kind Support

Health Services:	\$750
Waste Services:	N/A
Ranger Services:	N/A
Community Engagement:	\$250
Total In Kind Support:	\$1,000

Sponsorship Recommendation

Funding amount sought	\$30,000
Funding amount recommended	\$20,000
Estimated in-kind support	\$1,000
TOTAL Funding	\$21,000

Please refer to the assessment matrix and full funding submission for Revelation Film Festival in **Confidential Attachment 2**.

3. Awesome Arts: Lullaby Event - 3 September 2016

Awesome Arts Festival proposes to bring artist Luke Jerram’s project “Lullaby” to Vincent on 3 September 2016. This project involves a workshop, proposed to be held at Kyilla Farmer’s market, engaging 40 to 60 participants through a dusk ride in the suburbs and up to 1,300 spectators on the street.

Sponsorship Assessment

The event is not unique to the City of Vincent, with Lullaby proposed to have tours in other Local Government Areas such as the City of Joondalup. The opportunity for broad community engagement is limited with a maximum of 40 to 60 people being involved in the bike workshops and an estimated 1,300 people to view the bikes lit up at night through the streets. The application did not demonstrate alignment to the key assessment criteria, in particular, Criteria 2 (economic benefits to local businesses) and Criteria 3 (demonstrated involvement of a cross section of the community and increased participation).

City of Vincent In Kind Support

Awesome Arts have indicated that road closures would not be required, however, for the safety of 40 and 60 participants this may be necessary should the event proceed.

Sponsorship Recommendation

Funding amount sought	\$10,000
Funding amount recommended	\$0
Estimated in-kind support	\$0

TOTAL Funding	\$0
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Please refer to the assessment matrix and full funding submission for Lullaby in **Confidential Attachment 3**.

4. Leederville Connect: Light Up Leederville Carnival - 4 December 2016

The Light Up Leederville Carnival is proposed to be held on 4 December 2016 from 12pm to 9pm. The 2016 festival aims to promote and encourage the unique vibrancy, lifestyle and retail environment of the Oxford Street/Newcastle Street area.

Sponsorship Assessment

The Light Up Leederville Carnival is now established one of Perth's premier community festivals and attracts increased visitations to Leederville as well as encouraging the use of the City's public spaces. With both the Beaufort St Festival and Angove Street Festival taking a break in 2016/17 the Light Up Leederville Carnival is anticipated to experience an increased level of interest and patronage. The application was sound and responded to all key assessment criteria with Administration also considering the success of previous events and the impact on the local community.

City of Vincent In Kind Support

Health Services:	\$2,000
Waste Services:	\$5,500
Ranger Services:	\$1,000
Community Engagement:	\$ 500
Loss of Parking Revenue (Frame Court Car Park):	\$1,500
Total In Kind Support:	\$10,500

Sponsorship Recommendation

Funding amount sought	\$65,000
Funding amount recommended	\$50,000
Estimated in-kind support	\$10,500
TOTAL Funding	\$60,500

Please refer to the assessment matrix and full funding submission for Light Up Leederville Carnival in **Confidential Attachment 4**.

5. Pride WA: Fair Day - 12 February 2017 and Pride Parade - 19 November 2016

Pride WA are seeking support for their annual fair day due to be held on 12 February 2017. The family focussed event was also held in February 2016 attracting Perth's vibrant Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (LGBTIQ) community members, as well as the wider community. A nominal fee of \$5 entry was charged to non-Pride members.

Pride WA also seek the City's support with road closure approvals and Ranger Services for the Pride Parade on 19 November 2016. The requested support is in-kind from the City's Ranger Services as the start of the parade takes place near the Vincent boundary before flowing into the City of Perth.

Sponsorship Assessment

The Pride Fair Day is professionally run, well promoted and celebrates our diverse community. The application did not respond to most although not all assessment criteria however it was supported by 2016 post-event surveys clearly identifying attendance and demographics statistics as well as significance of the event to the LGBTIQ community.

City of Vincent In Kind Support

Health Services:	\$2,250
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Waste Services:	\$1,500
Ranger Services:	\$1,000
Community Engagement:	\$ 500
Parks Services:	\$2,000
Total In Kind Support:	\$7,250

Sponsorship Recommendation

Funding amount sought	\$20,000
Funding amount recommended	\$15,000
Estimated in-kind support	\$ 7,250
TOTAL Funding	\$22,250

Please refer to the assessment matrix and full funding submission for Pride Fair Day in **Confidential Attachment 5**.

6. Rotary Club of North Perth: Hyde Park Fair – 5 & 6 March 2017

A community favourite for the past 28 years, the Rotary Club of North Perth are seeking funds to hold their annual Fair at Hyde Park over two days in March 2017. The Fair attracts more than 50,000 people including both locals and the broader community through a broad range of stallholders and entertainment.

Sponsorship Assessment

The application was complete and the City is satisfied that it meets the key sponsorship assessment criteria. Importantly, the Rotary Club of North Perth has produced data through event surveys demonstrating a large number of attendees from within Vincent as well confirmation that people enjoy and highly value the Fair. While this event attracts a significant amount of in-kind support from Administration it activates a key public space and has been established as a tradition on the City's cultural calendar.

City of Vincent In Kind Support

Health Services:	\$2,500
Waste Services:	\$5,500
Ranger Services:	\$1,000
Community Engagement:	\$ 500
Parks Services:	\$17,500
Total In Kind Support:	\$27,000

Sponsorship Recommendation

Funding amount sought	\$33,000
Funding amount recommended	\$30,000
Estimated in-kind support	\$27,000
TOTAL Funding	\$57,000

Please refer to the assessment matrix and full funding submission for Rotary Hyde Park Fair in **Confidential Attachment 6**.

7. Mt Hawthorn Hub: Mount Hawthorn Streets & Laneways Festival - 7 May 2017

The second Mount Hawthorn Streets and Laneways Festival was held on Sunday 1 May 2016 attracting approximately 50,000 people and the Mount Hawthorn Hub are seeking sponsorship to continue in May 2017. Mount Hawthorn is a town centre that is energised to create positive outcomes for the retail sector, brand and focuses on local stallholders, traders, artisans and personalities – getting the best out of Mount Hawthorn and showcasing this at their festival.

Sponsorship Assessment

The sponsorship application was sound however provided limited responses to the assessment criteria. On this basis, Administration took into account the success of the recent 2016 event and the positive change that the Mount Hawthorn Hub and Town Centre Team are driving. Notably, the street festival is listed as a top priority for improved street life within the Mount Hawthorn Hub Action Plan. While funding has been supported there were a number of approval and compliance related issues in 2016 that will need to be addressed as a matter of priority by the applicant for the 2017 event.

City of Vincent In Kind Support

Health Services:	\$2,500
Waste Services:	\$4,500
Ranger Services:	\$1,000
Community Engagement:	\$ 500
Axford Park Hire:	\$ 300
Total In Kind Support:	\$8,800

Sponsorship Recommendation

Funding amount sought	\$50,000
Funding amount recommended	\$45,000
Estimated in-kind support	\$ 8,800
TOTAL Funding	\$53,800

Please refer to the assessment matrix and full funding submission for Mt Hawthorn Streets & Laneways Festival in **Confidential Attachment 7**.

8. St Patricks Day WA Inc.: St Patricks Day Parade & Family Fun Day - 12 March 2017

Unfortunately, St Patricks Day WA Inc. did not submit a fully completed sponsorship application within the required timeframes however their parade and family fun day are acknowledged as an important cultural event that activates the Leederville Town Centre and Leederville Oval in March each year. Administration have met with the event organiser and an application addressing the key assessment criteria is scheduled submission by 20 May 2016.

Sponsorship Assessment

Assessment to be provided to Council upon receiving the application from St Patricks Day WA Inc.

City of Vincent In Kind Support

Health Services:	\$
Waste Services:	\$
Ranger Services:	\$
Community Engagement:	\$
Axford Park Hire:	\$
Total In Kind Support:	\$

Sponsorship Recommendation

Funding amount sought	\$
Funding amount recommended	\$
Estimated in-kind support	\$
TOTAL Funding	\$

Assessment matrix and full funding submission for St Patricks Day Parade and Family Fun Day pending.

CONSULTATION/ADVERTISING:

The City advertised the availability of Festivals and Events Program Sponsorship and hosted an Information Session in March 2016. Administration also directly advised previous sponsorship applicants and other community groups that had enquired. Internal assessment of applications included consultation with relevant teams such as Policy & Place, health, Rangers Services, Marketing, Parks and Waste Services.

Consultation and advertising of all City sponsored festivals, which include advertising in community newspapers, street banners, letter drop to City of Vincent residents, flyers/posters, will be the event providers' responsibility as outlined within the Sponsorship Agreement. Use of the City's logo will be approved and the cross promotion of the events will be advertised on the City's website and social media avenues.

LEGAL/POLICY:

Policy No. 3.1.5 – Donations, Sponsorship and Waiving of Fees and Charges;
Policy No. 3.10.8 – Festivals; and
Policy No. 3.8.3 – Concerts and Events.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's '*Strategic Community Plan 2013-2023*'; the following Objectives state:

- 3.1.1 *Celebrate, acknowledge and promote the City's cultural and social diversity.*
- 3.1.5 *Promote and provide a range of community events to bring people together and to foster a community way of life.'*

SUSTAINABILITY IMPLICATIONS:

The Festivals and Events Program provides an excellent opportunity to promote environmental/sustainability initiatives provided by the City with recycling compulsory at all events in 2015/2016 which will continue in 2016/2017. In addition, the Program contributes towards the financial sustainability of local business particularly in Town Centres as well as a wide range of community groups.

RISK MANAGEMENT IMPLICATIONS:

Risk factors to the City can include loss of reputation, financial loss, damage to facilities, injuries to patrons and loss of equipment. This is managed by a sponsorship agreement which requires the event management to supply the City with event plans, risk management plans and insurance details.

It should be noted that the City's Sponsorship Agreement identifies that the event provider (or their appointed management contractor) carry out the festival or event at their own cost and risk, and agrees not to make any claims against the City and that the City shall have no liability or responsibility whatsoever to the provider with respect to the event.

FINANCIAL/BUDGET IMPLICATIONS:

The proposed 2016/17 expenditure associated with the Festivals and Events program, including both sponsorship and in-kind support, equates to \$252,900 comprising \$195,000 in sponsorship and \$55,550 in-kind. This does not currently include sponsorship for the St Patricks Day Parade and Family Fun Day.

Administration recommends that the City accurately monitor all sponsorship and in-kind support through the Events account/s within the Community Engagement Operating Budget. The ability to better monitor all associated costs throughout 2016/2017 will have a positive effect on future budget development and management, and the City will have a comprehensive overview of its total contribution towards Festivals and Events.

The Revelation Film Festival event is scheduled for 7-17 July, 2016. If the City wishes to sponsor this event, consideration for funding must be confirmed early to meet marketing and advertising deadlines and PR opportunities that are offered to sponsors. This will require a Council resolution by absolute majority the expenditure of \$20,000 in event sponsorship in accordance with Section 6.8 (1) of the *Local Government Act 1995*.

COMMENTS:

The Festivals and Events Program significantly contributes towards vibrancy and activation throughout the City of Vincent, and through sponsorship in 2015/16 there was a range of activities that attracted high attendances and positive community feedback. The 2016/2017 Program strives to further engage and develop the community by bringing people to our town centres and public open spaces. Through festivals and events sponsorship Council brings the local and wider community together, contributes towards the financial sustainability of local businesses, encourages community spirit, and brings a positive atmosphere to our Town Centres.

The newly introduced sponsorship assessment process will be further reviewed and refined to ensure alignment with the City's community engagement principles and Strategic Community Plan priorities. To further assist applicants in preparing quality sponsorship submissions in future years the City will also host further grant writing workshops, which will be beneficial in assisting community groups and event promoters to successfully apply for funding from both the City and other sources. The capacity and accountability of festival/event provider will also be further improved through a mutually beneficial Sponsorship Agreement that outlines key responsibilities including (but not limited to) environmental health compliance, risk management, insurances, community deliverables and marketing requirements.

5.5 CHIEF EXECUTIVE OFFICER

5.5.1 LATE ITEM: Review of City of Vincent Membership to the WA Local Government Association (WALGA)

TO BE ISSUED PRIOR TO THE MEETING.

5.5.2 Information Bulletin

Ward:	-	Date:	13 May 2016
Precinct:	-	File Ref:	-
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	Pia Rasal, Governance & Council Support Officer		
Responsible Officer:	Len Kosova, Chief Executive Officer		

RECOMMENDATION:

That Council **RECEIVES** the Information Bulletin dated 31 May 2016 as distributed with the Agenda.

DETAILS:

The items included in the Information Bulletin dated 31 May 2016 are as follows:

ITEM	DESCRIPTION
IB01	Minutes of Mindarie Regional Council Meeting held on 14 April 2016
IB02	Minutes of Tamala Park Regional Council Meeting held on 21 April 2016
IB03	WALGA State Council Meeting – Summary Minutes – May 2016
IB04	Register of Petitions – Progress Report – 31 May 2016
IB05	Register of Notices of Motion – Progress Report – 31 May 2016
IB06	Register of Reports to be Actioned – Progress Report – 31 May 2016
IB07	Register of Legal Action (Confidential – Council Members Only) – Monthly Report as at 12 May 2016
IB08	Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 12 May 2016
IB09	Register of Applications Referred to the MetroWest Development Assessment Panel – Current
IB10	Register of Applications Referred to the Design Advisory Committee – Current

6. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

7. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

7.1 Appointment of Member for WALGA Central Metropolitan Zone

Ward:	-	Date:	13 May 2016
Precinct:	-	File Ref:	SC1684
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	Len Kosova, Chief Executive Officer		
Responsible Officer:	Len Kosova, Chief Executive Officer		

RECOMMENDATION:

That Council **APPROVES BY AN ABSOLUTE MAJORITY** the appointment of Councillor to be its Member for the Western Australian Local Government Association (WALGA) Central Metropolitan Zone until 21 October 2017 (*unless otherwise specified*), due to the resignation of the Council's previously appointed Member, Deputy Mayor Councillor Roslyn Harley.

PURPOSE OF REPORT:

For Council to appoint a Member to the Western Australian Local Government Association (WALGA) Central Metropolitan Zone due to the resignation on 28 April 2016 of its appointed Member, Deputy Mayor Cr Roslyn Harley.

BACKGROUND:

On 28 April 2016, Deputy Mayor Cr Roslyn Harley wrote to the Chief Executive Officer advising of her intention to resign as the WALGA Central Metropolitan Zone Council Representative.

Cr Harley was appointed as the Council representative for the Central Metropolitan Zone at the Council Meeting held on 19 October 2015, along with the Mayor John Carey. The Deputies are; 1. Cr Matt Buckels and 2. Cr Emma Cole.

As part of the Council's role in governing for the City, Council members represent Council on a range of committees, Regional Councils and Statutory Authorities.

Cr Harley has spent four years attending the Central Metropolitan Zone meetings and due to work commitments is no longer able to continue as the Council representative.

Central Metropolitan Zone meetings occur bi-monthly or six weekly and are held in the Council Chamber of the relevant local governments in the Central Metropolitan Zone, on a rotation basis.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Part 5 Division 2 of the *Local Government Act 1995* deals with Council meetings, committees and their meetings and elector's meetings. The following sections are relevant to committee membership and tenure.

5.10. Committee members, appointment of

- (1) A committee is to have as its members —
- (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

* Absolute majority required.

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
- (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee,

the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

5.11. Committee membership, tenure of

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —
- (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or
 - (b) the person resigns from membership of the committee; or
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day,

whichever happens first.

- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —
- (a) the term of the person's appointment as a committee member expires; or

- (b) *the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or*
- (c) *the committee is disbanded; or*
- (d) *the next ordinary elections day,*

whichever happens first.

RISK MANAGEMENT IMPLICATIONS:

Medium: The non-attendance of a City representative to the Central Metropolitan Zone will result in the City not having full voting rights on matters raised.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Plan 2013 – 2023, Key Result Area Four –

“Leadership, Governance and management: and, in particular:

“4.1 - *Manage the organisation in a responsible, efficient and accountable manner*”.

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The appointment of a Council representative to the WALGA Central Metropolitan Zone will ensure the City is represented in this forum, enabling them to participate in decision-making that may impact the City.

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

**8.1 CONFIDENTIAL REPORT: Appointment of Community Representatives
to the City of Vincent Reconciliation Action Plan Working Group**

Ward:	All	Date:	13 May 2016
Precinct:	-	File Ref:	SC1216
Attachments:	Confidential – Nominations Confidential – Assessment Matrix		
Tabled Items:	Nil		
Reporting Officer:	L Keillor, Community Development Officer		
Responsible Officer:	M Quirk, Director Community Engagement		

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning:

- (b) *the personal affairs of any person.*

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.

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: Chief Executive Officer's Employment Contract and Key Performance Indicators

Ward:		Date:	18 May 2016
Precinct:	-	File Ref:	P/F
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	Len Kosova, Chief Executive Officer		
Responsible Officer:	Len Kosova, Chief Executive Officer		

Disclosure of Interest – The Chief Executive Officer, Len Kosova has disclosed a direct financial interest in this matter as it affects his contract of employment with the City.

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning:

- (a) a matter affecting an employee or employees;

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.

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
