



CITY OF VINCENT

COUNCIL BRIEFING

Notice of Meeting and Agenda

31 MARCH 2015

Notice is hereby given that a Council Briefing will be held at the City of Vincent Administration and Civic Centre, at 244 Vincent Street (corner Loftus Street), Leederville, on **Tuesday, 31 March 2015** at 6.30pm.

Len Kosova
CHIEF EXECUTIVE OFFICER

25 March 2015

ENHANCING AND CELEBRATING OUR DIVERSE COMMUNITY

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COUNCIL BRIEFING PRINCIPLES:

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

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

PROCEDURE FOR PUBLIC SPEAKING TIME

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

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

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

RECORDING OF COUNCIL MEETINGS

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

ORDER OF BUSINESS

1. (a) **Declaration of Opening**

(b) **Acknowledgement of Country Statement**

“Today we meet on the lands of the Nyoongar people and we honour them as the traditional custodians of this land”.

2. **Apologies/Members on Approved Leave of Absence**

2.1 Cr Topelberg requesting leave of absence from 27 July 2015 - 8 August 2015 due to personal commitments.

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

4. **Declarations of Interest**

Nil.

5. **Reports**

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5.1.2	No. 6 (Lot: 6; D/P: 4004) Church Street, Highgate – Proposed Change of Use from Warehouse to Recreational Facility (Yoga Studio) Reconsideration of Conditions of Planning Approval (5.2015.87.1; PR20004)	6
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6. Motions of which Previous Notice has been given

Nil.

7. Representation on Committees and Public Bodies

Nil.

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

Nil.

9. Closure

5.1 PLANNING SERVICES

5.1.1 No. 5 (Lot: 30; D/P: 1879) Turner Street, Highgate – Proposed Change of Use from Residential to Residential and Bed and Breakfast (Unlisted Use)

Ward:	South	Date:	20 March 2015
Precinct:	Precinct 14 – Forrest	File Ref:	5.2015.24.1; PR26074
Attachments:	001 – Consultation Map 002 – Development Application Plans and Code of Conduct 003 – Applicant Statement 004 – Car Parking Calculation		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Acting Senior Planning Officer (Statutory)		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES BY ABSOLUTE MAJORITY**, the application submitted by the owner, K Sealey, for the proposed change of use from Residential to Residential and Bed and Breakfast (Unlisted Use) at No. 5 (Lot 30; D/P: 1879) Turner Street, Highgate as shown on plans date stamped 23 January 2015, included as Attachment 002, subject to the following conditions:

1. The approval for the Bed and Breakfast use is valid for a period of three years from the date of the issue of this planning approval;
2. There shall be no more than six guests accommodated at the Bed and Breakfast any one time;
3. Guests are not permitted to stay at the subject Bed and Breakfast for a continuous period longer than six months within any 12 month period;
4. The keeper of the Bed and Breakfast must reside on site at all times while the Bed and Breakfast is in operation;
5. Breakfast (and any other meals) must be provided to Bed and Breakfast guests only;
6. The Code of Conduct shall be displayed in a prominent position within the premises at all times, and the applicant shall be liable to ensure compliance at all times;
7. Access to a dining area, bathroom and laundry facilities must be available for Bed and Breakfast guests; and
8. All external fixtures shall not be visually obtrusive from Turner 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.

ADVICE NOTES:

1. In reference to condition 1, should the applicant wish to continue the Bed and Breakfast use beyond the date of validity of this approval a fresh application for planning approval must be made before this approval expires;

2. **All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Permit application, being submitted to and approved by the City prior to the erection of the signage; and**
3. **The existing crossover is non-compliant and must be reduced to 5.0 metres in width should any future modifications to the building be proposed.**

PURPOSE OF REPORT:

The proposed use is an "Unlisted Use". All unlisted uses must be determined by Council by an absolute majority (Clause 39 (2)(b) TPS 1).

BACKGROUND:

History:

Date	Comment
27 May 2015	The City at its Ordinary Meeting deferred an application for Proposed Change of Use from Single House to Two-Storey Mixed Use Development Comprising of Residential and Hotel Use.

DETAILS:

Landowner:	K Sealey
Applicant:	K Sealey
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:	Unlisted Use (Bed and Breakfast)
Use Classification:	"SA"
Lot Area:	352 square metres
Right of Way:	Not Applicable
Date of Application	23 January 2015

The proposal is for a change of use from a residential dwelling to Residential and Bed and Breakfast (Unlisted Use).

The property is currently a single residential dwelling located along Turner Street which is a residential area.

The proposal is to convert the front section of the existing residential dwelling into two suites to be used for the bed and breakfast component.

Each suite has its own entrance and consists of a bedroom, bathroom including bath, separate lounge/dining and courtyard area. Laundry facilities are provided in the bathrooms.

The applicant has provided the following details regarding the manner in which the Bed and Breakfast will operate:

- Hours: Check In: 1.00pm – 8.00pm
Check Out: 10.00am;
- Employees: Owners of the Property;
- Maximum Guests: Six;
- Parking: Two Bays at the front of the property (plus one car bay for the existing residential use).

Breakfast will be served by the owner/operators, and the owners will reside in the rear part of the existing dwelling at all times.

No building works are required to the existing dwelling to accommodate the Bed and Breakfast component.

The applicant has also provided a Code of Conduct which will be supplied to prospective patrons of the Bed and Breakfast (included as **Attachment 002**). The Code of Conduct addresses the requirements of the City's Policy No. 7.4.5 in relation to Temporary Accommodation.

ASSESSMENT:

Summary Assessment

The table below is a summary of the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1 (TPS1), the Residential Design Codes and the City's policies.

Design Element	Complies	Requires the Exercise of Discretion
Density	✓	
Streetscape	✓	
Front Setback	✓	
Front Fence	✓	
Building Setbacks	✓	
Boundary Wall	✓	
Building Height	✓	
Building Storeys	✓	
Roof Form	✓	
Open Space	✓	
Privacy	✓	
Access & Parking	✓	
Bicycles	✓	
Solar Access	✓	
Site Works	✓	
Essential Facilities	✓	
Surveillance	✓	
Temporary Accommodation	✓	

Use

The manner in which the use will be conducted complies with the requirements of the Temporary Accommodation Policy No. 7.4.5 as follows:

- The Bed and Breakfast is for the maximum number of six guests permitted under the policy;
- No guest will be permitted to stay for a continuous period of more than six months within a 12 months period;
- The keeper of the Bed and Breakfast will reside on the site at all times while the Bed and Breakfast is in operation;
- Breakfast (and other meals if provided) will be provided to guests only;
- Access to a separate bathroom is provided for the Bed and Breakfast guests; and
- Each suite has its own dining area and laundry facilities.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period:	17 February 2015 – 7 March 2015
Comments Received:	Three objections received during the consultation period.

Summary of Comments Received:	Officer Technical Comment:
<p><u>Parking/Traffic</u></p> <p>Impact of traffic to the area generated by the use;</p> <p>Concerns where the guests park their vehicles.</p>	<p>The proposed parking is compliant with the provisions of the City's Parking and Access Policy. (Refer to Attachment 004).</p> <p>The existing dwelling has a carport at the front of the property which accommodates two vehicles.</p>
<p><u>Use</u></p> <p>Concern in relation to the introduction of a commercial use into a residential street.</p>	<p>The proposed bed and breakfast use is not a commercial use.</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- City of Vincent Town Planning Scheme No. 1;
- Forrest Precinct Policy No. 7.1.14;
- Temporary Accommodation Policy No. 7.4.5; and
- Parking and Access Policy No. 7.7.1.

Given that the proposed use (Bed and Breakfast) is an unlisted use, in accordance with Clause 39 of Town Planning Scheme No.1, the determination of the application shall be by an Absolute Majority of Council.

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 approval.

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	
Issue	Comment
The adaptive re-use of the existing dwelling has a lower environmental impact compared to the existing building.	

SOCIAL	
Issue	Comment
The development contributes positively to the social sustainability of the area by increasing the service range within the local area.	

ECONOMIC	
Issue	Comment
Encourages locally owned business within the City.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposed bed and breakfast use with the provision of two individual suites, is of a small scale that is compliant with the requirements of the City's Temporary Accommodation Policy No. 7.4.5.

Whilst the existing street is of a quiet nature that consists of only residential properties, the bed and breakfast is not expected to adversely impact the neighbourhood, as it is small scale, will not require any building modifications, will provide parking for guests on site and will not offer check-ins after 8.00pm.

The Code of Conduct the applicant is proposing to provide to prospective guests provides additional assurance that the proposed Bed and Breakfast operation will not adversely affect the amenity of the surrounding area.

On this basis the proposal is supported, although it is recommended that this approval is valid for a period of three years only to ensure that the City has some ability to monitor the approval. At the conclusion of the approval period a new application is required.

CONCLUSION:

The Bed and Breakfast use is recommended for approval subject to appropriate conditions.

5.1.2 No. 6 (Lot: 6; D/P: 4004) Church Street, Highgate – Proposed Change of Use from Warehouse to Recreational Facility (Yoga Studio) Extension to approved Hours of Operation

Ward:	South	Date:	20 March 2015
Precinct:	Precinct 13 – Beaufort	File Ref:	5.2015.87.1; PR20004
Attachments:	001 – Consultation Map 002 – Development Application Plans		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Planning Officer (Statutory)		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by L Dwyer on behalf of the owner M Allmark, for the proposed Change of Use from Warehouse to Recreational Facility (Yoga Studio) – Extension to approved Hours of Operation at No. 6 (Lot 6; D/P: 4004) Church Street, Perth as shown on plans date stamped 24 February 2015, included as Attachment 002, subject to the following conditions:

1. **Superseded Approval**

This approval for a Proposed Change of Use from Warehouse to Recreational Facility (Yoga Studio) Extension to approved Hours of Operation supersedes the approval granted by Council at its meeting on 10 February 2015 and issued to the applicant under cover of the planning approval letter dated 19 February 2015;

2. **Validity of Approval**

The approval for the recreational facility (Yoga Studio) is valid for a period of twelve (12) months from the date of the issue of this planning approval;

3. **Use of the Premises**

3.1 A maximum of twenty (20) students shall be on the site for the use at any one time; and

3.2 The hours of operation shall be limited to:

- Monday – Friday: 6:00am – 8.30pm; and
- Saturday/Sunday: 8:00am – 6:00pm;

4. **Building**

4.1 All external fixtures shall not be visually obtrusive from Church 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; and

4.2 The windows, doors and adjacent floor area facing Church Street shall maintain an active and interactive frontage to this street with clear glazing provided;

5. **Signage**

Any new signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a Building Permit application, being submitted and approved prior to the erection of the signage;

6. **Parking**

The existing kerbing shall be modified to the City's requirements at the applicant's/owner's cost to allow vehicles to enter the property and park the vehicles at 90 degrees to the street alignment;

7. **Waste**

A bin store shall be provided to the satisfaction of the City to accommodate the City's specified bin requirement; and

8. Prior to the issue of an occupancy permit the following shall be provided:

8.1 **Bicycle Facility**

One (1) Class 1 or Class 2 bicycle facility shall be installed within the building in accordance with the City's Policy No. 7.7.1 relating to Parking and Access.

ADVICE NOTES

1. In reference to condition 2, should the applicant wish to continue the recreational facility use (Yoga Studio) beyond the date of validity of this approval a fresh application for planning approval must be made before this approval expires; and
2. In regard to condition 6, adequate space shall be provided to accommodate a 240 litre general waste bin and 360 litre recycling bin, and adequate space to allow for movement of the bins.

PURPOSE OF REPORT:

For Council to consider a fresh application for the extension of operating hours for the change of use of this tenancy from warehouse to recreation facilities (yoga studio).

BACKGROUND:

On 10 February 2015 Council granted retrospective approval to change the use for the subject premises from Warehouse to Recreational Facility (Yoga Studio) with operating hours concluding at 7.00pm Monday to Friday and 12.00 noon on Saturday and Sunday.

The applicant is currently operating the Yoga Studio in accordance with this approval which was issued on 19 February 2015.

History:

Date	Comment
10 February 2015	Council at its Ordinary Meeting approved an application for a Change of Use from Warehouse to Recreational Facility (Yoga Studio – Retrospective Approval).

For previous background refer to report to Council on 10 February 2015.

DETAILS:

Landowner:	M Allmark
Applicant:	L Dwyer
Zoning:	Residential/Commercial R80
Existing Land Use:	Warehouse
Use Class:	Recreational Facility
Use Classification:	"AA"
Lot Area:	352 square metres
Right of Way:	Not Applicable
Date of Application:	24 February 2015

The application is for the following:

Proposed Additional Operating Hours

Currently the yoga studio is permitted to operate for a total of 73 hours per week as follows:

- Monday to Friday: 6.00am – 7.00pm
- Saturday to Sunday: 8.00am – 12noon

These hours are imposed as condition 1.2 as part of the planning approval granted in February 2015. The applicant is now requesting the following additional hours:

- Monday to Friday: 7.00pm – 8.30pm
- Saturday and Sunday: 12.00 noon – 6.00pm.

With these additional hours the yoga studio will operate for a total of 92.5 hours per week.

The applicant has provided the following justification in support of the additional hours:

"Notable Yoga Studios in the City of Vincent including Power Living, 8 Limbs and Yoga Om, have class times starting at 5.45am and finishing at 9pm for some cases. Our class times start and finish later and earlier than these, and hence feel we should not be restricted given our competitors have not been."

"Noise is minimal in the yoga studio and classes will be either 60 minutes or 75 minutes in duration."

Validity of Approval

Condition 7 of the current approval limits the validity of the planning approval to 12 months.

The applicant is also now requesting an increase in the time period of the approval for the validity of the approval from 12 months to 3 years.

The applicant has not provided any justification for this request and the City has not required that a justification is provided.

ASSESSMENT:

This application does not vary the permitted number of students for each class and therefore the number of parking/bicycle bays required remains as per the original approval.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	3 March 2015 – 16 March 2015		
Comments Received:	18 comments including 17 comments of support and one objection.		

Below is a summary of the matters raised by the 18 comments of support:

- The Yoga Studio provides no disturbance to the residents of the street;
- The Yoga Studio is an appropriate use within the street and enhances it;
- The premises are clean and function well;
- The users of the premises will be unlikely to cause issues to the adjoining landowners;
- The premises provide a good use for an inner City area and provide these residents with good amenities; and
- The present hours of operation provide limited options for people who work to attend the classes and the proposed additional hours would allow for greater choice.

The one objection received only ticked the box and did not provide any further information.

It is worth noting that some of the submitters in support of this proposal do not live in close proximity to the yoga studio.

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

The following legislation and policies apply to the Change of Use from Warehouse to Recreation Facility (Yoga Studio) Extension to approved Hours of Operation

- *Planning and Development Act 2005*;
- City of Vincent Town Planning Scheme No. 1;
- Beaufort Precinct Policy No. 7.1.13; and
- Parking and Access Policy No. 7.7.1.

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 approval.

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	
Issue	Comment
The adaptive re-use of the existing space has a lower environmental impact compared to the creation of a new building.	

SOCIAL	
Issue	Comment
The proposed use will act as a social meeting place for local residents and provide a positive environment for recreation.	

ECONOMIC	
Issue	Comment
The proposal will provide increased employment opportunities and diversity of land uses which provides interest.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The requested additional operating hours to 8.30pm on week nights and 6.00pm on the weekend will provide interest and activity in the area and are in line with similar operating hours of other yoga facilities in the City of Vincent.

These additional operating hours occur out of normal business hours when other surrounding commercial businesses will be either closed or on limited operation. The additional hours will therefore not contribute to any potential parking or traffic issues in the area.

Council granted the initial planning approval for the operation of the yoga studio with 73 hours of operation per week for a period of 12 months. This was largely in response to the concerns raised by the surrounding property owners at the time of granting the approval.

As this current proposal is for an additional 19.5 hours of operation it is considered appropriate that the approval is also limited to 12 months to give Council the ability to consider the impact of the use. At the conclusion of the approval period a new application is required.

CONCLUSION:

Based on the reasons above the proposal is supported subject to the conditions.

5.1.3 No. 148-158 (Lot: 600 D/P: 47025) Scarborough Beach Road, Mount Hawthorn – Proposed Change of Use from Eating House to Tavern

Ward:	North	Date:	20 March 2015
Precinct:	Precinct 2 – Mt Hawthorn Centre	File Ref:	5.2014.456.1
Attachments:	001 – Consultation Map 002 – Development Application Plans 003 – Car Parking Table		
Tabled Items:	Nil		
Reporting Officer:	T Wright, Planning Officer (Statutory)		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by Hospitality Total Services (Aus) Pty Ltd on behalf of the owners, Hyde Park Management Ltd, for the Proposed Change of Use from Eating House to Tavern at No. 148-158 (Lot: 600 D/P: 47025) Scarborough Beach Road, Mount Hawthorn as shown on plans date stamped 11 November 2014, included as Attachment 002, subject to the following conditions:

1. Trading Hours

1.1 The trading hours shall be:

- Monday to Wednesday: 6.00am – 10.00pm;
- Thursday to Saturday: 6.00am – 12.00 midnight; and
- Sunday: 10.00am – 10.00pm;

1.2 The trading hours in respect of public holidays shall be:

- New Year's Eve (if it falls on a Sunday): 10.00am – 12.00 midnight and on New Year's Day immediately after midnight on New Year's Eve – 2.00am;
- Christmas Day and Good Friday: from 12.00 noon – 10.00pm where liquor is sold ancillary to a meal supplied by the licensee; and
- ANZAC Day: No liquor sale is permitted before 12.00 noon;

2. Use

- 2.1 The premises shall have food available from opening until half an hour before close and shall provide breakfast, lunch and dinner services;**
- 2.2 Functions are limited to 150 patrons at any one time and shall only occur within the premises and not in the alfresco area; and**
- 2.3 Seating in the form of tables and chairs within the premises shall be provided at all times except for when there is a pre-booked function;**

3. Alfresco Areas

- 3.1 Patrons within the alfresco areas are required to be seated at all times;**
- 3.2 The service of alcohol shall be by table service only by service staff; and**
- 3.3 Functions are prohibited from being held in the alfresco areas;**

4. Prohibited Activity

- 4.1 The sale of packaged liquor for consumption off the premises is not permitted;
- 4.2 TAB facilities are not permitted to operate from the premises; and
- 4.3 The licensee is prohibited from promoting or advertising the licensed premises as a Tavern;

5. Management Plan

A Management Plan shall be prepared, submitted and approved by the City. The requirements of the Plan shall thereafter be adhered to. The Management Plan shall document that the Tavern shall take all practical measures to:

- (i) Reduce the likelihood of excessive noise intrusion on residents and businesses in the locality;
- (ii) Prevent the likelihood of rowdy or antisocial behaviour;
- (iii) Consult directly with affected persons, residents and/or businesses to resolve any noise issues, and rowdy or antisocial behaviour or any other issues that may arise; and
- (iv) Ensure the above management measures (prior to, during and post trading hours) are included as part of all staff induction and training programs;

6. Construction Management Plan

A Construction Management Plan, detailing how the construction of the new toilet facilities 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 relating to Construction Management Plans. Construction on and management of the site shall thereafter comply with the approved Construction Management Plan;

7. Active Relationship

Windows, doors and adjacent areas shall maintain an active and interactive relationship with the adjacent outdoor space.

PURPOSE OF REPORT:

For Council's determination of an 'SA' use where objections have been received.

BACKGROUND:

This application relates to the Peasant's Table, which has been operating in the Mezz Shopping Centre for a number of years.

History:

Date	Comment
1 August 2013	An Extended Trading Permit (Alfresco Dining) was issued by the Department of Racing, Gaming and Liquor.
12 February 2014	A Restaurant Licence was issued by the Department of Racing, Gaming and Liquor.
13 February 2014	An Extended Trading Permit (Liquor without a Meal) was issued by the Department of Racing, Gaming and Liquor, which allows the sale of liquor without a meal.

DETAILS:

Landowner:	Hyde Park Management Ltd
Applicant:	Hospitality Total Services (Aus) Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): District Centre Draft Town Planning Scheme No. 2 (TPS2): District Centre
Existing Land Use:	Eating House
Use Class:	Tavern
Use Classification:	"SA"
Lot Area:	12,740 square metres
Right-of-Way:	5m wide, north side, Council owned
Date of Application	8 August 2014

The proposal is for the change of use from Eating House to Tavern at No. 148-158 Scarborough Beach Road, Mount Hawthorn.

The Peasant's Table Restaurant currently operates under a Restaurant License. It also had two Extended Trading Permits under the *Liquor Control Act 1988* which allow for liquor to be served without a meal within the premises and ancillary to a meal in the alfresco dining area.

The current liquor licence restrictions relating to the Restaurant prevent the premises from hosting functions due to the following restrictions:

- *Liquor may only be consumed by patrons while seated at a table, or a fixed structure used as a table for the eating of food, and not elsewhere. Therefore, the sale and supply of liquor to patrons is restricted to table service by staff of the licensee.*
- *The premises must always be set up and presented for dining. Tables cannot be removed or shifted in order to create dance floors or function areas.*

Therefore, when the premises wishes to hold a function, approval is required from the Department of Racing, Gaming and Liquor by way of a 'one-off' permit. As this creates difficulties for the business, because functions are often requested on short notice, it has triggered this request for a tavern use.

The Department of Racing Gaming and Liquor have a number of Liquor Licence types, that, due to the levels of restrictions imposed, form a hierarchy.

The two licence types available above the restaurant's current licences is a Small Bar Licence and a Tavern licence. The Small Bar Licence is restricted to a maximum of 120 people. The applicant has advised that this restriction does not meet their needs and that the Tavern Licence represents the most suitable licence option as it aligns with how the premises wishes to operate.

The application also proposes the construction of additional toilets exclusively for the restaurant. Currently customers are required to use Mezz Shopping Centre's communal toilets. The new toilets will take up two car bays of the Mezz Shopping Centre car park. The loss of two car bays is acceptable as there is a surplus of car bays in the car park.

ASSESSMENT:

Summary Assessment

The table below is a summary of the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No 1 and the City's policies.

Design Element	Complies	Requires the Exercise of Discretion
Access & Parking	✓	
Signage	N/A	

The City had initial concerns with the Tavern use being located next to a family orientated pedestrian friendly area and raised these with the applicant. In response the applicant amended the proposal in an attempt to address the concerns. These relate to the operation and management of the business.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period:	19 September 2014 to 13 October 2014
Comments Received:	Eleven (11) objections

Summary of Comments Received:	Officer Technical Comment:
<p><u>Parking</u></p> <p>Concerns regarding additional parking demand, especially on Finders Street. Parking on Flinders Street is already busy due to the Mezz Shopping Centre.</p> <p>Two seniors' car bays would be lost due to the construction of the toilets.</p>	<p>The proposal will not increase the number of car bays required from the existing use as the patronage and staff numbers will be the same.</p> <p>Despite the loss of two car bays as a result of the development, there will continue to be a surplus of 7.65 car bays.</p>
<p><u>Family Area</u></p> <p>The restaurant abuts a family orientated "village square" zone, where people push shopping trolleys, drink coffee, read the newspaper and children play in the playground. A Tavern would conflict with this atmosphere and it would be inappropriate and irresponsible for the City to allow it.</p>	<p>The premises will continue to trade and operate primarily as a restaurant.</p> <p>The change of use to Tavern primarily reflects the need for flexibility in the licensing requirements to allow for the occasional function.</p> <p>It is recommended that a condition is imposed that requires functions to be located inside the premises only, so that there is limited direct public interaction where alcohol is served.</p> <p>To ensure that the proposed Tavern use does not have a negative impact in relation to noise and antisocial behaviour it is recommended that a condition is imposed that requires that a Management Plan is prepared, submitted and approved and thereafter implemented to the satisfaction of the City.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><u>Drinking Culture</u></p> <p>Currently customers can enjoy a drink with a meal. Is it really necessary to allow a license where greater amounts of alcohol can be consumed? If this gets approved will this mean that other similar places will get liquor licences?</p> <p>A Tavern will attract similar drunken behaviour as other establishments in the area, including party buses. This will conflict with people wanting a quiet meal, shopping or getting a video for a quiet night in.</p>	<p>The restaurant currently has an Extended Trading Permit that allows customers to purchase liquor without a meal.</p> <p>To ensure that the proposed Tavern use does not have a negative impact in relation to noise and antisocial behaviour it is recommended that a condition is imposed that requires that a Management Plan is prepared, submitted and approved and thereafter implemented to the satisfaction of the City.</p> <p>The District Centre zone is capable of accommodating a Tavern use.</p>
<p><u>Noise</u></p> <p>If a Tavern is approved, this will likely mean live or amplified music will begin and go on up until midnight.</p> <p>The Mezz is surrounded on three sides by residents, it is not a normal commercial area, where louder noise could be tolerated.</p>	<p>To ensure that the proposed Tavern use does not have a negative impact in relation to noise it is recommended that a condition is imposed that requires that a Management Plan is prepared, submitted and approved and thereafter implemented to the satisfaction of the City.</p> <p>Furthermore the premises will also be required to comply with the <i>Environmental Protection (Noise) Regulations 1997</i>.</p>
<p><u>Inadequate Information</u></p> <p>The letter received by the City did not inform residents that the place in question was the Peasant's Table. The address on the letter was Scarborough Beach Road, this may have confused a lot of people.</p>	<p>The application was advertised in relation to the change of use. The details of the applicant were shown in the development application information available on the Council website, Council Office and Library.</p>
<p><u>Bottle Shop</u></p> <p>There is already a bottle shop less than 20m away, why do we need another?</p>	<p>It is recommended that a condition is imposed on the approval that will prohibit the sale of packaged liquor for consumption off the premises.</p>
<p><u>TAB</u></p> <p>A Tavern can have TAB facilities.</p>	<p>It is recommended that a condition is imposed on the approval that will prohibit TAB facilities on the premises.</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

The following legislation and policies apply to the change of use from Eating House to Tavern.

- *Planning and Development Act 2005*;
- City of Vincent Town Planning Scheme No. 1;
- Mount Hawthorn Centre Precinct Policy No. 7.1.2;
- Licenced Premise Policy No. 7.5.7; and
- Parking and Access Policy No. 7.7.1

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 approval.

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 provide an additional service for local residents, providing local options which may reduce their need to travel to other locations for the same type of service.
SOCIAL
The development contributes positively to the social sustainability of the area by increasing the service range within the local area.
ECONOMIC
The development will offer a new service option, expanding the economic potential of the business with the possibility of creating local employment opportunities within the area.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Currently liquor is only available at the premises if patrons are seated at a table and the liquor is served by a member of staff. In the alfresco area is it a requirement that liquor is served in conjunction with a meal.

A Tavern licence ordinarily allows consumption of liquor without table service and without a meal, within the premises and in any alfresco areas. Patrons are not required to be seated, and there are no restriction on patron numbers. In addition the sale of liquor for consumption off the premises and TAB facilities are permitted. Given the context of this venue a Tavern licence would not be supported.

However the applicant is proposing:

- To restrict the service of liquor within the alfresco area to table service;
- Provide food on premises at all times with the exception of the last 30 minutes before closing to enable cleaning of the kitchen;
- Limit the function size to 150 patrons only within the premises, excluding the alfresco area;
- Provide seating within the premises except when there is a pre-booked function; and
- Not to sell packaged liquor or include TAB facilities.

On this basis it is expected that this venue will continue to operate primarily in its current form as a restaurant, and is considered to be appropriate in this context. The change of use is therefore supported subject to conditions that impose the above restrictions, as well as the requirement for a management plan to manage noise and antisocial behavior of patrons.

CONCLUSION:

This development will provide additional service opportunities for the local community. It is therefore recommended that the proposal is approved subject to conditions.

5.1.4 No. 125 & 127 (Lot: 12 & 102 D/P: 854 & 49899) Richmond Street, Leederville – Proposed Demolition of Existing Single House and Construction of 17 Multiple Dwellings

Ward:	South	Date:	20 March 2015
Precinct:	Precinct 3 – Leederville	File Ref:	PR25043; 5.2014.540.1
Attachments:	001 – Consultation Map 002 – Development Application Plans 003 – Development Report 004 – Neighbourhood Context Report 005 – Applicant’s Justification 006 – Extract Design Advisory Committee Meeting Minutes 007 – Heritage Comments 008 – Arboricultural Report 009 – Car Parking Calculation		
Tabled Items:	Nil		
Reporting Officer:	A Groom, Planning Officer (Statutory)		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Cedar Property Group on behalf of the owner Rainday Holdings Pty Ltd, for the proposed demolition of an Existing Single House and construction of a Three (3) Storey Multiple Dwelling development comprising of eight Two-Bedroom and nine One-Bedroom Multiple Dwellings and Associated Car Parking at No. 125-127 (Lot: 12 & 102 D/P: 854 & 49899) Richmond Street, Leederville as shown on plans date stamped 9 December 2014, included as Attachment 002, subject to the following conditions:

1. **Demolition**
 A Demolition Permit shall be obtained from the City prior to commencement of any works on site;

2. **Boundary Wall**
 The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 123 Richmond Street and No. 24 Melrose 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;

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

4. **Retention of Existing Trees**
 - 4.1 The Flooded Gum Tree 500mm within the lot boundaries of No. 127 Richmond Street shall be retained and protected during construction and suitable measures put in place to restore the tree to good health;

 - 4.2 The two mature trees located along the western boundary shall be retained to become part of the proposed landscaping for the development and protected during construction; and

4.3 Protection of the trees during construction requires that the following shall not occur beneath the drip line of the trees to be protected and maintained:

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

5. Car Parking and Accessways

- 5.1 A minimum of 17 residential car bays and four visitor bays, shall be provided on site;
- 5.2 The car park shall be used only by residents and visitors directly associated with the development;
- 5.3 The car parking area for visitors shall be shown as common property on the strata plan; and
- 5.4 All pedestrian access and vehicle driveway/crossover levels shall match into the existing footpath and Right-of-Way levels to the satisfaction of the City;

6. Easement

Where the proposed development is to be built over the City's twin drainage pipes that run through the property from Richmond Street to Melrose Street, the applicant at their full cost and to the satisfaction of the City shall:

- 6.1 Engage a suitably qualified Consulting Engineer to design, document and create an appropriate engineering solution to protect the drains and ensure that future access to the City's infrastructure remains available; and
- 6.2 Grant an easement over the full length of the existing drainage infrastructure within the property to the benefit of the City;

7. Building Appearance

All external fixtures shall not be visually obtrusive from Richmond 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;

8. Within 28 days of the issue date of this 'Approval to Commence Development', the owner or the applicant on behalf of the owner shall comply with the following requirements:

8.1 Percent for Public Art

Advise the City how the proposed development will comply with the City of Vincent Percent for Public Art Policy No. 7.5.13 and the Percent for Public Art Guidelines for Developers. A value of \$30,000, being the equivalent value of one per cent (1%) of the estimated cost of the development (\$3,000,000), is to be allocated towards the public art;

9. Prior to the issue of a building permit, the following shall be submitted to and approved by the City;

9.1 Waste Management

- 9.1.1 A Waste Management Plan prepared to the satisfaction of the City shall be submitted and approved;
- 9.1.2 A bin store of sufficient size to accommodate the City's specified bin requirement shall be provided, to the satisfaction of the City; and
- 9.1.3 Waste management for the development shall thereafter comply with the approved Waste Management Plan;

9.2 Revised Plans showing:

9.2.1 Visual Privacy

The balcony for Unit 9, 11, 14, 15 and 17 at any point within the cone of vision less than 6 metres from a neighbouring boundaries, shall be screened to the satisfaction of the City in accordance with the requirements of the Residential Design Codes;

9.2.2 Front Fence

The solid portion of the front fence (including along the side boundaries within the front setback area) shall not exceed a height of 1.2 metres. Above 1.2 metres the fence is to be 50 percent visually permeable to a maximum height of 1.8 metres; and

9.2.3 Crossover Width

The proposed crossover width is to be reduced to ensure the retention of the verge tree;

9.3 Landscape and Reticulation Plan

A detailed landscape and reticulation plan in accordance with the requirements of the Multiple Dwelling Policy No. 7.4.8 for the development site and adjoining road verge shall be submitted to the City for assessment and approval;

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

- 9.3.1 The location and type of existing and proposed trees and plants;
- 9.3.2 All vegetation including lawns;
- 9.3.3 Areas to be irrigated or reticulated;
- 9.3.4 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months;
- 9.3.5 The removal of redundant crossovers; and
- 9.3.6 The retention of the two trees on the western boundary incorporated into the landscape strip along the proposed driveway and carparking area;
-

9.4 Acoustic Report

An Acoustic Report in accordance with the City's Policy No. 7.5.21 relating to Sound Attenuation shall be prepared and submitted and the recommend measures of the acoustic report shall be implemented;

9.5 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 relating to Construction Management Plans. Construction on and management of the site shall thereafter comply with the approved Construction Management Plan;

9.6 Storm Water

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

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

A notification being lodged under Section 70A of the *Transfer of Land Act 1893* and a condition being included on the Sales Contract notifying proprietors and/or (prospective) purchasers of the property that:

9.7.1 The City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential dwelling; and

10. Prior to the submission of an occupancy permit, the following shall be completed to the satisfaction of the City;

10.1 Clothes Drying Facility

Each multiple dwelling shall be provided with a clothes drying facility to be incorporated into the development in accordance with the City's Policy No. 7.4.8 relating to Development Guidelines for Multiple Dwellings and the Residential Design Codes of WA 2013;

10.2 Car Parking

The car parking area 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;

10.3 Management Plan-Vehicular Entry Gates

Any proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visual permeability and shall be either open at all times or a plan detailing management measures for the operation of the vehicular entry gates, to ensure access is readily available for residents at all times, shall be submitted to and approved by the City;

10.4 Landscaping

With regard to condition 9.3, all works shall be undertaken in accordance with the approved plans, and maintained thereafter to the satisfaction of the City at the owner's expense;

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

With regard to condition 9.7, this notification shall be lodged and registered in accordance with the *Transfer of Land Act 1893*;

10.6 Residential Bicycle Bays

A minimum of six residential bicycle bays and two visitor bicycle bays shall be provided on-site. Bicycle bays must be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3; and

10.7 Acoustic Report

With regard to condition 9.4, certification from an Acoustic Consultant that the measures have been undertaken shall be provided to the satisfaction of the City.

ADVICE NOTES:

1. With regard to condition 2, 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. In reference to condition 8.1 relating to Public Art the applicant has the following options:
 - 2.1 Option 1

Prior to the issue of a Building Permit for the development, obtain the City's approval for the Public Art Project and associated Artist; or
 - 2.2 Option 2

Provide cash-in-lieu of an art project. Payment must be made to the City prior to the submission of a Building Permit for the development or prior to the due date specified in the invoice issued by the City for the payment (whichever occurs first);
 3. With regard to condition 9.3, Council encourages landscaping methods and species selection which do not rely on reticulation;
 4. 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 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; and
 5. With regard to condition 9.6, no further consideration shall be given to the disposal of storm water 'off site' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of storm water 'off site' be subsequently provided, detailed design drainage plans and associated calculations for the proposed storm water disposal shall be lodged together with the building permit application working drawings.
-

PURPOSE OF REPORT:

The proposal is referred to Council for determination as it is for 17 multiple dwellings.

BACKGROUND:

Nil.

History:

Nil.

Previous Reports to Council:

Nil.

DETAILS:

Landowner:	Rainday Holdings Pty Ltd
Applicant:	Cedar Property Group
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1: Residential R60 Draft Town Planning Scheme No. 2: Residential R60
Existing Land Use:	Single House/Vacant Land
Use Class:	Multiple Dwellings
Use Classification:	"P" Permitted Use
Lot Area:	1,375 square metres (combined) (125 Richmond Street = 461 square metres and 127 Richmond Street = 914 square metres)
Right of Way:	N/A
Date of Application:	30 September 2014

The application is for the demolition of an existing single house at No. 127 Richmond Street and the construction of a three storey multiple dwelling development comprising of eight (8) two-bedroom units and nine one-bedroom units and associated car parking totalling 17 car bays for residents and four for visitors at ground level. No. 125 Richmond Street is currently vacant land.

The City's Multiple Dwellings Policy permits building height to three storeys, where the site area is 1,000 square metres or greater for areas zoned Residential R60 and R80. Given the subject site is greater than 1,000 square metres, a height of three storeys is permitted.

The proposal will retain the existing Flooded Gum Tree that is located approximately 500mm from the front boundary at No. 127 Richmond Street and a further two (2) existing mature trees that are located along the western boundary.

The existing dwelling at No. 127 Richmond Street has been assessed not to have heritage value.

Two City of Vincent drainage pipes run within the property boundaries of No. 127 Richmond Street. An easement is required along the drainage infrastructure in favour of the City to protect the City's infrastructure.

The proposal has been presented to the DAC three times to achieve the design that is currently presented. The DAC was supportive of the proposal. There have been no changes to the design since submission for the development approval.

Conditional approval to amalgamate the properties subject to this development was granted by the Western Australian Planning Commission in 2014. A condition of subdivision approval included the requirement of drainage easements being shown on the diagram or plan of survey and vested in the local government under Sections 152 and 167 of the Planning and Development Act 2005.

ASSESSMENT:

Summary Assessment

The table below is a summary of 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 exercise of discretion, the relevant planning element is discussed in the section of the report following from this table.

Design Element	Complies	Requires the Exercise of Discretion
Plot Ratio		✓
Streetscape		✓
Front Setback		✓
Front Fence		✓
Building Setbacks		✓
Boundary Wall		✓
Building Height	✓	
Building Storeys	✓	
Roof Form		✓
Open Space	✓	
Privacy		✓
Access & Parking		✓
Bicycles		✓
Solar Access	✓	
Site Works	✓	
Essential Facilities	✓	
Surveillance	✓	
Landscaping	✓	

Detailed Assessment

Acceptable Variations

Issue/Design Element:	Plot Ratio
Requirement:	Residential Design Codes Clause 6.1.1 0.7 = 962.5 square metres
Applicant's Proposal:	0.95 = 1,305 square metres (proposed variation of 0.25 or 342.5 square metres)
Design Principles:	Development of the building is at a bulk and scale intended in the local planning scheme and is consistent with the existing or future desired built form of the locality.
Applicant Justification/Summary:	<i>"While the Plot Ratio of 0.95 is in excess of the desirable Plot Ratio for R60 Zone, the building envelope was considered the critical element. In this respect, the proposed development is designed to complement the scale and bulk of other developments in the street".</i>
Officer Technical Comment:	The permitted plot ratio is imposed as part of the R60 density coding and assumes a building height of 2 storeys. Due to the size of the lot however this development is entitled to a 50% height bonus increasing the permitted height on this site to 3 storeys.

Issue/Design Element:	Plot Ratio
	<p>As a result of this increase in permitted height, a plot ratio variation on this lot can be expected and could reasonably be in the same proportions as the additional building height, i.e. an increase of 50% of the permitted plot ratio, which would bring it to a plot ratio of 1.05.</p> <p>While the proposed plot ratio of 0.95 exceeds the permitted requirement of 0.7, it is less than the plot ratio that could reasonably be expected given the height bonus.</p> <p>Richmond Street and the surrounding area is currently experiencing a state of transition with a number of two storey grouped dwellings and three storey multiple dwellings constructed or approved for development, some of which have been approved with plot ratio variations.</p> <p>The overall design and scale of the proposed development is suited to the type of built form encouraged in close proximity to the Oxford Street Activity Corridor and the Town Centres of Mt Hawthorn and Leederville.</p> <p>The proposal is therefore compatible with the emerging character of the locality.</p> <p>In consideration of the strategic direction for this locality, the positive design qualities and the fact that the plot ratio is evenly dispersed across the block to limit impact on adjoining properties, it is considered that the development is at a bulk and scale which is acceptable.</p>

Issue/Design Element:	Street Setback
Requirement:	<p>Residential Design Elements Policy No. 7.2.1 Clause 6.4.2 Ground Floor average= 5.23 metres Upper Floors Wall = 2 metres behind each portion of the ground floor setback from the front boundary (7.23 metres) Balcony = 1 metre behind the ground floor setback from the front boundary (6.23 metres)</p>
Applicant's Proposal:	<p>Ground floor: between 4 metres and 5 metres. (variation of 1.23 metres to 0.23 metres) Upper Floors Walls: First floor - directly above ground floor (5.3 metres from front boundary) (variation of 2 metres) Second floor – 1.5 metres from first floor (6.73 metres from front boundary) (variation of 0.5 metres) Balconies: First floor – overhangs ground floor by 3 metres to 3.5 metres (between 1 metre and 1.3 metres from the front boundary) (variation of 4.9 metres to 5.23 metres) Second floor – balcony directly above walls on first floor (between 3.2 metres and 4.3 metres from the front boundary) (variation of 1.93 metres to 3.03 metres)</p>

Issue/Design Element:	Street Setback
Design Principles:	<p>Residential Design Elements Policy No. 7.2.1 Clause 6.4.2 SPC5</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 Deemed-to-Comply Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>
Applicant Justification/Summary:	<p><i>"The setbacks illustrated on the submitted plan are compliant with the R-Codes for an R60 site".</i></p>
Officer Technical Comment:	<p>The portion of Richmond Street which abuts the property is curved which constrains the development design and contributes to the creation of a reduced primary street setback.</p> <p>Under the R-Codes the required front setback distance for properties zoned R60 is 2 metres. Although the applicant has met these requirements, the City's Residential Design Elements Policy (RDE) applies and requires an average setback distance.</p> <p>The ground floor setback variations are minor and are equal to the setback distances of the immediately adjoining properties at Nos. 123 and 129 Richmond Street.</p> <p>While the balconies' setback variations are significant they are acceptable in this instance, given that it is proposed to retain mature vegetation on site, especially the Flooded Gum Tree, which will obscure the most significant variations.</p> <p>In addition, the proposal is deemed to meet the design principles of RDE's relating to the lesser upper floor setbacks through the incorporation of varying materials and the staggered front boundary setbacks of the balconies and walls. The balconies also form an integral part of the contemporary design of the development. The balconies will provide additional surveillance on the street and provide additional northern light into the outdoor living areas.</p>

Issue/Design Element:	Lot Boundary Setbacks
Requirement:	<p>Residential Design Codes Clause 6.1.4</p> <p>Eastern boundary: Ground floor - 1.5 metres First floor - 1.5 metres/1.2 metres Second floor – 1.7 metres/1.4 metres</p> <p>Southern boundary: Ground floor - 1.5 metres First floor - 3 metres/2.1 metres Second floor – 1.4 metres/2.7 metres</p> <p>Western boundary: Ground floor – 1.5 metres</p> <p>First floor – 1.2 metres (with screening applied)/ 1.6 metres</p> <p>Second Floor – 1.4 metres (with screening applied)/ 2.6 metres</p> <p>Boundary walls:</p> <ul style="list-style-type: none"> • One side permitted • Maximum height: 3.5 metres • Average height: 3 metres • Maximum length: 2/3 of the lot boundary excluding the front setback area = 18 metres
Applicant's Proposal:	<p>Eastern Boundary: Ground floor- 1.16 metres (proposed variation of 0.34 metres) First floor – 1.16 metres (proposed variation of 0.34 metres) Second Floor – 1.16 metres (proposed variation 0.54 metres)</p> <p>Western boundary: Second Floor – 1.27 metres (proposed variation of 0.23 metres with screening applied)</p> <p>Boundary walls:</p> <ul style="list-style-type: none"> • Two sides proposed (east and south) • Maximum and Average height of 2.4 metres • Eastern boundary wall: 6 metres • Southern boundary wall: 6.7 metres
Design Principles:	<p>Residential Design Codes Clause 6.1.4 P4.1</p> <p>Buildings setback from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> • ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; • moderate the visual impact of building bulk on a neighbouring property; • ensure access to daylight and direct sun for adjoining properties; and • assist with protection of privacy between adjoining properties.
Applicant Justification/Summary:	<p><i>“The setbacks illustrated on the submitted plan are compliant with the R-Codes for an R60 site”.</i></p>

Issue/Design Element:	Lot Boundary Setbacks
Officer Technical Comment:	<p>Boundary Setbacks: The only variations to the lot boundary setbacks are in relation to eastern and western boundaries, and whilst each floor is affected along the eastern boundary, only the second floor along the western boundary does not comply.</p> <p>In each instance the variations are minor.</p> <p>In relation to the eastern boundary variation Council approved a multiple dwelling development at No. 123 Richmond Street on 26 August 2014. This development proposes a driveway, carports and bin storage along its western boundary. The variations as part of this development to the common boundary with No 123 Richmond Street therefore will have no impact on the living spaces of the future dwellings.</p> <p>In relation to the western boundary the variation faces a wall on the boundary.</p> <p>Accordingly the proposed variations will not have a negative impact on access to direct sun and ventilation to the adjoining properties.</p> <p>Walls on the Boundary: The walls on the boundary are proposed in relation to the eastern and southern boundaries in order to accommodate the bin store enclosure.</p> <p>In relation to the eastern boundary this wall will affect the bin store for the adjoining development and a courtyard area of a proposed dwelling, while to the south the boundary wall is adjoining an extensive rear garden.</p> <p>At a maximum height of 2.4m this wall is 0.6 metres higher than would ordinarily be expected for a boundary fence and therefore will not have a negative impact on the adjoining properties.</p>

Issue/Design Element:	Roof Forms
Requirement:	<p>Residential Design Elements Policy No. 7.2.1 Clause 7.4.3 BDADC 3</p> <p>The use of roof pitches between 30 degrees and 45 degrees (inclusive) being encouraged.</p>
Applicant's Proposal:	Flat roof.
Design Principles:	<p>Residential Design Elements Policy No. 7.2.1 Clause 7.4.3 BDAPC 3</p> <p>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.

Issue/Design Element:	Roof Forms
Applicant Justification/Summary:	<i>"The aim of the development was to create a new form of dwelling that increased density while maintaining the atmosphere already present in the street".</i>
Officer Technical Comment:	<p>The design of the proposed roof is contemporary. The height and bulk of the structure of a skillion roof is less bulky and of a lesser height than what would be allowed if the roof was pitched.</p> <p>A pitched roof would also result in greater overshadowing of the adjoining property than a skillion roof.</p> <p>The Richmond Street streetscape contains a mixture of roof pitch types ranging from some flat roofed dwellings to sharply pitched roofs. As such the proposed roof is considered to complement the existing built form in the area.</p>

Issue/Design Element:	Car Parking
Requirement:	<p>Residential Design Codes Clause 6.3.3</p> <ul style="list-style-type: none"> • Small (<75 square metres or 1 bedroom) = 7 car bays • Medium (75 square metres – 110 square metres) = 8 car bays • Visitors 0.25 spaces per dwelling = 5 car bays <p>Total = 20 car bays</p>
Applicant's Proposal:	21 car bays
Design Principles:	<p>Residential Design Codes Clause 6.3.3</p> <p>P3.1 Adequate car and bicycle parking provided on-site in accordance with project need related to:</p> <ul style="list-style-type: none"> • The type, number and size of dwellings; • The availability of on-street and other off-site parking; and • The proximity of the proposed development in relation to public transport and other facilities.
Applicant Justification/Summary:	Nil.
Officer Technical Comment:	<p>The number of car bays provided complies with the requirement of the Residential Design Codes although the allocation of residential and visitor bays varies.</p> <p>The applicant is proposing one car bay per residential unit despite the fact that two of the small units are not required to be provided with any car parking, and 4 visitor bays in lieu of the required 5.</p> <p>Given the close proximity of public transport opportunities along Oxford Street the requirement for one additional visitor parking bay within this multiple dwelling development is therefore not considered necessary. It is considered that the provision of 1 car bay per apartment is of more benefit than the additional visitor car parking bay.</p>

Unacceptable Variations

Issue/Design Element:	Front Fence
Requirement:	Residential Design Elements Policy No. 7.2.1 SADC 13 Maximum height of solid portion of wall to be 1.2 metres above adjacent footpath level.
Applicant's Proposal:	Maximum height of solid portion of wall 1.6 metres.
Design Principles:	Residential Design Elements Policy No. 7.2.1 SPC 13 Street walls and fences are to be designed so that: <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.
Applicant Justification/Summary:	Nil.
Officer Technical Comment:	A condition is recommended to be imposed requiring that the front fence complies with the requirements of the Residential Design Elements Policy.

Issue/Design Element:	Privacy
Requirement:	Residential Design Codes Clause 6.4.1 C1.1 Balconies to have a 6 metre cone of vision setback to adjoining residential properties.
Applicant's Proposal:	Balconies for Units 9, 11, 14, 15 and 17 propose a reduced cone of vision setback.
Design Principles:	Residential Design Codes Clause 6.4.1 P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through: <ul style="list-style-type: none"> • building layout, location; • design of major openings; • landscape screening of outdoor active habitable spaces; and/or • location of screening devices. Residential Design Codes Clause 6.4.1 P1.2 Maximum visual privacy to side and rear boundaries through measures such as: <ul style="list-style-type: none"> • offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; • building to the boundary where appropriate; • setting back the first floor from the side boundary; • providing higher or opaque and fixed windows; and/or • screen devices (including landscaping fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).
Applicant Justification/Summary:	Nil.
Officer Technical Comment:	A condition is recommended to be imposed requiring that the balconies are screened to the satisfaction of the City.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period:	23 October 2014 to 13 November 2014
Comments Received:	22 objections, one letter in support, and four submissions stating neither support nor objecting were received.

Summary of Comments Received:	Officer Technical Comment:
<p><u>Appearance</u></p> <p><i>“Basically it is a block of 3 storey flats with remote car parking. The architect drawings try to make them look modern, but basically there are too many properties on too small a block of land. In my view it will appear box like and whilst it may appear okay when first built, in 5-10 years it will be an eyesore”.</i></p>	<p>The proposal has been developed to reduce the visual dominance of the long horizontal appearance of the front elevations. The design, finishes, building form and materials will reinforce the appearance of similar surrounding developments. The provision of landscaping and the retention of the existing Flooded Gum tree and other mature trees within the site will complement and retain a portion of the existing streetscape appearance along Richmond Street.</p>
<p><u>Size</u></p> <p><i>“17 tiny properties on a block of 1,377 square metres in suburbia is asking for problems. Apartment blocks are fine on major roads, but I believe the site should only be approved for townhouse style developments with 2 storeys and individual parking”.</i></p> <p><i>“Does not maintain streetscape as a 3 storey will dominate everything around it”.</i></p>	<p>The overall design and scale of the proposed development is deemed appropriate and is suited to the type of built form encouraged in close proximity to the Oxford Street Activity Corridor and the Town Centres of Mt Hawthorn and Leederville.</p> <p>Additionally, the proposal is compatible with the emerging character of the locality, which consists of a mix of townhouse, grouped dwelling and multiple dwelling development.</p> <p>The design of the property takes features of the surrounding residential dwellings to ensure that it is complementary to these adjoining properties.</p> <p>In addition, the second floor has been setback from the lot boundaries to restrict its visual appearance and bulk on the adjoining properties.</p>
<p><u>Setbacks</u></p> <p><i>“This reduction in the distance between the buildings is going to cut the natural light and privacy to both developments”.</i></p>	<p>The design of the development has been to create four separate buildings connected to each other via covered walkways. This reinforces the pattern and scale of the built form of the surrounding similar developments and significantly articulates the building which reduces its overall bulk and will ensure that natural light and ventilation is available both on site and to the adjoining properties.</p>

Summary of Comments Received:	Officer Technical Comment:
	<p>In addition, the reduced setback distances to western boundary is adjacent to the common property driveway of the neighbouring development. The reduced eastern setbacks also run adjacent to the driveway for the recently approved multiple dwelling development at No. 123 Richmond Street. The proposed two boundary walls are acceptable.</p>
<p><u>Roof Forms</u></p> <p><i>“With a flat roof it will look like a block of flats. Not in keeping with surrounding buildings”.</i></p>	<p>The roof pitch contributes to the contemporary design of the building and assists to limit any additional overshadowing to the adjoining properties.</p>
<p><u>Landscaping</u></p> <p><i>“Trees should be kept to maintain privacy/shade in my courtyard”.</i></p>	<p>In response to the concerns raised during the community consultation process, the applicant is proposing to retain the existing Flooded River Gum tree located within 500mm of the front property boundary. The proposal has been conditioned to retain and restore the health of the tree.</p> <p>In addition, the two existing mature trees within the site along the western boundary are also intended to be retained.</p> <p>The retention of the trees will preserve a portion of the existing streetscape appearance of Richmond Street and reduce the dominance of the development along the street and to the surrounding western and southern properties.</p>
<p><u>Parking</u></p> <p><i>“There should be provision for 2 cars per apartment – certainly for the 2 bedroom apartments. Richmond Street is quite narrow and traffic is heavy at certain times. It can offer only limited parking space already allocated to neighbouring houses”.</i></p>	<p>The applicant has provided 1 car bay for each of the units as well as 4 visitor car bays. Although the applicant proposes 1 less visitor bay than required, this is acceptable as the site’s close proximity to public transport will allow alternative means of transport to travel to and from the site.</p> <p>The City does not issue parking permits for future residents and visitors for developments of this nature.</p>
<p><u>Visual Privacy</u></p> <p><i>“Object to the reduction of setback”.</i></p>	<p>The balconies of Units 9, 11, 14, 15 and 17 are the only openings that do not comply. The City does not support overlooking and it is therefore recommended that a condition is imposed requiring that the balconies are screened to the satisfaction of the City.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><u>Rubbish Bins</u></p> <p><i>“There will be 34 bins to be placed there on every second week unless the development shows that waste can be collected from the rear of the site where the bins are situated”.</i></p>	<p>The bins are proposed to be collected from Richmond Street which is consistent with the waste management collection arrangements for Richmond Street and through the City. To ensure all waste generated by this development is dealt with appropriately, the applicant is required to submit and have a waste management plan approved. Once approved the applicant is required to work in accordance with this plan.</p>
<p><u>Fencing</u></p> <p><i>“This is an established residential streetscape with a mix of fencing, including visually permeable fencing from the natural ground level, therefore all new development should comply at least with the 1.2m requirement to ensure an attractive walkable streetscape, 1.6m high solid walls will start to close in the streetscape and negatively impact on amenity and walkability”.</i></p>	<p>It is recommended that a condition is imposed requiring the front fence to comply with the City’s Residential Design Elements Policy, which will bring the proposal in line with the requirements for the rest of the street where a maximum height of the solid portion of the fence is 1.2 metres and thereafter the fence is 50 percent visually permeable to a maximum height of 1.8 metres.</p>
<p><u>Water and Energy Efficiency</u></p> <p><i>“Details should be provided as to how it will be water and energy efficiently designed, it is not enough to use broad commentary in the report, there is no commitment and the design would suggest otherwise”.</i></p>	<p>The development includes passive solar design principles to create a building with a high level of thermal efficiency. The building has been designed to enable cross ventilation to all apartments. Each apartment has also been designed to utilise natural northern light and cross ventilation from natural airflow and prevailing winds.</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: Yes

Summary of Design Advisory Committee Comments:

The proposal was referred to the DAC on three separate occasions on 19 February 2014, 30 April 2014 and 2 July 2014. The full extract of the minutes of the meeting on 2 July 2014 is contained in **Attachment 005**.

The DAC is supportive of the development subject to the development of the materials palette to maintain an appropriate response to the surrounding context. This palette was submitted to the City as part of the development applications as shown on the perspectives provided within **Attachment 002**. Only minor amendments have been made to the plans since submission of the development application.

This proposal does not require Design Excellence.

LEGAL/POLICY:

The following legislation and policies apply:

- *Planning and Development Act 2005*;
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes of Western Australia 2013;
- Leederville Precinct Policy No. 7.1.3;
- Residential Design Elements Policy No. 7.2.1; and
- Development Guidelines for Multiple Dwelling Policy No. 7.4.8.

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 approval.

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

SOCIAL	
Issue	Comment
The proposal provides for an increase in housing diversity and provides housing for smaller households within the City which are anticipated to grow and become a significant proportion of the households.	

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Whilst the development proposes various variations to plot ratio, building setbacks and roof form and provision of a visitor bay, the variations are acceptable.

As well as proposing a development which capitalises on the site's close proximity to the Town Centres of Mount Hawthorn and Leederville, the proposal improves the standard of design for multiple dwelling development by incorporating mandatory design principles recommended by the City's Design Advisory Committee.

The applicant also proposes to retain three of the existing mature trees along the boundaries of the site which will assist to integrate the development into the existing character of the area.

The contemporary appearance of the dwellings will contribute positively to the future streetscape and redevelopment of the area.

The site is located within close proximity to the Leederville Town Centre. The location provides easy access to public transport and the shortfall of 1 visitor bay in exchange for 1 car bay per unit is acceptable.

CONCLUSION:

In consideration of the strategic direction for this locality and the positive design qualities which have been refined through the DAC process, it is considered that the development is at a bulk and scale which is appropriate and supportable.

5.1.5 No. 20 (Lot: 450 D/P: 302403) Burgess Street, Leederville – Proposed Demolition of an Existing Single House and Construction of Eight Multiple Dwellings

Ward:	South	Date:	20 March 2015
Precinct:	Precinct 3 – Leederville	File Ref:	5.2014.687.1
Attachments:	001 – Consultation Map 002 – Development Application Plans 003 – Car Parking and Bicycle Tables 004 – Design Advisory Committee Comments		
Tabled Items:	Nil		
Reporting Officer:	T Wright, Planning Officer (Statutory)		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Harden Jones Architects on behalf of the owner, Palmgate Investments Pty Ltd, for the proposed demolition of an existing Single House and construction of a three storey Development comprising of eight Two Bedroom Multiple Dwellings and associated car parking at No. 20 (Lot: 450 D/P: 302403) Burgess Street, Leederville as shown on plans date stamped 3 March 2015, included as Attachment 002, subject to the following conditions:

1. **Demolition**

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

2. **Car Parking and Accessways**

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

3. **External Fixtures**

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

4. **Existing Verge Trees**

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

5. Prior to the issue of a building permit the following shall be submitted to and approved by the City:

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

A notification being lodged under Section 70A of the *Transfer of Land Act 1893* and a condition being included on the Sales Contract notifying proprietors and/or (prospective) purchasers of the property that:

5.1.1 The City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential dwelling;

5.2 **Acoustic Report**

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

5.3 **Landscape and Reticulation Plan**

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

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

5.3.2 Areas to be irrigated or reticulated; and

5.3.3 The removal of redundant crossovers;

5.4 **Schedule of External Finishes**

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

5.5 **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 relating to Construction Management Plans. Construction on and management of the site shall thereafter comply with the approved Construction Management Plan; and

5.6 **Waste Management**

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

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

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

6. Prior to the occupation of the development the following shall be completed to the satisfaction of the City:
- 6.1 **Clothes Drying Facility**
- Each multiple dwelling shall be provided with a clothes drying facility or communal area in accordance with the Residential Design Codes of WA 2013;
- 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 on site, by suitable means to the satisfaction of the City;
- 6.4 **Acoustic Report Certification**
- In relation to condition 5.2, certification from an acoustic consultant that the recommended measures have been undertaken shall be provided to the City;
- 6.5 **Section 70A Notification under the *Transfer of Land Act 1893* lodgement and registration**
- In relation to condition 5.1, the notification shall be lodged and registered in accordance with the *Transfer of Land Act 1893*;
- 6.6 **Landscape Plan and Verge Upgrade Plan**
- In relation to condition 5.3, 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 owners' expense;
- 6.7 **Bicycle Bays**
- A minimum of three resident bays and one visitor bay is to be provided on-site. Bicycle bays must be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;
- 6.8 **Vehicular Entry Gate**
- The proposed vehicular entry gate shall be at least visually 50% permeable.

ADVICE NOTES:

1. With regard to condition 2.5, the portion of the existing footpath traversing the proposed crossover must be retained. The proposed crossover levels shall match into the existing footpath levels. Should the footpath not be deemed to be in satisfactory condition, it must be replaced with in-situ concrete panels in accordance with the City's specification for reinstatement of concrete paths;
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2. With reference to condition 2.6 all new crossovers to the development site are subject to a separate application to be approved by the City;
3. A Road and Verge security bond for the sum of \$5,000 shall be lodged with the City by the applicant, prior to the issue of a building permit, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the security bond shall be made in writing. The bond is non-transferable;
4. With regard to condition 5.3, Council encourages landscaping methods and species selection which do not rely on reticulation;
5. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5m) shall be maintained for all users at all times during construction works. If the safety of the path is compromised resulting from either construction damage or as a result of a temporary obstruction appropriate warning signs (in accordance with AS1742.3) shall be erected. Should a continuous path not be able to be maintained, an 'approved' temporary pedestrian facility suitable for all path users shall be put in place. If there is a request to erect scaffolding, site fencing etc. or if building materials are required to be stored within the road reserve, once a formal request has been received, the matter will be assessed by the City and if considered appropriate a permit shall be issued by the City's Ranger Services Section. No permit will be issued if the proposed encroachment into the road reserve is deemed to be inappropriate; and
6. With reference to condition 6.3, no further consideration shall be given to the disposal of stormwater 'off site' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'off site' 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:

The proposal is referred to Council for determination as it is for eight multiple dwellings.

BACKGROUND:

Nil

DETAILS:

Landowner:	Palmgate Investments Pty Ltd
Applicant:	Harden Jones Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1: Residential R40 Draft Town Planning Scheme No. 2: Residential R40
Existing Land Use:	Single Dwelling
Use Class:	Multiple Dwellings
Use Classification:	"P"
Lot Area:	817 square metres
Right of Way:	N/A
Date of Application	8 December 2014

The proposal is for the demolition of an existing single house and construction of eight multiple dwellings and associated car parking.

The proposed development comprises of two buildings divided by a central car parking area. Both buildings are two storey and each contains four two-bedroom dwellings. All dwellings are orientated north toward Bourke Street.

ASSESSMENT:

Summary Assessment

The table below is a summary of 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 exercise of discretion, the relevant planning element is discussed in the section of the report following from this table.

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

Detailed Assessment

Issue/Design Element:	Building Size/Plot Ratio
Requirement:	Residential Design Codes Clause 6.1.1 Required Plot Ratio: 0.6 or 490 square metres
Applicant's Proposal:	Proposed Plot Ratio: 0.65 or 536 square metres, creating a plot ratio variation of 0.05 or 46 square metres.
Design Principles:	Residential Design Codes Clause 6.1.1 P1 Development of the building is at a bulk and scale indicated in the local planning framework and is consistent with the existing or future desired built form of the locality.
Applicant Justification/Summary:	<i>The Proposed Multiple Dwellings are at a proposed bulk and scale that is consistent with the immediate surrounding area, be it sites that have been developed with new residential dwellings, multiple dwellings or sites that will be developed in the future.</i> <i>In its proposed form, there is no loss of amenity or adverse impact to the adjoining properties or overall streetscape.</i>

Issue/Design Element:	Building Size/Plot Ratio
Officer Technical Comment:	<p>The proposed plot ratio variation is minimal.</p> <p>The built form is divided by a central car parking area, which is covered by a pergola structure, shade sails and creepers that serve to contrast with the built form and soften the development. This site layout serves to break up the scale and bulk of the development.</p> <p>The elevations are well articulated with the use of different materials and colours and different styles of windows that serve to moderate the aesthetic impact of the built form and enhance the amenity of the development.</p> <p>The street setback distances allow for open areas that can be landscaped to add interest to the streetscape and improve the visual appeal of the built form.</p>

Issue/Design Element:	Street Setback (Bourke Street)
Requirement:	<p>Residential Design Elements Policy No. 7.2.1</p> <p>Buildings are to be setback from the street alignment such distance as is generally consistent with the building setback on adjoining land and in the immediate locality.</p> <p>This equates to:</p> <ul style="list-style-type: none"> • 4.4 metres for the upper floors; and • 3.4 metres for the upper floor balconies.
Applicant's Proposal:	<ul style="list-style-type: none"> • 4 metres for the upper floors, (variation of 0.4 metres); and • 2 metres for the upper floor balconies, (variation of 1.4 metres).
Design Principles:	<p>Residential Design Elements Policy No. 7.2.1</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>

Issue/Design Element:	Street Setback (Bourke Street)
Applicant Justification/Summary:	<p><i>I submit that the proposed development achieves the following with respect to Street Setbacks.</i></p> <ul style="list-style-type: none"> • <i>The Walls are not ‘blank’ and contain visual articulation, a mix of materials and levels to reduce the impact of any setback reduction.</i> • <i>The Ground Floor Courtyards contain ample spaces for vegetation and green spaces.</i> • <i>The reduced setbacks will help enhance the principals of Surveillance from the Street, from both Ground Floor Courtyards and Upper Level Balconies.</i> • <i>There is no adverse impact on the adjoining properties and or street scape.</i>
Officer Technical Comment:	<p>The variations proposed are minor and the proposed street setback maintains the character and amenity of setbacks within the street and neighbouring properties.</p> <p>The proposed setback provides sufficient space for landscaping within the front setback area to enhance the amenity of the streetscape, improve the aesthetics of the built form and to facilitate efficient development within the site.</p>

Issue/Design Element:	Secondary Street Setback (Burgess Street)
Requirement	<p>Residential Design Elements Policy No. 7.2.1</p> <ul style="list-style-type: none"> • 2 metres for the upper floor.
Applicant’s Proposal:	<ul style="list-style-type: none"> • 1.95 metres for the upper floor, creating a variation of 0.05 metres.
Design Principles:	<p>Residential Design Elements Policy No. 7.2.1</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.
Applicant Justification/Summary:	<p><i>At the DAC presentation, it was agreed that to orientate the Apartments to the North was an appropriate response to the site for the following reasons:</i></p> <ul style="list-style-type: none"> • <i>Better solar principles for the corner apartments.</i> • <i>Introduction of larger windows to the Burke Street [sic] Façade gives better street surveillance.</i> • <i>Mix of materials from Ground to First Floor.</i>

Issue/Design Element:	Secondary Street Setback (Burgess Street)
Officer Technical Comment:	<p>The variation proposed is minor and the proposed western elevation presents an attractive and interactive elevation with the use of different materials and colours and an abundance of different styles of windows that serves to articulate the built form and reduce the perception of bulk and scale.</p> <p>The ground floor requires a 1.5 metre setback. A 1.95 metre setback is proposed, which provides additional open space for landscaping to enhance the amenity of the streetscape and diminish the impact of the built form.</p>

Issue/Design Element:	Lot Boundary Setbacks
Requirement:	<p>Residential Design Codes Clause 6.1.4</p> <p><u>Eastern Boundary</u></p> <ul style="list-style-type: none"> • Ground floor required to be setback 1.5 metres; • First floor required to be setback 1.9 metres. <p><u>Southern Boundary</u></p> <ul style="list-style-type: none"> • First floor walls required to be setback 1.9 metres.
Applicant's Proposal:	<p><u>Eastern Boundary</u></p> <ul style="list-style-type: none"> • Ground floor setback 1 metres, (variation of 0.5 metres); • First floor setback 1 metre, (variation of 0.9 metres). <p><u>Southern Boundary</u></p> <ul style="list-style-type: none"> • First floor south walls setback 1 metre, (variation of 0.9 metres).
Design Principles:	<p>Residential Design Codes Clause 6.1.4</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.
Applicant Justification/Summary:	<p><i>Sensible and reasonable discretion can be applied to the Setback Variations as per the following:</i></p> <ul style="list-style-type: none"> • <i>The reduced setbacks do not detract from the streetscape.</i> • <i>Daylight, natural ventilation and the general amenity of the proposed dwellings and that of the adjoining properties is not effected.</i> • <i>Privacy of the apartments and the adjoining properties is not effected.</i>

Issue/Design Element:	Lot Boundary Setbacks
Officer Technical Comment:	<p><u>Eastern Boundary:</u></p> <p>The variations proposed to the eastern boundary are minor. Similar to the western elevation the eastern elevation is well articulated with the use of different materials and colours and different styles of windows.</p> <p>The eastern boundary of this lot affects approximately half of the length of the side boundary of the adjoining property to the east of this lot. There is an existing wall on the boundary on the adjoining lot, which this development aligns with when viewed from Bourke Street.</p> <p>Given the above, the proposed variation will not have a negative impact on the adjoining property or streetscape of Bourke Street.</p> <p><u>Southern Boundary:</u></p> <p>The variation proposed to the southern boundary is also minor.</p> <p>The neighbouring site to the south is currently under construction with a two storey development comprising of seven multiple dwellings. This development includes a communal driveway running along the northern boundary of the site, which serves as an open buffer area between the subject site and the neighbouring site to the south. Therefore the setback variation has no impact along this boundary.</p> <p>The proposal is also fully compliant with the privacy and overshadowing requirements of the R-Codes.</p>

Issue/Design Element:	Roof Forms
Requirement:	<p>Residential Design Elements Policy No. 7.2.1</p> <p>Roof pitch to be between 30-45 degrees.</p>
Applicant's Proposal:	Flat Roof
Design Principles:	<p>Residential Design Elements Policy No. 7.2.1</p> <p>BDPC 3</p> <p>(i) The roof of a building is to be designed so that:</p> <ul style="list-style-type: none"> • 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 Justification/Summary:	<p><i>The Proposed Roof form is contemporary in form.</i></p> <p><i>This does not impact on the overall streetscape of the adjoining properties and the neighbourhood.</i></p> <p><i>There are no adverse impacts on the adjoining properties, i.e. overshadowing or visual mass.</i></p>

Issue/Design Element:	Roof Forms
Officer Technical Comment:	<p>Burgess and Bourke Streets contain a mixture of older low density developments and modern medium density infill developments. The area is not subject to any character requirements that dictate a specific roof form or building style.</p> <p>The proposed flat roof serves to reduce the overall height of the development to 6.5 metres. A pitched roof would add further height and bulk to the development.</p>

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period:	4 February 2015 to 17 February 2015
Comments Received:	14 objections and one support

Summary of Comments Received:	Officer Technical Comment:
<p><u>Traffic and Parking</u></p> <p>The development when considered with the neighbouring development under construction (18 Burgess Street) will create traffic and parking issues in the locality.</p> <p>Bourke and Burgess Streets are frequently used by motorists travelling to Loftus Street or Oxford Street and more units will compound this traffic issue.</p> <p>There are not enough onsite car bays proposed for the amount of units.</p> <p>Additional traffic will affect the cycle ways that have been recently constructed in the area.</p> <p>The entrance of Bourke Street will hold up traffic along Bourke Street.</p>	<p>The development will not create an unacceptable increase in traffic in the area as only eight dwellings are proposed. The area is highly permeable, containing many different travel paths to disperse traffic effectively.</p> <p>The local roads have the capacity to handle traffic generated by additional development in the area.</p> <p>The amount of car parking provided is compliant with the requirements of the R-Codes.</p>
<p><u>Amenity</u></p> <p>Units are out of character in the locality, which is characterised by single storey dwellings.</p> <p>The development <i>“resembles something akin to a prison. It looks cheap and depressing. It looks motel like.”</i></p> <p>The height should be single storey only.</p> <p>The flat roof is out of character with the predominance of pitched roofs in the area.</p>	<p>The area does not represent a specific style or character and therefore the proposed aesthetic is acceptable. Multiple dwellings are a permitted use on this site and the proposal is at the permitted height of two storeys.</p> <p>The elevations include architectural treatments that enhance the amenity of the development.</p> <p>The proposed two storey height is permitted on this site and the proposed flat roof serves to reduce the overall height of the development to 6.5 metres as opposed to a pitched roof, which would add further height and bulk to the development.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><u>Bulk and Scale</u></p> <p>The density, lack of open space and the reduced setbacks create a bulk and scale that is not in keeping with development in the area.</p> <p>The development resembles an R100 density not an R40 density.</p>	<p>The development proposes minor variations to the density (plot ratio) and setback requirements however it is compliant with the height and open space requirements.</p> <p>The R40 requirements of the R-Codes require a plot ratio of 0.6. As the development proposes a plot ratio of 0.65, the proposed density aligns closely with the R40 density requirements of the R-Codes.</p>
<p><u>Noise and Antisocial Issues</u></p> <p>Units and additional people will increase noise and antisocial behaviour in the area as they are often rented out. It is likely that they will be occupied by students due to the close proximity to TAFE.</p>	<p>It is recommended that a condition is imposed that requires that an Acoustic Report be submitted, approved and implemented.</p>
<p><u>Demolition of Character Building</u></p> <p>Object to the demolition of the existing character building.</p>	<p>The City has undertaken an assessment of this dwelling and found that it has little aesthetic, historic, scientific or social heritage significance and the place is not rare and does not represent any aspect of cultural heritage of the City of Vincent that may be endangered.</p> <p>In accordance with the City's Policy No. 7.6.2 relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the City's Municipal Heritage Inventory. Therefore demolition is supported.</p>
<p><u>Construction</u></p> <p>Noise and dust during construction will be an issue. The area has a lot of building works going on at the same time. The area resembles a building site and it affects the ability to enjoy my property.</p>	<p>It is recommended that a condition is imposed on the approval that requires that a Construction Management plan be prepared and approved by the City to ensure measures are in place to limit the impact of building works on neighbouring properties.</p>
<p><u>Overshadowing and Privacy</u></p> <p>The proposal will overlook and overshadow neighbouring properties.</p>	<p>The proposed development is fully compliant with the visual privacy and overshadowing requirements of the R-Codes.</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: Yes

The proposed development does not require design excellence.

The proposed development has been to DAC on one occasion. The DAC were generally accepting of the design and only recommended minor changes, which were incorporated into the plans currently under consideration.

The submitted plans have adequately addressed the mandatory items from DAC. Refer to **Attachment 004** for a summary of all DAC comments.

LEGAL/POLICY:

The following legislation and policies apply to the demolition of an existing single house and the construction of a two storey development comprising of eight (8) two-bedroom multiple dwellings and associated car parking.

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes of Western Australia 2013;
- Leederville Precinct Policy No. 7.1.3;
- Residential Design Elements Policy No. 7.2.1; and
- Development Guidelines for Multiple Dwelling Policy No. 7.4.8.

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 approval.

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	
Issue	Comment
The development will help to offset urban sprawl and its associated negative impacts.	

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

ECONOMIC	
Issue	Comment
The development will make use of existing infrastructure and services available in an already built-up area, avoiding the cost of the new infrastructure required by Greenfield developments. It will also result in more affordable living for residents by avoiding the significant transport and car ownership costs that come with living in middle and outer suburbs.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposed development is consistent with the City's vision for infill development within this locality as the site is close to the Leederville Centre where dense infill development is needed to foster vibrancy and to enhance the viability of services.

This proposal is sensitively designed and includes few variations and as a result will have no adverse impacts on the streetscape and neighbouring properties. Multiple dwelling developments are a permitted use on this site and the proposed two storey height is permitted.

All of the residential units have access to natural light and ventilation and exceed the minimum dwelling size requirements of the R-Codes. The dwellings will add variety to the predominant housing stock of single dwellings in the area.

The proposal is fully compliant with the required car parking, bicycle parking and landscaping requirements. Being multiple dwellings, on-street car parking permits will not be available for this development, which will reduce the impact of the development on on-street parking congestion.

CONCLUSION:

The proposal is acceptable for this locality, and will contribute positively to the aesthetic of the area. It is therefore recommended that the proposal is approved subject to conditions.

5.1.6 No. 174 (Lot: 4 D/P: 10539) Loftus Street, North Perth – Proposed Demolition of an Existing Single House and Construction of Nine Multiple Dwellings

Ward:	North	Date:	20 March 2015
Precinct:	Precinct 6 – Smith’s Lake	File Ref:	5.2014.609.1
Attachments:	001 – Consultation Map 002 – Development Application Plans 003 – Car Parking and Bicycle Table 004 – Design Advisory Committee Comments 005 – Applicant’s Report		
Tabled Items:	Nil		
Reporting Officer:	T Wright, Planning Officer (Statutory)		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by Sandra Bransby on behalf of the owner, West Leederville Investments Pty Ltd, for the Proposed Demolition of an Existing Single House and Construction of a Three Storey Development Comprising of Nine Two Bedroom Multiple Dwellings and associated car parking at No. 174 (Lot: 4 D/P: 10539) Loftus Street, North Perth as shown on plans date stamped 18 February 2015, included as Attachment 002, subject to the following conditions:

1. **Demolition**

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

2. **Boundary Wall**

The owners of the subject land shall finish and maintain the surface of the boundary (parapet walls) facing No. 176 Loftus Street, North Perth in a good and clean condition. The finish of the walls is to be either fully rendered or face brick.

3. **Car Parking and Accessways**
 - 3.1 A minimum of seven resident and two visitor bays shall be provided onsite;
 - 3.2 The car park shall be used only by residents and visitors directly associated with the development;
 - 3.3 The visitor bays are to be marked accordingly;
 - 3.4 The car parking and access areas are to comply with the requirements of AS2890.1;
 - 3.5 Vehicle and pedestrian access points are required to match into existing footpath levels; and
 - 3.6 All new crossovers shall be constructed in accordance with the City’s Standard Crossover Specifications;

4. **External Fixtures**

All external fixtures shall not be visually obtrusive from Loftus 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. **Existing Verge Tree**

The existing verge tree shall not be removed. The verge tree shall be retained and protected from any damage including unauthorised pruning;

6. Prior to the issue of a building permit the following shall be submitted to and approved by the City:

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

A notification being lodged under Section 70A of the *Transfer of Land Act 1893* and a condition being included on the Sales Contract notifying proprietors and/or (prospective) purchasers of the property that:

6.1.1 The City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential dwelling;

6.2 **Acoustic Report**

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

6.3 **Landscape and Reticulation Plan**

A detailed landscape and reticulation plan for the development site and adjoining road verge shall be submitted to the City for assessment and approval. 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 the redundant crossover;

6.4 **Schedule of External Finishes**

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

6.5 **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 relating to Construction Management Plans. Construction on and management of the site shall thereafter comply with the approved Construction Management Plan; and

6.6 Waste Management

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

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

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

7. Prior to occupation of the development the following shall be completed to the satisfaction of the City:

7.1 Clothes Drying Facility

Each multiple dwelling shall be provided with a clothes drying facility or communal area in accordance with the Residential Design Codes of WA 2013;

7.2 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;

7.3 Stormwater

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

7.4 Acoustic Report Certification

In relation to condition 6.2, certification from an acoustic consultant that the recommended measures have been undertaken shall be provided to the City;

7.5 Section 70A Notification under the *Transfer of Land Act 1893* lodgement and registration

In relation to condition 6.1, the notification shall be lodged and registered in accordance with the *Transfer of Land Act 1893*;

7.6 Landscape Plan and Verge Upgrade Plan

In relation 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 owner's expense;

7.7 Bicycle Bays

A minimum of three resident bays and one visitor bay is to be provided on-site. Bicycle bays must be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3; and

7.8 Vehicular Entry Gate

The proposed vehicular entry gate shall be at least visually 50% permeable.

ADVICE NOTES:

1. With regard to condition 3.5, the portion of the existing footpath traversing the proposed crossover must be retained. The proposed crossover levels shall match into the existing footpath levels. Should the footpath not be deemed to be in satisfactory condition, it must be replaced with in-situ concrete panels in accordance with the City's specification for reinstatement of concrete paths;
2. With reference to condition 3.6 the new crossover to the development site is subject to a separate application to be approved by the City;
3. A Road and Verge security bond for the sum of \$3,000 shall be lodged with the City by the applicant, prior to the issue of a building permit, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City's Technical Services Directorate. An application for the refund of the security bond shall be made in writing. The bond is non-transferable;
4. With regard to condition 6.3, Council encourages landscaping methods and species selection which do not rely on reticulation;
5. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5m) shall be maintained for all users at all times during construction works. If the safety of the path is compromised resulting from either construction damage or as a result of a temporary obstruction appropriate warning signs (in accordance with AS1742.3) shall be erected. Should a continuous path not be able to be maintained, an 'approved' temporary pedestrian facility suitable for all path users shall be put in place. If a request to erect scaffolding, site fencing etc. or if building materials is required to be stored within the road reserve once a formal request has been received, the matter will be assessed by the City and if considered appropriate a permit shall be issued by the City's Ranger Services Section. No permit will be issued if the proposed encroachment into the road reserve is deemed to be inappropriate;
6. With reference to condition 7.3, no further consideration shall be given to the disposal of stormwater 'off site' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'off site' 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 regard to condition 2, 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.

PURPOSE OF REPORT:

The proposal is referred to Council for determination as it is for nine multiple dwellings.

BACKGROUND:

Nil.

DETAILS:

Landowner:	West Leederville Investments Pty Ltd
Applicant:	Sandra Bransby
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R60 Draft Town Planning Scheme No. 2 (TPS2): Residential R60
Existing Land Use:	Single Dwelling
Use Class:	Multiple Dwellings
Use Classification:	"P"
Lot Area:	747.6 square metres
Right of Way:	N/A
Date of Application	29 October 2014

The proposal is for the demolition of an existing single house and the construction of nine multiple dwellings and associated car parking.

The proposed development comprises of three distinct sections of building linked by open styled balcony and stairwell areas. The built form is staggered corresponding to the site's contours that fall from Loftus Street in the west to the rear boundary to the east.

All dwellings have full access to northern sun, outlook and views and natural ventilation.

ASSESSMENT:

Summary Assessment

The table below is a summary of 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 exercise of discretion, the relevant planning element is discussed in the section of the report following from this table.

Design Element	Complies	Requires the Exercise of Discretion
Density/Plot Ratio		✓
Streetscape	✓	
Front Fence	✓	
Front Setback		✓
Building Setbacks		✓
Boundary Wall	✓	
Building Height	✓	
Building Storeys	✓	
Roof Form		✓
Open Space	✓	
Privacy	✓	
Access & Parking		✓
Bicycles	✓	
Solar Access	✓	
Site Works	✓	
Essential Facilities	✓	
Surveillance	✓	
Building Interface (Rear Setback)		✓
Landscaping		✓

Detailed Assessment

Acceptable Variations

Issue/Design Element:	Building Size/Plot Ratio
Requirement:	<p>Residential Design Codes Clause 6.1.1</p> <p>Required Plot Ratio: 0.7 or 524.3 square metres</p>
Applicant's Proposal:	<p>Proposed Plot Ratio: 0.79 or 597 square metres, creating a plot ratio variation of 0.09 or 72.7 square metres.</p>
Design Principles:	<p>Residential Design Codes Clause 6.1.1</p> <p>P1 Development of the building is at a bulk and scale indicated in the local planning framework and is consistent with the existing or future desired built form of the locality.</p>
Applicant Justification/Summary:	<p><i>The resultant built form is consistent with surrounding land uses. An active and engaging façade and articulated elevations encompassing varying setbacks and material result in an exemplary design that significantly enhances the appearance of the building whilst ameliorating building bulk.</i></p> <p><i>In response to the site, its context, natural gradient and orientation, the massing of the building is designed to enhance public and private amenity as it directly engages with Loftus Street and respects the scale of the adjacent properties (noting their potential for redevelopment), whilst maximising views and northern orientation.</i></p> <p><i>There is no adverse effect on overshadowing or visual privacy onto the adjoining residential properties.</i></p>
Officer Technical Comment:	<p>The plot ratio variation of 72.7 square metres is minimal and given the elevations are well articulated with the use of different materials, colours and large open areas, that serve to soften the built form and enhance the amenity of the development, the variation is acceptable.</p> <p>The setback distances allow for open areas that are proposed to be landscaped to soften the built form.</p> <p>The proposed skillion roofs serve to reduce the overall height of the development, whereas a pitched roof would add further height and bulk to the development.</p>

Issue/Design Element:	Street Setbacks
Requirement:	<p>Residential Design Elements Policy No. 7.2.1</p> <p>Buildings are to be setback from the street alignment such distance as is generally consistent with the building setback on adjoining land and in the immediate locality.</p> <p>This equates to:</p> <ul style="list-style-type: none"> • 13.5 metres for the ground floor; • 15.5 metres for the upper floors; and • 14.5 metres for the upper floor balconies.

Issue/Design Element:	Street Setbacks
Applicant's Proposal:	<ul style="list-style-type: none"> • 4.0 metres for the ground floor, (variation of 9.5 metres). • 5.0 metres for the upper floors, (variation of 10.5 metres); and • 4.5 metres for the upper floor balconies, (variation of 10 metres).
Design Principles:	<p>Residential Design Elements Policy No. 7.2.1</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>
Applicant Justification/Summary:	<p><i>The reduced street setback is reflective of the evolving built form along the eastern side of Loftus Street. Traditionally, significant setbacks are prevalent and this is conducive with the single dwelling land use, however higher densities and the capacity to deliver multiple dwelling land uses in varied built form have warranted a reduction in setbacks to Loftus Street. This is evident on the existing and recently approved multiple dwellings.</i></p> <p><i>The natural gradient over the site, with a significant reduction in floor levels from the street to the rear boundary reduces the perceived bulk of the building. This is enhanced by the articulated façade that contains varying setbacks with vertical and horizontal stepping, feature architectural elements and materials and contemporary roofline, effectively minimise the building bulk.</i></p> <p><i>The final design extensively activates with the "major road" and achieves a more suitable design outcome whilst contributing towards the emerging streetscape.</i></p>

Issue/Design Element:	Street Setbacks
Officer Technical Comment:	<p>The street setbacks in the locality are inconsistent due to the transitioning nature of the street created by the mix of low and medium density development.</p> <p>The proposed setback reflects Council's vision to increase density along main arterial roads.</p> <p>The proposed reduced setback is consistent with other recently developed medium density developments in the area, such as developments at Nos. 182, 190 and 192 Loftus Street.</p> <p>Due to the above the proposed setback variations are acceptable as they will have no adverse impact on the streetscape.</p>

Issue/Design Element:	Lot Boundary Setbacks
Requirement:	<p>Residential Design Codes Clause 6.1.4</p> <p><u>Northern Boundary</u></p> <ul style="list-style-type: none"> • First floor northern bulk wall required to be setback 6.3 metres; • Second floor northern wall of unit 5's bed 2 and Unit 8's bed 2 wall required to be setback 4.8 metres; • Second floor northern wall of unit 4 required to be setback 1.9 metres; • Second floor northern bulk wall required to be setback 9 metres; <p><u>Southern Boundary</u></p> <ul style="list-style-type: none"> • First floor southern bulk wall required to be setback 6.3 metres; • Second floor southern wall of unit 5's bed 1 and unit 8's bed 1 wall required to be setback 5.2 metres; • Second floor southern wall of unit 4 required to be setback 4.3 metres; and • Second floor southern bulk wall required to be setback 8.3 metres.
Applicant's Proposal:	<p><u>Northern Boundary</u></p> <ul style="list-style-type: none"> • First floor northern bulk wall setback 6.0 metres, (variation of 0.3 metres); • Second floor northern wall of unit 5's bed 2 and Unit 8's bed 2 wall setback 3.1 metres, (variation of 1.7 metres); • Second floor northern wall of unit 4 setback 1.7 metres, (variation of 0.2 metres); • Second floor northern bulk wall setback 6 metres, (variation of 3.0 metres);

Issue/Design Element:	Lot Boundary Setbacks
	<p>Southern Boundary</p> <ul style="list-style-type: none"> • First floor southern bulk wall setback 6 metres, (variation of 0.3 metres); • Second floor southern wall of unit 5's bed 1 and unit 8's bed 1 wall setback 3 metres, (variation of 2.2 metres); • Second floor southern wall of unit 4 setback 3 metres, (variation of 1.3 metres); and • Second floor southern bulk wall setback 6 metres, (variation of 2.3 metres).
Design Principles:	<p>Residential Design Codes Clause 6.1.4</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.
Applicant Justification/Summary:	<p><i>The proposed boundary walls are minimal in length and when integrated within the overall design, impose no adverse building bulk or adversely affect access to northern sun to the adjoining property.</i></p> <p><i>Clear articulate facades are provided to all elevations, with extensive recesses to the balconies, and varying setbacks to walls with major openings, with setbacks varying between 1.4m - 2.4 - 3.1m - 6m.</i></p> <p><i>Varying materials and window openings further enhance the appearance of the buildings - providing interest to the elevation, ultimately ameliorating building bulk.</i></p> <p><i>The southern setbacks are designed to ensure a compliant amount of shadow (50%) is cast onto the southern property.</i></p>
Officer Technical Comment:	<p>The large setback requirements reflect the long and narrow nature of the site, the limited built form options available to the applicant and the applicant's desire to maximise major openings.</p> <p>Despite this, both side elevations are well articulated with open balcony and staircase areas and differing building setbacks along the side elevations to reduce the perceived bulk to the neighbouring side properties.</p> <p>The planting of mature vegetation along the northern side boundary will help to soften the built form.</p> <p>The proposal is fully compliant with the privacy and overshadowing requirements of the R-Codes.</p> <p>The variations are therefore acceptable.</p>

Issue/Design Element:	Car Parking
Requirement:	<p>Residential Design Codes 6.3.3</p> <p>Car parking requirement (nearest whole number)</p> <ul style="list-style-type: none"> • Small (<75 square metres or 1 bedroom) 0.75 spaces per dwelling 9 dwellings = 6.75 or 7 car bays • Visitors' 0.25 spaces per dwelling 9 dwellings = 2.25 or 3 car bays
Applicant's Proposal:	<p>Resident bays: 9 Visitors' bays: 2</p>
Design Principles:	<p>Residential Design Codes Clause 6.3.3</p> <p>P3.1 Adequate car and bicycle parking provided on-site in accordance with projected need related to:</p> <ul style="list-style-type: none"> • the type, number and size of dwellings; • the availability of on-street and other off-site parking; and • the proximity of the proposed development in relation to public transport and other facilities.
Applicant's Justification/Summary:	<p><i>The proposed development offers safe vehicular access and adequate on-site car parking (screened and contained within the building shell), suitable for the needs of the future residents, whilst adequately accommodating for visitors.</i></p> <p><i>A compliant allocation of car bays would allow 2 dwellings with no car bays allocation, however a compliant number of 3 visitor bays. A provision of 9 private bays, one per dwelling is a far superior result and excludes any conflict issues on car parking for each dwelling. An overall surplus of 1 car parking bay with 11 bays in total adequately services the needs of the development.</i></p> <p><i>Furthermore, sufficient room is provided for two-way access and adequate manoeuvrability for all vehicles. Maintaining adequate sight line clearance for vehicles entering and egressing the site.</i></p>
Officer Technical Comment:	<p>As the site is well served by public transport routes running along Loftus Street, which provide a convenient alternative for visitors, the proposed 1 visitor bay shortfall is acceptable.</p>

Issue/Design Element:	Building Interface (Rear Setback)
Requirement:	<p>Development Guidelines for Multiple Dwellings 2.3.1</p> <ul style="list-style-type: none"> • Ground and first floor required to be setback 2.4 metres from the eastern lot boundary; and • Second floor required to be setback 6 metres from the eastern lot boundary.
Applicant's Proposal:	<ul style="list-style-type: none"> • Ground and first floor setback 1.6 metres from the eastern lot boundary, (variation of 0.8 metres); and • Second floor setback 1.6 metres from the eastern lot boundary, (variation of 4.4 metres).

Issue/Design Element:	Building Interface (Rear Setback)
Design Principles:	<p>Development Guidelines for Multiple Dwellings 2.3.2</p> <p>2.3.2 Variations to the requirements of 2.3.1 may be considered where the applicant demonstrates special circumstances that ensure that greater height close to the boundary will not have a negative impact on the neighbour in regards to overshadowing, bulk or general amenity.</p>
Applicant Justification/Summary:	<p><i>The proposed contemporary design encompasses varying elements of detail and material choices that enhance its appearance and effectively improve the bulk of the building as viewed from the adjoining properties.</i></p> <p><i>Landscaping elements are incorporated through the private courtyards and along the rear eastern boundary to effectively enhance the living environment for residents, whilst softening the appearance of the building as viewed from the rear.</i></p> <p><i>The extent of shadow cast by the development retains the unencumbered access to natural light to the eastern property, therefore retaining the overall general amenity of the property.</i></p>
Officer Technical Comment:	<p>The proposed setback variations are minor, except in relation to the top floor.</p> <p>However, the building width as viewed from the rear elevation is narrow and articulated with areas of open space as a result of northern and southern side boundary setbacks.</p> <p>The rear lot boundary also abuts two lots. The impact of the variation is therefore shared between two properties. While both of these currently accommodate single houses that are setback a considerable distance of approximately 20 metres from the rear boundaries to this development this area has the potential to subdivide in the future.</p> <p>The applicant is also proposing to plant mature vegetation along the rear boundary, which will help to soften the built form.</p> <p>Given the above, the proposed rear setback variations are acceptable.</p>

Planning Element:	Roof Forms
Requirement:	<p>Residential Design Elements Policy No. 7.2.1</p> <p>Roof pitch to be between 30-45 degrees.</p>
Applicant's Proposal:	Skillion Roof
Design Principles:	<p>Residential Design Elements Policy No. 7.2.1</p> <p>BDPC 3</p> <p>(i) The roof of a building is to be designed so that:</p> <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building;

Planning Element:	Roof Forms
	<ul style="list-style-type: none"> • 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 Justification/Summary:	<p><i>The contemporary design was achieved through comprehensive discussions with the City's DAC to achieve a strongly compatible built form that ultimately reduces the perceived bulk given the capacity to deliver three storeys.</i></p> <p><i>The skillion roof design reduces the overall bulk of the building and assimilates with the contemporary elements incorporated within the overall design to effectively reduce building bulk and overshadowing.</i></p> <p><i>The eclectic nature of Loft Street offers an exceptional environment for apartment residential living that assimilates the City's vision for higher densities and building heights along major roads, cementing an active façade and interaction with the street.</i></p>
Officer Technical Comment:	<p>Loftus Street is a street transitioning from low to medium density development. There is little consistency with development form between older and newer developments. Therefore there is no established development form that needs to be preserved or protected along the street.</p>

Issue/Design Element:	Landscaping
Requirement:	<p>Development Guidelines for Multiple Dwellings</p> <ul style="list-style-type: none"> • 30 percent or 225 square metres of total site area to be landscaped. • 10 percent or 75 square metres of total site area to be soft landscaping within common property area. • 5 percent or 37 square metres of total site area to be soft landscaping within private outdoor living areas of dwellings.
Applicant's Proposal:	<ul style="list-style-type: none"> • 25.7 percent or 193 square metres total landscaping, resulting in a shortfall of 4.3 percent. • 19 percent or 143 square metres soft landscaping, resulting in a surplus of 9 percent. • 2 percent or 15 square metres soft landscaping within private outdoor living areas of dwellings, resulting in a shortfall of 3 percent.
Design Principles:	<p>Development Guidelines for Multiple Dwellings</p> <p>P2 The space around the building is designed to allow for planting. Landscaping of the site is to be undertaken with appropriate planting, paving and other landscaping that:</p> <ul style="list-style-type: none"> • meets the projected needs of the residents; • enhances security and safety for residents; and • contributes to the streetscape.

Issue/Design Element:	Landscaping
	<ul style="list-style-type: none"> • Assists in contributing to the amenity of the locality. • Assists in providing a landscaped setting for the building. • Assists in the protection of mature trees. • Maintains a sense of open space between buildings. Assists in increasing tree and vegetation coverage.
<p>Applicant Justification/Summary:</p>	<p><i>An extensive area of soft landscaping is proposed throughout the site which is effectively integrated within the open car parking area as well as an extensively landscaped front setback area.</i></p> <p><i>The proposed shortfall in overall landscaping is balanced by almost a doubling of the soft landscaping area than required. Landscaping elements are incorporated through the private courtyards and common areas throughout the site to effectively enhance the living environment for residents, whilst softening the appearance of the necessary hard paving areas from the street.</i></p> <p><i>Extensive landscaping within the front setback area softens the appearance of the building from the street whilst delivering a pleasing setting to the ground floor, with the potential for internal deciduous mature trees to be planted adjacent to the car park that will be visible in time, from the floors above.</i></p> <p><i>The shortfall in overall landscaping and soft landscaping within the courtyard areas is considered negligible in the context of the overall design, with the overall soft landscaping assist to contribute to the amenity of the locality and effectively maintains a sense of space between the buildings.</i></p>
<p>Officer Technical Comment:</p>	<p>The shortfall in landscaping applies to the requirements for soft landscaping within the private outdoor living areas and the total site area landscaping requirements. Total site area landscaping can include hard landscaping as well as soft landscaping.</p> <p>The provision of total soft landscaping exceeds the requirements and provides a surplus of 9 percent.</p> <p>The additional provision of total soft landscaping will offset the proposed reduction of soft landscaping within private outdoor living areas and the shortfall in total site area landscaping requirements as the provision of total soft landscaping serves to soften built form and provide amenity to the streetscape and neighbouring properties more effectively than hard landscaping would.</p>

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period:	17 November 2014 to 8 December 2014
Comments Received:	Nine objections and one support

Summary of Comments Received:	Officer Technical Comment:
<p><u>Parking</u></p> <p>More units will exacerbate people parking on verges.</p> <p>Visitor car parking is not enough for 9 units.</p>	<p>The amount of car parking provided for residents complies with the requirements of the R-Codes.</p> <p>The site is well served by high frequency bus routes running along Charles Street, which provide a convenient alternative for visitors.</p>
<p><u>Rear and Southern Setback</u></p> <p>The reduced rear setback imposes on personal space and privacy, overpowers the rear site and devalues properties to the rear.</p> <p>The southern setback is close to the neighbouring alfresco area and will cause discomfort, overshadow the garden and devalue the property.</p>	<p>The proposed setback variations are acceptable, as potential impacts by way of bulk and scale have been adequately addressed with a high degree of material and colour articulation proposed as well as vegetation planted along the northern, southern and rear boundaries to soften the built form.</p> <p>The proposal is fully compliant with the overshadowing and privacy requirements of the R-Codes.</p>
<p><u>Building Mass</u></p> <p>The increase in plot ratio creates an overwhelming mass.</p>	<p>The proposed plot ratio variation is minor and the design includes a high degree of articulation in both material and colour as well as using landscaping to soften bulk and increase visual amenity.</p>
<p><u>Noise</u></p> <p>Noise will increase from more cars and more people living closer together. Double glassed windows should be provided for noise insulation.</p>	<p>It is recommended that a condition is imposed that an Acoustic Report is submitted, approved and implemented.</p>
<p><u>Dividing Fence</u></p> <p>Concern is raised that the existing southern fence may include Asbestos.</p>	<p>As a retaining wall is proposed to be located along the southern boundary the existing fence will have to be removed. Under the building licence process approval from adjoining neighbours is required before dividing fences are removed and works that include asbestos may require special processes.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><u>Loftus Street Setback</u></p> <p>The street setback should comply with the requirements.</p>	<p>The street setbacks along Loftus Street are inconsistent due to the transitioning nature of the street, which includes a mix of low and medium density development.</p> <p>The proposed reduced setback is consistent with other recently developed medium density developments along Loftus Street and is therefore acceptable.</p>
<p><u>Landscaping</u></p> <p>Landscaping should comply with the requirements.</p>	<p>The provision of total soft landscaping is almost double the requirement and adequately offsets the proposed reduction of soft landscaping within private outdoor living areas and the total site area landscaping requirements.</p> <p>The provision of soft landscaping serves to soften the built form and provides amenity to the streetscape and neighbouring properties more effectively than hard landscaping would.</p>
<p><u>Waste Bins</u></p> <p>There are not enough bins for the development.</p>	<p>The provision of bins and the bin store area is compliant with the City's requirements.</p> <p>It is recommended that a condition is imposed that a Waste Management Plan is submitted, approved and complied with.</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: Yes

The proposed development has been to the Design Advisory Committee (DAC) on 2 July 2014 and 3 September 2014. The DAC were generally accepting of the design and only recommended minor changes. The submitted plans have adequately addressed the mandatory items from DAC. Refer to **Attachment 004** for a summary of all DAC comments.

The proposed development does not require design excellence.

LEGAL/POLICY:

The following legislation and policies apply to the demolition of an existing single house and the construction of a three storey development comprising of nine (9) two-bedroom multiple dwellings and associated car parking.

- *Planning and Development Act 2005*;
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes of Western Australia 2013;
- Smith's lake Precinct Policy No. 7.1.6;
- Residential Design Elements Policy No. 7.2.1; and
- Development Guidelines for Multiple Dwelling Policy No. 7.4.8.

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 approval.

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 help to offset urban sprawl and its associated negative impacts.

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

ECONOMIC
The development will make use of existing infrastructure and services available in an already built-up area, avoiding the cost of the new infrastructure required by Greenfield developments. It will also result in more affordable living for residents by avoiding the significant transport and car ownership costs that come with living in middle and outer suburbs.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposed three storey development is of a scale that is consistent with the City's vision to locate higher density development along main arterial roads. The design is compatible with other higher density infill developments along the street and contributes positively to the transition of Loftus Street to a medium density corridor.

All of the residential units have access to natural light and ventilation and exceed the minimum dwelling size requirements of the R-Codes. The dwellings will add variety to the housing stock in the area in terms of affordability, size and style. The design has been carefully considered to minimise adverse impacts to the streetscape and neighbouring properties.

CONCLUSION:

The proposal is considered acceptable for this locality, and will contribute positively to the aesthetic of the area. It is therefore recommended that the proposal is approved subject to conditions.

5.1.7 Proposed Amendment to Policy No. 7.7.1 – Parking and Access

Ward:	Both Wards	Date:	20 March 2015
Precinct:	All Precincts	File Ref:	SC436
Attachments:	001 – Draft Amended Policy No. 7.7.1: Parking and Access		
Tabled Items:	Nil		
Reporting Officers:	T Elliott, Strategic Planning Officer		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council **AUTHORISES** the Chief Executive Officer to advertise the proposed amendments to Policy No. 7.7.1 – Parking and Access, as shown in Attachment 001, pursuant to Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 – Community Consultation.

PURPOSE OF REPORT:

To seek Council’s consent to advertise the proposed amendments to Policy No. 7.7.1 relating to Parking and Access.

BACKGROUND:

The City currently has Policy No. 7.7.1 – Parking and Access which outlines the City’s approach to parking requirements.

This policy also outlines the requirements for the payment of cash in lieu of providing car parking bays on site where on-site car parking cannot be accommodated. Given that cash-in lieu can be a significant cost it has had the effect of being a barrier to development, especially for small businesses.

These concerns have triggered a discussion at the Council Forum held on 17 February 2015.

History:

Date	Comment
27 March 2001	Council at its Ordinary Meeting resolved to adopt the Planning and Building Policy Manual, which included the adoption of Policy No. 3.7.1 relating to Parking and Access.
26 October 2004	Amendments to the Policy relating to Parking and Access were recommended to Council including the amendment of the car parking ratio for Club Premises, Hall, Hotel, Nightclub, Place of Assembly and Tavern; and the addition of the definition of ‘Public Floor Area’.
23 May 2006	Amendments relating to the requirements for cash-in-lieu for car parking were approved by Council.
12 August 2008	Amendment was approved for the addition of a Small Bar land use parking ratio.
9 March 2010	The City’s Car Parking Strategy and associated Parking Precinct Management Plans were adopted.
11 May 2010	Council resolved to adopt a Car Parking Strategy Implementation Plan which included the requirement to review the City’s Parking & Access Policy.
8 October 2013	Council adopted a modified Policy relating to Parking and Access, as well as rescinding other policies which were no longer required.
17 February 2015	A discussion at the Council Forum in relation to possible alternative approaches to cash-in-lieu for car parking for uses less than 100m ² in Town Centres.

DETAILS:

As an established inner city area with great character and history in the built environment, mixed with contemporary development designs, achieving the correct mix of parking provision is a challenge facing the City.

This is of particular concern to small businesses and in the context of place making, ongoing economic development and investment attraction.

At the Council Forum held on 17 February 2015 the following three options were discussed as alternative means to reduce/avoid the financial burden to small business associated with carparking:

Option 1 – Complete exemption of car parking spaces for specific uses and/or locations.

This option provides an exemption for car parking for specific uses, size and location. The uses identified included shop, eating house and small bar with a Net Lettable Area of 100m² or less.

A downside of this approach is that these uses and locations would be promoted at the expense of other uses or locations. For example, an exemption for small bars in the Beaufort Street area from providing car parking could result in loss of other uses such as shops in the area which would negatively impact on the character of the area.

Likewise, the exemption of car parking in only one area or selected areas may result in levels of car parking shortfalls that would have counterproductive impacts or the perception of counterproductive impacts on the area.

Option 2 – A framework for discounting the cash-in-lieu amount payable for specific uses and/or locations

In this option the discount would be applied to the actual cost of a bay, and could either be applied as a percentage discount or a flat fee, and could be specifically applied to a use or a location.

This option would only apply where car parking is unable to be provided on site.

Again this approach benefits one use/location over another with similar consequences as outlined in Option 1. Additionally this option has the potential to significantly reduce the ability for the City to spend cash-in-lieu on providing car parking or alternative transport modes in those areas.

Option 3 – Increase/adjust the relevant adjustment factors for specific uses and/or locations

In this option it was proposed that an overall adjustment factor is applied for a specific use and/or location after the car parking requirement had been established/calculated.

This approach would result in a lack of on-site bays and money to allow the City to provide parking facilities in the area.

COMMENT:

Administration recognises the need for a wider review of Policy 7.7.1 - Parking and Access, and intends to undertake this in the future.

Given the concerns raised around parking requirements for small businesses this aspect is being addressed in isolation from the remainder of the policy in the interim.

Following the Council Forum, Administration has further explored the options and applied them to existing situations, which revealed, that a more refined approach may be more appropriate to promote small business growth.

Administration is therefore recommending an alternative approach where a sequence of minor adjustments are made to achieve a balanced outcome.

Alternative Option: Modify the existing Adjustment Factor 7A for all non-residential uses with a floor area of 100 square metres and less.

The policy includes a suite of adjustment factors which allows Council to effectively reduce the required car parking numbers for a development under certain circumstances.

Among these is adjustment factor 7A, which currently allows a 20% reduction in the required car parking when:

“The development proposes a small scale (less than 80 square metres of NLA) ‘active use’ (as indicated as (2) in table 1) and is located on the ground floor of a building in a Town Centre (see Appendix 1).”

It is recommended that this adjustment factor 7A is amended to:

1. Apply City wide, rather than be limited to town centres only;
2. Apply to all small scale non-residential uses i.e 100 square metres NLA or less; and
3. Increase the amount of the adjustment factor from 20% to 50%.

Any one of the above three proposed changes can be further refined if the resulting outcome does not meet expectations.

The policy has been amended as shown on page 5 of 21 in **Attachment 001**.

The benefit of this approach is that it:

- Is equitable as it does not promote a use or location over another;
- Allows developments which previously may not have been achievable;
- Promotes variety in uses, and interest in areas, by creating economic activity which have the potential to result in a high turnover of people.
- Is flexible.

It is recommended these changes are tested through the advertising process and adjusted as required if necessary.

CONSULTATION/ADVERTISING:

The City’s Community Consultation Policy No. 4.1.5 requires an advertising period of 28 days.

The advertising of this draft Policy will comprise the following:

- Adverts in local paper;
 - Notice on the City’s website;
 - Copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre; and
-

- Consultation with adjoining Local Authority's and government agencies.

LEGAL/POLICY:

The following legal/policy documents are relevant to this report:

- *Planning and Development Act 2005*;
- *City of Vincent Town Planning Scheme No. 1* and associated Policies;
- Residential Design Codes of Western Australia;
- City of Vincent Car Parking Strategy; and
- City of Vincent Precinct Parking Management Plans.

RISK MANAGEMENT IMPLICATIONS:

Medium: Retaining the current Policy No. 7.7.1 without changes will continue to discourage small business development and investment attraction to the City which is otherwise desirable.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

1.1 *Improve and Maintain the Environment and Infrastructure.*

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

SUSTAINABILITY IMPLICATIONS:

The proposed amendment supports a more sustainable approach to reduce vehicles in the long term and promote a mix of other transport modes and shared parking initiatives. The amendments will encourage a variety of land uses and small business development.

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure for updating this policy will be paid out of the operating budget.

CONCLUSION:

The proposed changes to existing Policy No. 7.7.1 will encourage a variety of small businesses as the requirement of car parking is reduced.

It is recommended Council support the Officer recommendation and provide consent to advertise these amendments to the Policy.

5.2 TECHNICAL SERVICES

5.2.1 Proposed Parking Restrictions – Alma Road, Hutt Street and Raglan Road, Mount Lawley, Progress Report No. 1

Ward:	South	Date:	20 March 2015
Precinct:	Hyde Park (12)	File Ref:	SC847; SC228
Attachments:	<u>001</u> – Summary of Comments <u>002</u> – Proposed Plan No. 3182-PP-01		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

- NOTES** the comments received regarding the implementation of various parking restrictions in Alma Road, Hutt Street and Raglan Road, Mount Lawley as shown in the Summary of Comments (Attachment 001);
- DOES NOT PROCEED** with the implementation of the proposal shown on attached Plan No. 3182-PP-01 (Attachment 002) for the reasons outlined in the report; and
- ADVISES** respondents of its decision.

PURPOSE OF REPORT:

To advise Council of the outcome of the recent consultation regarding the proposed changes in parking restrictions in the street.

BACKGROUND:

The City received requests to review the existing parking restrictions within Alma Road, Hutt Street and Raglan Road, Mount Lawley.

DETAILS:

Proposal:

The following proposal was advertised to residents:

Alma Road – William to Walcott: (6.0m carriageway width)

North Side - 2P 8.00am to 5.30pm Monday to Friday and 8.00am to 12noon Saturday.

South side – ‘No Stopping’ William to Hutt (existing ‘No Stopping’ Hutt to Walcott).

Raglan Road – William to Hutt: (7.4m carriageway width)

North and South Side - 2P 8.00am to 5.30pm Monday to Friday and 8.00am to 12noon Saturday. This currently exists Raglan Road, Hutt to Walcott.

Hutt Street – Raglan to Alma: (6.0m carriageway width)

‘No Stopping’ both sides – This currently exists Hutt Street, Raglan to Grosvenor.

Administration Comments:

The proposed development (corner William/Raglan) was mentioned by several respondents that if the proposal was implemented, no residential parking permits or visitors parking permits should be issued to residents of large multi-unit developments. It was also considered that residential streets should not be used as free parking for city workers or others who do not actually live in the area.

Several respondents raised concerns that the problem would be shifted to Forrest Street.

Others were concerned that they would not be issued with parking permits, the road should be widened and made resident only, cars would be crammed on the north side of Alma, any restrictions if implemented should be for longer, say five hours and the proposal was unnecessary and unacceptable.

Therefore while it is considered that the proposal may improve the amenity of the streets the mixed response suggests that in this instance the status quo should possibly remain and the situation monitored after the completion of the proposed development at the corner William Street and Alma Road.

CONSULTATION/ADVERTISING:

Consultation was undertaken in accordance with the City's consultation policy. On 14 January 2015, 156 letters were sent out to residents requesting their comments on the various parking proposed restrictions as shown on attached Plan No. 3182-PP-01. At the close of consultation, 25 responses were received with 10 in favour, 11 against and four neither supporting nor objecting to the proposal (as per **Attachment 001**).

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

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

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

A total of 156 letters were sent out to residents requesting their comments on the proposed parking restrictions and at the close of consultation there was an even split between those in favour and those against with marginally more residents against the proposal.

While Administration considers that the proposal may improve the amenity of the streets, given the feedback received it is considered that the status quo should remain.

5.2.2 Proposed Parking Restrictions – Little Walcott Street, North Perth

Ward:	South	Date:	20 March 2015
Precinct:	Norfolk (10)	File Ref:	SC859; SC228
Attachments:	001 – Summary of Comments 002 – Proposed Plan No. 3185-PP-01		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

1. **NOTES** the comments received regarding the implementation of parking restrictions in Little Walcott Street, North Perth, as shown in the Summary of Comments (Attachment 001);
2. **APPROVES** the implementation of a six (6) months trial of 2P time restrictions 8.00am to 5.30pm Monday to Friday and 8.00am to 12noon Saturday and 'No Stopping' on both sides of Little Walcott Street, North Perth, as shown on the attached Plan No. 3185-PP-01 (Attachment 002);
3. **CONSULTS** with residents at the conclusion of the trial;
4. **RECEIVES** a further report following the further consultation; and
5. **ADVISES** respondents of its decision.

PURPOSE OF REPORT:

To advise Council of the outcome of the recent consultation regarding the proposed changes to parking restrictions in the street.

BACKGROUND:

The City received a request to review the existing parking restrictions in Little Walcott Street, North Perth due to increased congestion within the street.

DETAILS:

Proposal:

The following proposal went to residents:

Little Walcott – Russell St to end: (6.0m carriageway width)

North Side - 2P 8.00am to 5.30pm Monday to Friday and 8.00am to 12noon Saturday.

South side – 'No Stopping'.

Extended 'No Stopping' north side at Russel Street.

Administration Comments:

While the majority of respondents were in favour of the proposal the following issues were raised:

- A number of respondents suggested that the problem has been caused by workers/trades persons working on the development at the end on Little Walcott Street and when this was completed there would no longer be a parking issue.

- Others considered that the problem would be shifted to Little Russel Street and other streets, should the restrictions be implemented, while one respondent suggested that the footpath on the south side of the street should be removed and 45 degree angle parking implemented. *Note: This last suggestion would not be feasible as there would not be adequate reversing space for residents egressing driveways on the north side of the street.*
- There were also concerns raised regarding inadequate permits for residents if the proposal went ahead and whether residents from the new development would be issued with parking permits. In addition concerns were raised that there would be inadequate parking spaces available if a parking ban was implemented on the south side of the street.

Given the comments received it is considered that a six (6) month trial be implemented, and Little Walcott Street, and other nearby streets, be monitored during the trial, to determine whether the proposal would be successful.

CONSULTATION/ADVERTISING:

Consultation was undertaken in accordance with the City's consultation policy. On 20 January 2015, 306 letters were distributed to residents requesting their comments on the proposed parking restrictions shown on attached Plan No. 3185-PP-01 (as per **Attachment 002**). At the close of consultation 22 responses were received with 12 in favour and five against and five neither supporting nor objecting to the proposal (**as per Attachment 001**).

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

Low: This proposal will improve the level of service and the amenity of the intersection.

STRATEGIC IMPLICATIONS:

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

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The cost to implement the trail, signs and poles would be in the order of \$500.

COMMENTS:

As previously mentioned, while the majority of respondents were in favour of the proposal (six with no comments) a number of issues were raised.

Based on the comments received it is recommended that a trial be conducted in lieu of introducing a permanent restriction at this point in time.

It is therefore recommended that Council approves the implementation of a six month parking restriction trial, consults with residents at the conclusion of the trial and receives a further report following the further consultation.

5.2.3 Proposed 'No Stopping' Restrictions – Eton Street, North Perth

Ward:	South	Date:	20 March 2015
Precinct:	North Perth (8)	File Ref:	SC776; SC228
Attachments:	001 – Summary of Comments 002 – Proposed Plan No. 3175-CP-01A		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

1. **NOTES** the comments received regarding the implementation of a 'No Stopping' restriction on Eton Street, North Perth, as shown in the Summary of Comments (Attachment 001);
2. **APPROVES** the implementation of the 'No Stopping' restriction on both sides of Eton Street, North Perth from Gill Street over the crest of the hill to adjacent house number seventy nine (79), as shown on the attached Plan No. 3175-CP01A (Attachment 002); and
3. **ADVISES** respondents of its decision.

PURPOSE OF REPORT:

To advise Council of the outcome of the recent consultation regarding the proposed changes to parking restrictions in Eton Street.

BACKGROUND:

The City received several requests to install 'No Stopping' restrictions on Eton Street, North Perth to improve the safety of the residents exiting their properties.

DETAILS:

The geographic layout of northern end of Eton Street, just south of Gill Street comprises a combined crest and a bend, markedly reducing visibility for vehicles at this location. Residents, at this location, were consulted regarding implementing possible safety improvement measures.

Administration Comments:

Administration originally proposed a 'No-Stopping' restriction on the western side of the street only however following representation from several residents, another consultation was undertaken recommending restricting both sides of the street.

As can be seen the majority of respondents are in favour of this safety improvement measure being implemented.

CONSULTATION/ADVERTISING:

Consultation was undertaken in accordance with the City's consultation policy. On 25 February 2015, 22 letters were sent out to residents requesting comments on the proposed amendments to the parking restrictions shown on attached Plan No. 3175-CP-01A (as per Attachment 002).

LEGAL/POLICY:

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

At the close of consultation, seven responses were received with six in favour and one against.

It is noted that the one response against the proposal requested 'No-Stopping' on only one side of the street (**as per Attachment 001**).

RISK MANAGEMENT IMPLICATIONS:

Medium: This proposal will improve the level of service and the amenity of the intersection.

STRATEGIC IMPLICATIONS:

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

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The cost to install signage and line marking at this location will be less than \$500.

COMMENTS:

The minor work in Eton Street is intended to improve safety on the crest of the street. The majority of respondents indicated their support for the proposal. Therefore it is recommended that Council approves the implementation of the 'No Stopping' restriction on both sides of Eton Street as shown on the attached Plan No. 3175-CP01A (**as per Attachment 002**).

5.2.4 Proposed Timed Parking Restriction Changes - Wilberforce Street, Faraday Street and Oxford Street Carpark Mount Hawthorn

Ward:	North	Date:	20 March 2015
Precinct:	Leederville (3)	File Ref:	SC997; SC228
Attachments:	001 – Summary of Comments 002 – Existing Parking Plan No. 3189-PP-01 003 – Proposed Plan No. 3189-PP-02		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

1. **NOTES that:**
 - 1.1 a petition was received requesting that the existing parking restrictions, 2P at all times, in Wilberforce Street be removed, and that this be trialled for six months; and
 - 1.2 residents in the street were consulted regarding the proposal with a mixed response (refer Attachment 001);
2. **APPROVES** changing the parking restrictions as shown on attached Plan No. 3189-PP-02 (Attachment 003) in;
 - 2.1 both Wilberforce and Faraday from 2P at ALL times to 8.00am to 5.30pm Monday to Friday and 8.00am to 12noon Saturdays this would free up the street for residents and their visitors at all other times; and
 - 2.2 the Oxford Street carpark from 'unrestricted paid parking' at all times, to 'paid parking' 8.00am to 5.30pm Monday to Friday and 8.00am to 12noon Saturdays and unrestricted free parking at all other times; and
3. **ADVISES** the author of the petition of its decision.

PURPOSE OF REPORT:

To advise Council of the outcome of the recent consultation regarding a proposed trial removal of the parking restrictions in the street.

BACKGROUND:

In January 2015 the City received a petition signed by 20 residents, representing 14 properties in the street, requesting a six month trial removal of the 2P parking restriction in Wilberforce Street, Mount Hawthorn.

DETAILS:

Overview:

While the purpose of this report is to deal with a request to change the parking regime in Wilberforce Street it is considered prudent to provide an overview of the parking set up in the immediately adjoining streets and parking area.

Wilberforce Street runs between Oxford Street and Shakespeare Street. Faraday Street intersects with Wilberforce Street and terminates at Scarborough Beach Road. The City's Oxford Street carpark has an entry/exist onto Faraday Street and an entry/exist off Oxford Street.

Wilberforce Street, Oxford to Faraday Street:

This section of the street comprises six residential properties (all with off road parking) and two commercial properties (one being a caryard) again all with off road parking. The existing restriction is 2P at ALL times (*A site visit at 11.30am on 19 March 2015 showed that eight cars were parked on the road west of Faraday*).

Wilberforce Street, Faraday Street to Shakespeare Street

This section of the street comprises 19 residential properties. Ten properties have off street parking off Wilberforce Street, one has off street parking from Shakespeare Street, one has off street parking from Faraday Street and five have off street parking from the adjoining Right of Ways. Only two of the 19 properties have NO off street parking. The existing restriction is 2P at ALL times (*Photo taken 11.30am on 19 March 2015 looking north – six cars were parked on the road east of Faraday*).



Faraday Street:

Wilberforce Street intersects with this north/south residential street. The existing restriction in this street is 2P at ALL times and all properties have off road parking (*Photo taken at 11.30am on 19 March 2015 looking north – six cars were parked on the road*).



Shakespeare Street:

Wilberforce Street intersects with this north/south residential street. Parking in this street is currently unrestricted.

Oxford Street:

The eastern end of Wilberforce Street intersects with Oxford Street. The parking in Oxford Street is predominantly 1P 8.00am to 5.30pm and 8.00am to 12noon Saturday. Some 15min bays also exist.

Oxford Street carpark:

This is a fee paying carpark with entries off both Oxford Street and Faraday Street. It does not have a time restriction so motorists can park there indefinitely as long as they pay the going hourly rate.

There are a small number of bays in the western end of the carpark for permit holders – 8.00am to 6.00pm with paid parking at other times.

(Photo taken 11.30am on 19 March 2015 looking west from faraday Street – four cars in paid parking area with four cars in permit area)



Administration Comments:

In assessing the existing parking regime in and around Wilberforce Street, in the context of the comments received, it is considered that the trial removal of the '2P At ALL times', parking restrictions, as originally requested by the petitioners, would erode the resident's amenity rather than improve it as anyone would park in the street for as long as they wished.

It is noted that both Wilberforce and Faraday Streets have '2P restrictions at ALL times' while the restrictions in Oxford Street apply only between '8.00am and 5.30pm Monday to Friday' and '8.00am to 12noon Saturdays'.

It is considered that if the restrictions in Wilberforce and Faraday Streets were changed from 2P at ALL times to 8.00am to 5.30pm Monday to Friday and 8.00am to 12noon Saturday this would free up the street for residents and their visitors at all other times i.e. in the evenings and after 12 noon of Saturday.

In addition, with regards to the Oxford Street carpark it is considered that as the carpark is currently 'unrestricted' at ALL times, a way forward, to compliment the proposal for Wilberforce and Faraday Street, would be to make the carpark 'unrestricted' between '8.00am to 5.30pm Monday to Friday' and '8.00am to 12noon Saturday' with 'unrestricted free parking' at all other times.

This would provide long term parking in the carpark during normal working hours, albeit at a fee, and free up the residential streets at all other times as the carpark would provide free parking from 5.30pm to 8.00am on week days and from 12noon on Saturday to 8.00am Monday.

The recommended way forward has been discussed with Ranger Services and they support this proposal.

CONSULTATION/ADVERTISING:

Consultation was undertaken in accordance with the City's consultation policy. In January 2015 a petition was received requesting that the removal of the existing parking restriction in Wilberforce Street, Mount Hawthorn be trialled for six months. There were no reasons given for requesting the trial.

On the 25 February 2015 36 letters were sent out to which the City received 10 responses by the close of the consultation period on 16 March 2015 with two in favour and eight against the proposal. Two of the petitioners amended their comments during the consultation period advising that there was a need for a change however were concerned about non-residents parking in the street. None of the other signatories to the petition commented further so it has been assumed that the signatories to the petition representing 12 households were in favour (as per **Attachment 001**).

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

Low: This proposal will improve the level of service and the amenity of the intersection.

STRATEGIC IMPLICATIONS:

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

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable at this stage.

COMMENTS:

It is considered that the removal of the parking restrictions, as requested by the petitioners, would erode their amenity rather than improve it. The proposed alternative recommendation by Administration would provide long term parking during normal working hours, in the Oxford Street carpark, albeit at a fee, regulated parking in surrounding residential streets during the week and free up the residential streets at all other times, as the carpark would provide free parking from 5.30pm on week days and from 12noon on Saturday.

5.2.5 Proposed Parking Changes – Leederville Town Centre

Ward:	South	Date:	20 March 2015
Precinct:	Oxford Centre (4)	File Ref:	SC1669
Attachments:	001 – Proposed Parking Changes Plan No. 3180-PP-01A		
Tabled Items:	Nil		
Reporting Officer:	C Wilson, Manager Asset and Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

1. **APPROVES** the following parking changes, in the Leederville Town Centre, as shown on Plan No. 3180-PP-01A (Attachment 001);
 - 1.1 existing loading zones at No. 109 Oxford Street and No. 747 Newcastle Street being converted to ‘dual use’, operating as loading zone from 8.00am to 7.00pm and paid ticket parking from 7.00pm to midnight;
 - 1.2 ‘emergency vehicles only’ bay adjacent to 121 Oxford Street being deleted and replaced with two, ¼ P bays;
 - 1.3 existing loading zone adjacent No. 196 Oxford Street ‘the Foyer’ being replaced with two, ¼ P bays 9.00am to 7.00pm, and paid ticket parking from 7.00pm to midnight;
 - 1.4 existing ‘Cadillac’ Bike Rack being relocated from outside No. 711 Newcastle Street to the Loading Zone adjacent the Oxford Street Reserve and the existing parking space outside No. 711 Newcastle Street to revert to ticket parking, to match the adjacent restrictions;
 - 1.5 a new loading zone being installed in Newcastle Street, east of Carr Place, from 8.00am to 8.00pm and then ‘free’ general parking after 8.00pm to match the existing restrictions in Newcastle Street east of Carr Place; and
 - 1.6 creation of two new paid parking spaces, 1P 8.00am to 7.00pm and paid ticket parking from 7.00pm to midnight, adjacent No. 663 Newcastle Street, in the space previously occupied by a bus zone; and
2. **ADVISES** all businesses within the Leederville Town Centre and those at No. 196 Oxford Street “the Foyer” of its decision;

PURPOSE OF REPORT:

To seek Council’s approval to undertake a number of changes to the on-road parking in specific locations within the Leederville Town Centre to maximise the use of the available parking spaces while maintaining a level of amenity for the local businesses.

BACKGROUND:

The City regularly receives requests from businesses seeking parking restrictions to be either introduced or amended as a means of ensuring both the availability and turnover of parking in commercial precincts.

In respect of the Leederville Town Centre there have been a number of comments and criticisms over the past year that the City is not fully utilising the existing parking 'stock'. Therefore this report seeks to outline possible changes to restrictions at specific locations to ensure that parking spaces do not remain vacant during peak demand periods.

Further, while the 'Cadillac Bike Rack' was well received it is underutilised at its current location and it is proposed to relocate it adjacent to the Oxford Street Reserve where there is proven demand.

DETAILS:

Several Elected Members have requested that Administration investigate the better use of some of the reserved or special use parking spaces, i.e. loading zones and emergency vehicle only (EVO) parking, in the Leederville Town Centre, where the demand for parking is constant throughout the day and into evening seven days per week, peaking on weekends.

Leederville Town Centre Working Group (LTCWG):

At its meeting held on 9 February 2015, the LTCWG discussed parking in the Leederville Town Centre and generally agreed with the proposed changes, as outlined below. In respect of the loading zone operational times there was some discussion on the need for loading zones during weekends.

Administration subsequently approached several of the businesses adjacent the existing loading zones seeking their comments in respect of usage, as discussed below.

Loading Zones:

Existing Loading Zones:

The underutilisation of loading zones after the standard work day, i.e. in the evening and weekends, was raised in the aforementioned LTCWG meeting.

The loading zones adjacent No. 109 Oxford Street, No. 747 Newcastle Street and No.100 Oxford Street, adjacent to the Oxford Street Reserve, are limited to commercial vehicles at all times (24/7). The 'at all times' is in part related to ease of enforcement.

There is also a loading zone located adjacent to No. 196 Oxford Street outside the 'Foyer' initially installed during construction and 'fit-out' of the building and is currently used for deliveries to the 'Foyer' and adjacent businesses. The current restriction is 'Clearway 7.30am to 9.00am Monday to Friday and Loading Zone 9.00am to 5.30pm (Monday to Sunday).

Proposed Changes.

At No. 109 Oxford Street and No. 747 Newcastle Street, it is proposed to maintain the loading zones during the day (Monday to Sunday) but allow general paid ticket parking into the evenings/nights.

The proposed restriction would be Loading Zone 8.00am to 7.00pm & Ticket Parking 7.00pm to Midnight, which is the same as the adjacent bays.

In respect of the question of 'weekend use' the business at No. 109 Oxford Street, Funky Bunches, a florist and giftware shop, trades seven days per week including deliveries and pick-ups, and has specifically requested that the loading zone be retained on weekends. At No.747 Newcastle Street the loading zone is used on Saturdays, more randomly than the one at No.109 Oxford Street, and infrequently on Sundays. However to introduce a different restriction on Sundays, in isolation, tends to create confusion with the public.

One of the criticisms Local Government regularly receives relates to complicated signage. Given the signs have to comply with the Australian Standards they are not always easy to read Therefore it is recommended that the restrictions at No.747 Newcastle Street mirror those of No.109 Oxford Street.

With regards to the Loading Zone adjacent to the Oxford Street Reserve, installed at the completion of the reserve upgrade project in 2014, it is proposed to relocate the existing Cadillac Bike Rack from outside No.711 Newcastle Street to this location, as discussed in detail below.

As indicated above the 'Foyer' loading zone was installed during construction of the building and has remained since. However while the 'Foyer' and adjacent businesses have need for a convenient location for deliveries, the demand is not constant and could adequately be addressed by providing short term parking, i.e. 1/4P, to ensure a turn-over of parking, and therefore availability at this location.

It is proposed to change the restriction to 1/4P (free) parking 9.00am (allowing for the Clearway restriction) to 7.00pm, and paid ticket parking 7.00pm to Midnight, as per the adjacent parking bays.

The above changes will provide five additional parking spaces in the evenings/nights in addition to the two day time spaces created by converting the 'Foyer' loading zone to 1/4P during the day.

Proposed Loading Zone.

Duende Spanish Tapas Restaurant, located at No. 666 Newcastle Street, has requested a loading zone be installed in either Newcastle Street or Carr Place to accommodate deliveries for their business, but also that of the adjacent businesses. A site assessment indicates that for ease of access for large vehicles it would be better placed in Newcastle Street as there are limited opportunities to turn around in Carr Place. This rationale is also supported by the City's proposed reconfiguration of the Newcastle Street / Carr Place intersection to create a pedestrian piazza and open space. While the intersection will be designed to accommodate a single unit truck, i.e. the rubbish truck, longer rigid trucks will find it more difficult. Therefore it would be preferable to provide for a 'straight in and out' movement on Newcastle Street.

The proposal is to install a Loading Zone in Newcastle Street adjacent to No. 666 Newcastle Street (Duende) to operate from 8.00 to 8.00pm. The 8.00pm finish matches the existing restrictions in Newcastle Street east of Carr Place (paid ticket parking 8.00am to 8.00pm). To finish at 7.00pm would create an anomaly where potentially a motorist would have to pay for one hour's parking.

Administration Comments:

It is a result of the above situation that the LTCWG suggested the paid parking in both Newcastle Street (Carr Place to Loftus Street) and Vincent Street (Oxford Street to Loftus Street) be reviewed to bring it into line with the restrictions in the Leederville Town Centre. This will be subject to a separate report to Council.

Cadillac Bike Rack Relocation

The existing Cadillac Bike Rack outside No. 711 Newcastle Street was installed as a trial, well over a year ago, and while it has proven to be very popular, and has won a number cycling awards, it is generally underutilised in its current location. Further, the adjoining businesses are not usually associated with the cycling fraternity and in fact one has asked for it to be relocated on several occasions.

Therefore, it is proposed to relocate the 'rack' to the aforementioned loading zone near Oxford Street Reserve. Further, it is proposed to orientate it so that it is open to the road for ease of access. In light of the recent adverse publicity about the bicycle parking at the reserve, it will provide additional bicycle parking at a location of proven demand. It will also free up an additional paid ticket parking space in Newcastle Street.

Note: There are two existing bike parking rails in Newcastle Street which will remain.

Emergency Vehicles Only (EVO) bay adjacent to No.121 Oxford Street.

Currently there is an EVO bay at the above location, which is the sole EVO bay within the City. Its origins are unknown other than it has been in place for many years.

As a consequence, other than providing a convenient place for emergency services personnel to park, its actual purpose has been questioned. The City subsequently wrote to the various emergency services (Police, Ambulance and Fire Brigade) as well as Western Power, Water Corporation and Main Roads WA, for comment.

The responses were best summed up by the comments from Department of Fire and Emergency Services (DFES):

'DFES agrees that in an emergency situation the various emergency services are legally able to park where and as required to conduct incident operations. It is clear in this instance, without supporting documentation and evidence that the EVO parking is utilised for convenience purposes only and they no function for emergency services. DFES has no objections to the removal of the EVO parking bay....'

Therefore it is proposed to remove the EVO parking space and replace it with 2 x ¼ P (free) parking spaces, 8.00am to Midnight.

Note: Two (2) parking spaces can be accommodated at this location without compromising the 'clear zone' at the head of the Newcastle Street tee junction. The clear zone is to allow for the turning circle/swept path of the buses and large trucks as well as providing a passing opportunity when a vehicle is turning right out of Oxford Street into Newcastle Street.

Relocation of Bus Stop and Shelter adjacent to No. 663 Newcastle Street:

As part of the recently completed Adshel bus shelter installation program, a new bus shelter was installed adjacent to No. 663 Newcastle Street. However, to ensure that it complied with the provisions of the Disability Discrimination Act (DDA) the Public Transport Authority (PTA) instructed that the boarding area be moved approximately 10m east of its original location. As consequence the bus zone has seen the deletion of a parking bay and straddles the secondary, and lesser used, crossover to Leederville Village. However this is not unusual in inner city locations and is only a minor inconvenience as the bus is generally only blocking access for a matter of seconds.

There is now sufficient room in front of the bus zone to install two additional parking bays, a net increase of one. Therefore it is recommended to impose the same restrictions as those of the Leederville Town Centre. 1P Ticket Parking 8.00am to 7.00pm and Ticket Parking 7.00pm to Midnight.

Note: The area is currently sign posted as a No Stopping Zone pending Council's approval.

Administration Comments:

The above proposals, are intended to provide an improvement in amenity for the Leederville Town Centre users. A summary of the proposed changes is outlined below and as shown on Plan No. 3180-PP-01A (**Attachment 001**):

Proposal	Restrictions/Outcome	Parking bays gained Day	Parking bays gained Night
Existing loading zones at 109 Oxford Street and 747 Newcastle Street being converted to 'dual use'	Loading zone from 8.00am to 7.00pm; and Paid ticket parking from 7.00pm to midnight	nil	3
'Emergency vehicles only' bay at a 121 Oxford Street being deleted	Replaced with 2 x 1/4P bays	2	2

Existing loading zone at No. 196 Oxford Street 'the Foyer' being replaced	2 x 1/4P bays created 9.00am to 7.00pm and paid ticket parking from 7.00pm to midnight*	2	2
'Cadillac' Bike Rack being relocated from outside No. 711 Newcastle Street to the Loading Zone adjacent the Oxford Street Reserve	The existing parking space outside No. 711 Newcastle Street to revert to ticket parking, to match the adjacent restrictions, underutilised loading zone converted to bicycle parking	1	1
New loading zone being installed in Newcastle Street, east of Carr Place	Loading Zone from 8.00am to 8.00pm and then 'free' general parking after 8.00pm to match the existing restrictions in Newcastle Street east of Carr Place	-1	0
Creation of two (2) new paid parking spaces, adjacent No. 663 Newcastle Street, in the space previously occupied by a bus zone	1P 8.00am to 7.00pm and paid ticket parking from 7.00pm to midnight, loss of one (1) eastern end of bus zone, creation of two (2) bays western end of bus zone	1	1
Total		6	9

CONSULTATION/ADVERTISING:

The proposed changes have been reviewed by the Leederville Town Centre Working Group which includes local business owners and residents.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

Low/Medium: Related to amenity improvements for businesses and 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.

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The cost to implement the changes including the relocation of the Cadillac bike rack is estimated to be in the order of \$1,200 and will be funded from the Parking Operating and the Travel Smart budget.

COMMENTS:

The proposals, as discussed in the report, are intended to provide an improvement in amenity for the Leederville Town Centre users. It is therefore requested that the officer recommendation be supported.

5.2.6 Proposed Parking Restriction - Mitchell Street, Mount Lawley

Ward:	South	Date:	20 March 2015
Precinct:	Banks (15)	File Ref:	SC885, SC1211
Attachments:	001 – Summary of Comments 002 – Proposed Plan No. 3159-PP-01		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

- 1 **NOTES** the comments received regarding the implementation of parking restrictions in Mitchell Street, Mount Lawley, as shown in the Summary of Comments (Attachment 001);
2. **APPROVES** the introduction of 3P Parking Restrictions, 8.00am to 5.30pm Monday to Friday in Mitchell Street, Mount Lawley from the existing ‘No Stopping’ zone at the Swan River end to Joel Terrace, as shown on attached Plan No. 3159-PP-01 (included in Attachment 002); and
3. **ADVISES** respondents and the City of Bayswater of its decision.

PURPOSE OF REPORT:

To inform Council of the outcome of the public consultation with residents regarding the implementation of parking restrictions in a portion of Mitchell Street, Mount Lawley.

BACKGROUND:

The residents of Swan Waters have for some time voiced concerns, that Mercy Hospital employees and possibly CBD workers are using Mitchell Street as a convenient free parking zone, making it difficult for local residents to find parking in the street during the week.

In response to these concerns Administration explored the introduction of a 3P parking restrictions 8.00am to 5.30pm Monday to Friday, from the existing ‘No Stopping’ zone at the Swan River end to Joel Terrace.

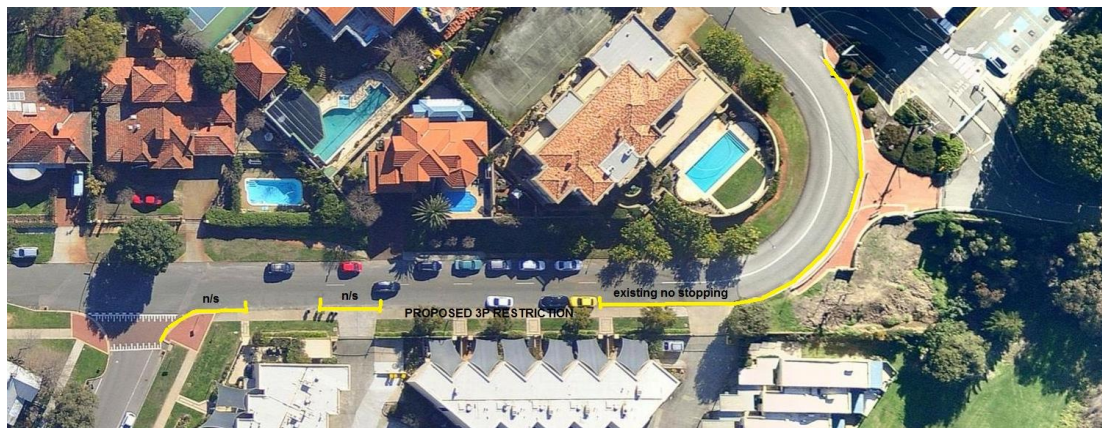
DETAILS:

Mitchell Street forms a boundary road with the City of Vincent and City of Bayswater. The northern side of Mitchell Street is within the City of Bayswater, and therefore does not form part of this proposal. If the proposed 3P restriction were to be approved, the City of Bayswater may be inclined to consider implementing similar parking restrictions on the northern side of Mitchell Street.

The proposed parking restriction on Mitchell Street is directly in front of the Swan Waters residential complex

Administration Comments:

As can be seen from the aerial photograph, below, the proposed restriction is directly outside Swan Waters as either side of the restriction comprises ‘No Stopping’. The proposal is mainly to provide amenity improvements for Swan Water residents. The majority of respondents were in favour of the proposal. One of the respondents indicated that the problem may move elsewhere i.e. Joel Terrace, this would need to be monitored and if this became a major issue for residents of this street in the future, this would be addressed at that stage.



CONSULTATION/ADVERTISING:

Consultation was undertaken in accordance with the City's Community Consultation policy. A total of 40 letters were sent out to residents requesting their comments on the proposed parking restrictions shown on attached Plan No. 3159-PP-01 (as per **Attachment 002**).

At the close of consultation, seven responses were received with six in favour, no comments against, and one with other comments (as per **Attachment 001**).

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

Low/Medium: Related to amenity improvements for 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.

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

SUSTAINABILITY IMPLICATIONS:

Not Applicable

FINANCIAL/BUDGET IMPLICATIONS:

The cost to install signs and one pole is in the order of \$150 to be funded from the Signage Operating Budget.

COMMENTS:

The residents of Swan Waters have for some time have voiced concerns that Mercy Hospital employees and possibly city workers, are using Mitchell Street as a convenient free parking zone, making it difficult for them to find parking in the street during the week. The area in question currently has no timed parking restrictions. The proposal, which is supported by the majority of respondents would see the introduction of 3P Parking Restrictions, 8.00am to 5.30pm Monday to Friday.

5.3 CORPORATE SERVICES

5.3.1 Investment Report as at 28 February 2015

Ward:	Both	Date:	20 March 2015
Precinct:	All	File Ref:	SC1530
Attachments:	001 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	N Makwana, Accounting Officer B Wong, Accountant B C Tan, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council **NOTES** the Investment Report for the month ended 28 February 2015 as detailed in Attachment 001.

PURPOSE OF REPORT:

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

BACKGROUND:

Interest from investments is a key source of funding for the City, where surplus funds are deposited in the short term money market for various terms. Details are attached in Attachment 001.

The City's Investment Portfolio is spread across several Financial Institutions in accordance with Investment Policy No. 1.2.4.

DETAILS:

Total Investments for the period ended 28 February 2015 were \$19,361,000 which is unchanged from the total investments for the period ended 31 January 2015. At 28 February 2014, \$17,811,000 was invested.

Investment comparison table:

	2013-2014	2014-2015
July	\$9,611,000	\$11,311,000
August	\$21,411,000	\$23,111,000
September	\$20,411,000	\$22,111,000
October	\$20,411,000	\$22,411,000
November	\$19,811,000	\$21,111,000
December	\$17,811,000	\$19,361,000
January	\$17,811,000	\$19,361,000
February	\$17,811,000	\$19,361,000

Total accrued interest earned on Investments as at 28 February 2015:

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$292,600	\$237,162	\$280,076	95.72
Reserve	\$292,300	\$187,293	\$183,587	62.81

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) or Equivalent	Short Term Rating (Standard & Poor) 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%	30%	Nil	90%	82%
A Category	A1	20%	11%	30%	Nil	80%	18%
BBB Category	A2	10%	Nil	n/a	Nil	20%	Nil

RISK MANAGEMENT IMPLICATIONS:

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

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

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

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:

The City exercises prudent but sound treasury 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:

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

The funds invested have remained unchanged from the previous period. However, as per the City's policy, investments that have matured during this period have been transferred across various financial institutions to obtain the best interest rates.

The City has obtained an average interest rate for investments at 3.37% compared to the Reserve Bank 90 days Accepted Bill rate of 2.36%. As of February 2015, our actuals exceeds the year to date budget estimate due to a higher level of funds being held, primarily due to the current level of spending on capital projects. As a result the year to date Municipal interest revenue is currently 96% of the full year budget and the Reserve interest is 63% of the annual budget. Based on the current trend, the City is expecting to achieve the overall total interest on investments budget.

The investment report (**Attachment 001**) consists of:

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

5.3.2 Authorisation of Expenditure for the Period 1 to 28 February 2015

Ward:	Both	Date:	20 March 2015
Precinct:	All	File Ref:	SC347
Attachments:	001 – Creditors Report 002 – Credit Card Report		
Tabled Items:	-		
Reporting Officers:	O Dedic, Accounts Payable Officer; B Tan, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council **CONFIRMS** the:

1. **Schedule of Accounts for the period 1 February to 28 February 2015 and the list of payments including credit cards;**
2. **Direct lodgement of payroll payments to the personal bank account of employees;**
3. **Direct lodgement of PAYG taxes to the Australian Taxation Office;**
4. **Direct lodgement of Child Support to the Australian Taxation Office;**
5. **Direct lodgement of creditors payments to the individual bank accounts of creditors; and**
6. **Direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;**

paid under **Delegated Authority** in accordance with **Regulation 13(1) of the Local Government (Financial Management) Regulations 1996**, as shown in Attachment 001.

PURPOSE OF REPORT:

To present to Council the expenditure and list of accounts approved for the period 1 February to 28 February 2015.

BACKGROUND:

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

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

DETAILS:

The Schedule of Accounts paid, covers the following:

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Automatic Cheques	77772 - 77913	\$343,432.57
Transfer of Creditors by EFT Batch	1754 – 1758, 1760 – 1762	\$1,506,291.26
Cancelled EFT Batch	1755	
Transfer of PAYG Tax by EFT	February 2015	\$281,320.78
Transfer of GST by EFT	February 2015	
Transfer of Child Support by EFT	February 2015	\$1,898.79
Transfer of Superannuation by EFT:		
• City of Perth	February 2015	\$27,408.08
• Local Government	February 2015	\$199,406.44
Total		\$2,359,757.92
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$8,909.76
Lease Fees		\$9,346.26
Corporate MasterCards		\$8,795.28
Loan Repayment		\$164,253.83
Rejection fees		\$2.50
Total Bank Charges & Other Direct Debits		\$191,307.63
Less GST effect on Advance Account		0.00
Total Payments		\$2,551,065.55

LEGAL/POLICY:

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

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 28 February 2015

Ward:	Both	Date:	20 March 2015
Precinct:	All	File Ref:	SC357
Attachments:	001 – Financial Reports		
Tabled Items:	002 – Significant Accounting Policies		
Reporting Officers:	N Makwana, Accounting Officer B Wong, Accountant B Tan, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council **RECEIVES** the Financial Statements for the month ended 28 February 2015 as shown in Attachment 001.

PURPOSE OF REPORT:

The purpose of this report is to present the Financial Statements for the period ended 28 February 2015.

BACKGROUND:

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

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

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

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 001** represent the Statement of Financial Activity for the period ending 28 February 2015:

Note	Description	Page
1.	Summary of Income and Expenditure by Service Areas	1-30
2.	Statement of Financial Activity by Programme Report and Graph	31-32
3.	Statement of Comprehensive Income by Nature and Type Report	33
4.	Statement of Financial Position	34
5.	Statement of Changes in Equity	35
6.	Net Current Funding Position	36
7.	Capital Works Schedule and Funding and Graph	37-43
8.	Cash Backed Reserves	44
9.	Receivables	45
10.	Rating Information and Graph	46-47
11.	Beatty Park Leisure Centre Report – Financial Position	48
12.	Explanation of Material Variance	49-57

The following table provides a summary view of the year to date actual, compared to the Original (Adopted), Revised (Following Mid Year Review) and Year to date Budget.

Summary of Financial Activity By Programme as at 28 February 2015

	Original Budget \$	Revised Budget \$	Year to date Budget \$	Actual 2014/2015 \$	Variance \$	Variance %
Operating Revenue	30,810,822	31,828,082	19,431,393	17,901,719	(1,529,674)	-8%
Operating Expenditure	(51,659,410)	(54,723,686)	(36,947,750)	(34,005,197)	2,942,553	-8%
Add Deferred Rates Adjustment	-	-	-	30,523	30,523	0%
Add Back Depreciation	8,566,790	11,223,490	7,482,476	7,473,721	(8,755)	0%
(Profit)/Loss on Asset Disposal	(3,833,120)	(4,540,370)	(1,953,123)	(1,141,645)	811,478	-42%
Net Operating Excluding Rates	(16,114,918)	(16,212,484)	(11,987,004)	(9,740,880)	2,246,124	-19%
Proceeds from Disposal of Assets	4,455,000	6,305,000	858,333	1,294,080	435,747	51%
Transfer from Reserves	5,789,800	6,464,360	6,385,451	4,917,610	(1,467,841)	-23%
	10,244,800	12,769,360	7,243,784	6,211,690	(1,032,094)	-14%
Capital Expenditure	(16,895,834)	(14,090,196)	(11,147,637)	(5,330,492)	5,817,145	-52%
Repayments Loan Capital	(1,743,478)	(1,743,478)	(571,455)	(571,456)	(1)	0%
Transfers to Reserve	(5,599,370)	(4,248,453)	(1,845,637)	(2,649,352)	(803,715)	44%
	(24,238,682)	(20,082,127)	(13,564,729)	(8,551,299)	5,013,430	-37%
Net Capital	(13,993,882)	(7,312,767)	(6,320,945)	(2,339,610)	3,981,335	-63%
Total Net Operating and Capital	(30,108,800)	(23,525,251)	(18,307,949)	(12,080,490)	6,227,459	-34%
Rates	26,909,021	27,302,021	27,177,633	27,371,422	193,788	1%
Opening Funding Surplus/ (Deficit)	3,199,779	(4,758,710)	(4,758,710)	(4,758,710)	-	0%
Closing Surplus/(Deficit)	-	(981,940)	4,110,975	10,532,223	6,421,247	156%

**Summary totals has rounding difference.*

Comments on Summary of Financial Activity by Programme:

Operating Revenue

Operating Revenue in programme reporting includes Non-operating Grants, Subsidies and Contributions. In view of this, Operating Revenue is reflecting a negative variance of 8% which is primarily due to the level of Grants received. However, this is directly linked to progress on the Capital Works program.

Operating Revenue as presented on the 'Nature and Type' report (Page 33 of **Attachment 001**) reflects a negative variance of 1%.

Operating Expenditure

The positive variance is currently at 8%.

Transfer from Reserves

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

Capital Expenditure

The positive variance is attributed to the scheduling and progress of projects within the Capital Works Program, particularly Infrastructure Asset projects. For further detail, refer to Note 7 on **Attachment 001**.

Transfer to Reserves

Variance due to transfer of Leederville Garden's Surplus from 2011 to 2012 financial year.

Rates

Rates has achieved the full year budget.

Opening Funding Surplus/(Deficit)

The mid year Revised Budget deficit Opening Balance is (\$4,758,710) in line with the closing balance reported in the Annual Financial Statement for 30 June, 2014. As adopted by Council on 16 December 2014.

Closing Surplus/(Deficit)

There is currently a surplus of \$10,532,223 compared to year to date estimate of \$4,110,975. This is substantially attributed to the current level of Capital Expenditure. The positive variance is not expected to be maintained through to the end of year position.

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

Comments on the financial performance as set out in the Statement of Financial Activity (**Attachment 001**) and an explanation of each report is detailed below:

1. Summary of Income and Expenditure by Service Areas (Page 1 – 30)

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

2. Statement of Financial Activity by Programme Report (Note 2 Page 33)

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

3. Statement of Comprehensive Income by Nature and Type Report (Note 3 Page 33)

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

4 Statement of Financial Position (Note 4 Page 34)

5. Statement of Changes in Equity (Note 5 Page 35)

The statement shows the current assets of \$25,376,750 and non-current assets of \$242,612,951 for total assets of \$267,989,701.

The current liabilities amount to \$9,319,614 and non-current liabilities of \$17,877,304 for the total liabilities of \$27,196,919.

The net asset of the City or Equity is \$240,792,782.

6. Net Current Funding Position (Note 6 Page 36)

Net Current Asset is the difference between the current asset and current liabilities less committed assets and restricted assets. This amount indicates how much capital is used up by day to day activities.

The net current funding position as at 28 February 2015 is \$10,532,223.

7. Capital Expenditure and Funding Summary (Note 7 Page 37 - 43)

The following table is a Summary of the 2014/2015 Capital Expenditure Budget by programme, which compares the Revised and Year to date Budget with actual expenditure to date. The full Capital Works Programme is listed in detail in Note 7 of Attachment 001.

	Revised Budget \$	Year to date Budget \$	Actual to Date \$	Variance %
Furniture & Equipment	209,075	149,075	19,865	13%
Plant & Equipment	1,854,775	1,304,528	1,003,147	77%
Land & Building	1,038,275	698,275	309,041	44%
Infrastructure	10,988,071	8,995,759	3,998,440	44%
Total	14,090,196	11,147,637	5,330,492	48%

	Revised Budget \$	Year to date Budget \$	Actual to Date \$	Variance %
Capital Grant and Contribution	3,048,092	766,888	510,019	67%
Cash Backed Reserves	4,234,408	5,450,319	3,825,547	70%
Other (Disposal/Trade In)	247,000	247,000	199,385	81%
Own Source Funding – Municipal	6,560,696	4,683,430	795,541	17%
Total	14,090,196	11,147,637	5,330,492	48%

Note: Detailed analyses are included on page 37 – 43 of **Attachment 001**.

8. Cash Backed Reserves (Note 8 Page 44)

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 28 February 2015 is \$6,425,820. The balance as at 31 January 2015 was \$7,349,202.

9. Receivables (Note 9 Page 45)

Other Receivables are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Receivables of \$643,377 are outstanding at the end of February 2015.

Out of the total debt, \$417,935 (65%) relates to debts outstanding for over 60 days, which is related to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangements for more than one year.

The Receivables Report identifies significant balances that are well overdue.

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

10. Rating Information (Note 10 Page 46 - 47)

The notices for rates and charges levied for 2014/15 were issued on 21 July 2014.

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

First Instalment	25 August 2014
Second Instalment	27 October 2014
Third Instalment	5 January 2015
Fourth Instalment	9 March 2015

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

Instalment Administration Charge (to apply to second, third, and fourth instalment)	\$12.00 per instalment
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

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

Rates debtors as at 28 February 2015 including deferred rates was \$2,206,439 which represents 8.01% of the outstanding collectable income compared to 8.27% at the same time last year.

11. Beatty Park Leisure Centre – Financial Position Report (Note 11 Page 48)

As at 28 February 2015 the operating deficit for the Centre was \$87,666 in comparison to the year to date revised budgeted deficit of \$20,964.

The revised February budget estimates for Beatty Park Leisure Centre were mostly under or less than the actual expenditure incurred or revenue received, with the overall actual deficit figure higher than anticipated. This has been detailed in the variance comments report in **Attachment 001**.

The cash position showed a current cash surplus of \$420,617 in comparison year to date revised budget estimate of a cash surplus of \$486,684. The cash position is calculated by adding back depreciation to the operating position.

12. Explanation of Material Variances (Note 12 Page 49 - 57)

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

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

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

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

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."

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENT:

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

5.3.4 Disposal of the Property at No. 291 (Lot 7) and No. 295 (Lot 6) Vincent Street, Leederville – Major Land Transaction

Ward:	South	Date:	20 March 2015
Precinct:	Oxford Centre (4)	File Ref:	SC2084
Attachments:	001 – Business Plan		
Tabled Items:	Nil.		
Reporting Officer:	J Paton, Director Corporate Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council:

1. **NOTES** the public submissions received in response to the invitation published in the Business Plan advertised in the Western Australian Newspaper on Wednesday 18 February 2015 and **ENDORSES** the Administration comments provided in response to the public submissions in the consultation/advertising section of the report;
2. **APPROVES BY ABSOLUTE MAJORITY** the disposal of No. 291 and No. 295 Vincent Street, Leederville, subject to:
 - 2.1 Arrangements being made to the satisfaction of the Chief Executive Officer for the imposition of a 4.0 metre wide drainage easement and public access easement on the certificate of title of Lot 6 (295) Vincent Street, Leederville prior to settlement on the sale. The easements shall extend for the length of the property along the alignment of the City’s drainage infrastructure, shall be set back 2.0 metres from the western boundary of Lot 6 and (the public access easement) shall extend vertically 4.0 metres above the easement applying to the ground below it; and
3. **APPROVES** the appointment of Knight Frank as the selling agent for the disposal in 2 above, which will be undertaken by public tender; and
4. **DELEGATES BY ABSOLUTE MAJORITY** to the Chief Executive Officer, the power to accept the tender listed in 3 above, in accordance with Section 5.42 (1) of the Local Government Act 1995 to a maximum value of \$3,500,000, subject to the settlement date for the sale of Lots 6 (295) and 7 (291) Vincent Street, Leederville being no later than Tuesday 30 June 2015.

PURPOSE OF REPORT:

To consider the proposed sale of City owned property at Lot 6 (No. 295) and Lot 7 (No. 291) Vincent Street, Leederville and the appointment of an appropriate selling agent.

BACKGROUND:

Proposal History

Date	Comment
19 November 2013	Council adopted a list of Strategic Project key priorities for 2014 and 2015, which included “Investigation of land sales on Vincent Street”.
25 February 2014	A confidential report was presented, providing the outcome of an independent valuation of Lot 6 & 7 and including a Business Plan for the possible disposal of the properties by tender. A procedural motion deferred further consideration, pending a review of “ <i>the Leederville Masterplan and access to the residential areas at the rear</i> ”.

Date	Comment
13 May 2014	<p>In response to a confidential report, the following resolution was adopted:</p> <p><i>“That Council:</i></p> <ol style="list-style-type: none"> <li data-bbox="564 367 1353 546">1. <i>AUTHORISES the Amalgamation of No. 295 (Lot 6) being all the land on Diagram 2406 and No. 291 (Lot 7) on Diagram 2406 Vincent Street into a single Lot and create a separate allotment in the western boundary of No. 295 (Lot 6) to allow for a future Right of Way and easement over the City’s existing Drainage Infrastructure.</i> <li data-bbox="564 584 1353 703">2. <i>RECEIVES a further report following the completion of the amalgamation of the lots to progress the disposal of the property, this report should be reported to the Council no later than August 2014.”</i>
4 November 2014	<p>A confidential report was presented, proposing the sale of Lots 6 and 7. A procedural motion was adopted:</p> <p><i>“That the item be DEFERRED for further consideration and reported to the Ordinary Meeting of Council to be held on 18 November 2014.”</i></p>

In reaching the decision on 4 November 2014, Council requested that the Administration obtain further valuation advice on the impact of applying different forms of encumbrances on the title of Lot 6, specifically to protect the City’s drainage infrastructure that runs along and parallel to the western boundary of that lot, and also to secure a vehicular connection between Vincent Street and the laneway to the rear of the properties.

Due to the timing of obtaining the further valuation advice requested by Council, the matter was referred back to Council for consideration at its Ordinary Meeting held 20 January 2015 where the Council resolved as follows:

“That Council:

1. *APPROVES IN PRINCIPLE the sale of Lot 6 (No. 295) and Lot 7 (No. 291) Vincent Street, Leederville on a ‘Sale in One Line’ Basis, subject to the imposition (at the time of sale) of a minimum 4.0 metre wide drainage and public access easement(s) setback 2.0 metres from and running parallel with the western boundary of Lot 6 (No. 295) for the purpose of protecting the City’s drainage, infrastructure and securing public vehicle access between Vincent Street and the rear laneway;*
2. *BY ABSOLUTE MAJORITY DELEGATES AUTHORITY to the Chief Executive Officer to:*
 - (a) *Prepare a Major Land Transaction Business Plan for the proposed disposition of the properties described in 1 above, in accordance with Section 3.59(3) of the Local Government Act 1995; and*
 - (b) *Give Statewide Public Notice of the proposed disposition of the properties described in 1 above, inviting submissions on the Major Land Transaction Business Plan for a period of not less than six (6) weeks, in accordance with Section 3.59(4) of the Local Government Act 1995; and*
3. *AUTHORISES the Chief Executive Officer to call tenders from suitably qualified Real Estate Agents for the sale of Lot 6 (No. 295) and Lot 7 (No. 291) Vincent Street, Leederville on a ‘Sale in One Line’ Basis by tender or expression of interest;*
4. *NOTES that a further report will be presented to Council after the consultation period referred to in 2(b) above, for Council to consider any submissions received, to decide whether and how to proceed with the proposed land disposition and to award the tender referred to in 3 above.”*

DETAILS:

Property details:

Lot 6 (No. 295) Vincent Street

Legal Description:

Lot 6 on Diagram 2406
Volume /Folio 553/36A

This is vacant land that was the subject of a lease to Milto Pty Ltd on behalf of Coronada Investments. The land was being used as part of the construction site for the development at 297 Vincent Street, with the lease expiring on 30 September 2014.

This Lot includes City of Vincent drainage infrastructure running parallel with the western boundary.

Lot 7 (No. 291) Vincent Street

Legal Description:

Lot 7 on Diagram 2406
Volume /Folio 1061/166

This is a residential property which was leased on a twelve (12) month tenancy. The lease has expired and the property is currently vacant.

Land Zoning:

The subject properties are zoned "Urban" under the provisions of the Metropolitan Region Scheme and "Residential R80" (Precinct 4 - Oxford Centre Precinct) under the City of Vincent's Town Planning Scheme No. 1 (TPS1).

Leederville Town Centre Masterplan:

The subject sites and surrounding properties form part of "Precinct 7 – Carr Place Residential Precinct" of the Leederville Town Centre Masterplan and Built Form Guidelines.

"The Leederville Town Centre Masterplan provide for a planning framework that will ensure the continued development of Leederville in line with stated vision of the City of Vincent."

The document stipulates the following in relation to the Carr Place Residential Precinct:

"The vision for the residential precinct is to introduce sliding densities to encourage the amalgamation of smaller lots to allow for more substantial development within the Carr Place Precinct."

Leederville Town Centre Master Plan – Additional information:

Carr Place Precinct - Design Guidelines

3.0 Redevelopment Scenarios -

3.1 Preferred Land Uses

It is proposed that the predominant land use in this precinct be high density residential in the form of multiple dwellings. The transition in land use from commercial at the Oxford Street end to residential heading east would be characterised by mixed use development with commercial uses (shops and offices) at the ground level.

The first perpendicular laneway proposed for the precinct would mark the end of the transition from commercial to residential with the remainder of Carr Place retaining its existing predominantly residential character albeit at an expected higher density.

3.2 Laneways

The existing laneway is proposed to be widened to 6 metres and extended in order to provide rear access to all lots fronting Vincent Street and Carr Places with two additional perpendicular North – South laneways providing for restricted vehicular access between Vincent Street & Carr Place.

The western – most North – South laneway is proposed to be 8 metres wide and should be positioned to coincide with the transition in land use in the street block from predominantly commercial (retail and entertainment uses) to predominantly residential uses. Key development sites on each corner would be characterised by commercial uses on the ground floor and residential uses with balconies on the second and subsequent storeys ensuring active frontages and passive surveillance of the laneways.

The laneways will improve permeability for both pedestrians and vehicles through the precinct. Once the laneways have been established vehicle access to properties will eventually be limited to the laneways with parking facilities located at the rear and existing crossovers incrementally removed, allowing greater opportunity for on – street parking, tree planting and other improvements in the street environment.

The existing laneway on No 287 Vincent Street is privately owned and has no implications for the sale of lot 291 and 295 Vincent Street.

Business Plan:

A notice was placed in the Western Australian Newspaper on Wednesday 18 February 2015, stating:

In accordance with Section 3.59(4) of the Local Government Act 1995, the City of Vincent gives notice of its intention to undertake a Land Transaction (Disposal of Lot 6 & 7, No. 291 and 295 Vincent Street, Leederville).

A Business Plan providing details of this proposed Land Transaction is available for public inspection at the City's Administration and Civic Centre, and on the City's website: www.vincent.wa.gov.au

*Written submissions on the Business Plan may be lodged with the City up until **5.00pm Thursday 2 April 2015**. Submissions should be marked "Submission – Land Transaction, Disposal of 291 & 295 Vincent Street, Leederville" and addressed to the Chief Executive Officer, PO Box 82, Leederville 6902 or emailed to: mail@vincent.wa.gov.au*

The Business Plan includes the following statement outlining the proposed land transaction:

"The City of Vincent proposes to sell the property at 291 Vincent Street and the vacant land at 295 Vincent Street, Leederville on a 'Sale in One Line Basis', subject to the imposition (at the time of sale) of a minimum 4.0 metre wide drainage and public access easement(s) setback 2.0 metres from and running parallel with the western boundary of Lot 6 (No. 295) for the purpose of protecting the City's drainage infrastructure and securing public vehicle access between Vincent Street and the rear laneway."

Selling Agent

On Tuesday 17 February 2015, the Invitation to Quote (ITQ) documentation (CEO/02-15) for the appointment of a real estate agent for the sale of the property located at 291 & 295 Vincent Street, Leederville was issued to the following four commercial real estate agents; Knight Frank, CBRE, Time Conti and Colliers International. The ITQ called for the real estate agent to prepare and market the property for sale by Tender.

The ITQ specifies that the properties are to be advertised for sale by tender or expression of interest, to comply with the requirements of section 3.58 of the *Local Government Act 1995* (the Act) and called for the following scope of work to be undertaken by the appointed agent:

The Appointed Agent will be required to undertake the following services:

- Advertising and marketing on the sale of property;
- Estimate market value of the property;
- Providing detailed due diligence;
- Providing customer service to clients; and
- Execution of sale of property in accordance with Section 3.58 of the Local Government Act 1995.

The ITQ specified the following evaluation criteria for the assessment of quotations:

Evaluation Criteria Weighting	Weighting
<p>Financial offer / fee proposal 60%</p> <ul style="list-style-type: none"> • This contract is offered on a lump sum (fixed price) fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST). • Represents the "<i>best value</i>" for money. • Effective sales and marketing methodology. 	60%
<p>Relevant experience, expertise and project Team 40%</p> <p>Demonstrate your:</p> <ul style="list-style-type: none"> • Expertise and experience in similar projects to be demonstrated by the project team. • Role and credentials of the key persons in the provision of the service (i.e. qualifications and experience). • Understanding of the requirements associated with delivering the services to the City. • Experience and success in the sphere of recent similar sales. • Submission of contact details of referees for similar projects. 	40%
TOTAL 100%	100%

At the closing time for ITQ CEO/02-15 on Wednesday 4 March 2015, three submissions had been received, from Knight Frank, CBRE and Colliers International. The three submissions were evaluated by the Director Corporate Services against the specified evaluation criteria.

The submissions were competitive and each received a consistent score for the 'Relevant experience' criteria. Knight Frank submitted a slightly lower fee structure and scored higher in this category, thereby receiving an overall higher score on weighted criteria.

The method of marketing recommended by Knight Frank is by Tender.

CONSULTATION/ADVERTISING:

The Business Plan was advertised on 18 February 2015 and a public submission period of 6 weeks provided, closing on Thursday 2 April 2015.

At the time of writing this report, one submission had been received as detailed below:

The proposal is that both lots be sold together and subject to a 4.0 metre wide drainage and public access easement be created 2.0 metres from the western boundary:

The questions are:

- *Why isn't the easement 6.0 metres wide in accordance with the WAPC's preferred laneway width which is reflected on conditions imposed on Vincent ratepayers if they do any development on a property adjacent to a laneway?*
- *Is the 4.0 metre wide easement considered wide enough to allow vehicles to pass when going in opposite directions or is it intended that the public access be one way?*
- *If the intention is that the new owner provide "pull off" bays in the 2.0 metre strip on the western boundary in order to allow two way traffic how will the City enforce this given that the only condition seems to be to provide a 4.0 metre easement away from the boundary?*
- *What is to stop the new owner filling the whole 2.0 metre western strip with buildings, bin storage, bike parking and the like?*
- *How high above finished ground level will the easement extend – will it be high enough to allow trucks to use it or will it be restricted to normal passenger vehicles?*
- *Will the public access easement allow pedestrian as well as vehicular traffic?*

Administration provides the following comments in response to the above-mentioned submission:

- The easement would not be created as a publicly gazetted road or laneway and therefore would not need to be 6.0 metres wide;
 - In accordance with Council's 20 January 2015 decision on this matter, the advertised business plan deliberately referred to a "minimum 4.0 metre wide drainage and public access easement(s) setback 2.0 metres from and running parallel with the western boundary of Lot 6" (emphasis added). If vehicular access through the property (between Vincent Street and the laneway to the rear of Lots 6 and 7) is limited to only 4.0 metres in future, then it will not be wide enough for two vehicles to practically pass each other; however this was not the intent of the easement(s). The easements are intended to protect the City's drainage infrastructure and to preserve an entitlement for the affected portion of the property to be used for public access (for vehicles and pedestrians alike) – but not as a dual carriageway. The length of this easement from Vincent Street to the laneway at the rear of Lots 6 and 7 is only 43.6 metres and this is not considered such a substantial distance to warrant the easement being made wider for two cars to be able to pass (to 5.0 metres at least). By comparison the laneway to the rear of the subject lots is approximately 3.0 metres wide from 297 Vincent Street through to Oxford Street – a distance of some 120 metres;
-

- The questions raised in the submission about the use of the proposed 2.0 metre setback area between the western boundary of Lot 6 and the easement are design issues that will be addressed at the development application stage. The easement setback from the western boundary was intended to provide development flexibility for the future purchaser of the site, to possibly accommodate design elements such as landscaping, pedestrian access or piers for upper storeys of a future development (to avoid the expense of cantilevered slab construction extending over the easement). If Council considers that the access easement should be widened and/or the setback from the western boundary reduced, then such a change could be accommodated without needing to readvertise the proposed disposition, as it would not be substantially different from what was advertised in the business plan;
- Council has not made any decision on the proposed height of the public access easement, although Administration considers that a height of 4.0 metres is sufficient to accommodate most passenger/light vehicles, while also generally according with typical ground floor storey heights in multi-level developments. This proposed easement height has been incorporated in the Officer Recommendation and (again) does not warrant further advertising of this disposition because it is not substantially different from what was advertised.

LEGAL/POLICY:

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

Local Government Act 1995 (the Act)

3.58. Disposing of property

- (2) *Except as stated in this section, a local government can only dispose of property to*
- (a) *the highest bidder at public auction; or*
 - (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property -*
- (a) *it gives local public notice of the proposed disposition –*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
 - and*
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
-

3.59. Commercial enterprises by local governments

- (2) Before it -
- (b) enters into a major land transaction; or
 - (c) enters into a land transaction that is preparatory to entry into a major land transaction,
- a local government is to prepare a business plan.
- (3) The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of -
- (a) its expected effect on the provision of facilities and services by the local government; and
 - (b) its expected effect on other persons providing facilities and services in the district; and
 - (c) its expected financial effect on the local government; and
 - (d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56; and
 - (e) the ability of the local government to manage the undertaking or the performance of the transaction; and
 - (f) any other matter prescribed for the purposes of this subsection.
- (4) The local government is to -
- (a) give Statewide public notice stating that -
 - (i) the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction; and
 - (ii) a copy of the business plan may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
- and
- (b) make a copy of the business plan available for public inspection in accordance with the notice.
- (5) After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under –
- (a) this Act other than those referred to in section 5.43; or
 - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

* Absolute majority required.

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties -

- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph.*

Local Government (Functions and General) Regulations 1996

8A. Amount prescribed for major land transactions; exempt land transactions prescribed (Act s. 3.59)

*(1) The amount prescribed for the purposes of the definition of **major land transaction** in section 3.59(1) of the Act is –*

- (a) if the land transaction is entered into by a local government the district of which is in the metropolitan area or a major regional centre, the amount that is the lesser of -*

- (i) \$10 000 000; or*
- (ii) 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year.*

The operating expenditure for the City of Vincent in 2013/14 was approximately \$54 million therefore in accordance with sub regulation (1)(a)(ii) above, a land transaction in excess of \$5.4 million would be classified as a major land transaction.

RISK MANAGEMENT IMPLICATIONS:

Medium: The property sales can be affected by the property market and economic conditions at the time of the sale of the lots, which may impact the estimated returns. The sale of these properties was included as part of the funding strategy to address the potential deficit end of year position in 2014/15.

STRATEGIC IMPLICATIONS:

Strategic Community Plan 2013 - 2023

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The revised Budget 2014/15 has factored in the proceeds from the sale of these properties to reduce the potential budget deficit for the 2014/15 financial year.

COMMENTS:

As the likely sales value of these properties is below the value for a Major Land Transaction as prescribed in *Regulation 8A(1)(a)(ii) of the Local Government (Functions and General) Regulations 1996*, the publication of a Business Plan and invitation for public submissions exceeds the legislated consultation requirements for a lower value land transaction.

The sale of these properties must be undertaken in accordance with the requirements of Section 3.58 of the Act, with public tender being the proposed method to be adopted by the preferred real estate agent, Knight Frank.

The publication of the Business Plan did result in the receipt of one public submission, which has been detailed, along with Administration's comments in the Detail section of this report. Having considered the submission, Council is now in a position to approve undertaking the disposal of No. 291 and 295 Vincent Street, Leederville.

In order to ensure a timely disposal process, it is proposed that the Chief Executive Officer be granted delegated authority to accept the tender for the disposal of these properties. The Act (5.43 (d)) requires a Council to set a maximum value when delegating authority to the Chief Executive Officer to acquire and dispose of property. In this instance, it is proposed the maximum be in excess of the market value.

5.4 COMMUNITY SERVICES

5.4.1 Vincent Light Up Laneway Grant

Ward:	South	Date:	20 March 2015
Precinct:	Mount Lawley	File Ref:	SC1966
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	C Grossetti, Coordinator Safer Vincent S Butler, Manager Ranger and Community Safety Services		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That Council:

1. **RECEIVES** grant funding of \$22,704 from the WA Police Community Crime Prevention Fund;
2. **APPROVES BY ABSOLUTE MAJORITY** the unbudgeted expenditure of \$22,704 for the Vincent Light Up Laneway Project in accordance with Section 6.8 (1) of the Local Government Act 1995; and
3. **NOTES** the following budget reallocation to recognise the increase in revenue and expenditure detailed in clauses 1 and 2 above.

Account No.	Description	\$
6300.110.21	Grant	(22,704)
	Vincent Light Up Laneway Project	22,704

PURPOSE OF REPORT:

To advise Council of the receipt of grant funds not included in the annual budget, and request approval to expend monies to facilitate the 'Vincent Light Up Laneway' project, in accordance with the terms of the grant from the WA Police Community Crime Prevention Fund.

BACKGROUND:

In October 2014, the City sought funding to light the right of way between Harold and Clarence Streets (bounded by Beaufort and Curtis Streets) Mount Lawley by way of a grant application to the Community Crime Prevention Fund. The City was successful in its application and funding has been granted for this project.

The application was submitted following concerns by residents in relation to anti-social behaviour from persons leaving the nearby Mount Lawley entertainment precinct, and the use of the laneway as a thoroughfare (often to Forrest Park, located at the end of the laneway).

In support of resident concerns were the high levels of graffiti vandalism and an assortment of other anti-social offences in this area that had been reported to Police. It was identified that the probability for anti-social and criminal behaviour was heightened due to the lack of lighting in the area.

DETAILS:

Various quotes were obtained and submitted with the grant application. The application was approved based on a quotation received from one of the suppliers who quoted a total cost of \$22,704 (excluding GST), for 11 LED Solar Street Lights to be supplied and fully installed.

CONSULTATION/ ADVERTISING:

The City has written to 230 residents in the surrounding area (Harold, Clarence and Curtis Streets) in mid-March 2015, notifying them of the intended project, and to request community comment. Currently four emails and two telephone calls have been received with five positive comments of support and one expression of concern that lighting may attract offenders.

LEGAL/POLICY:

There is no legal or policy concerns in relation to this recommendation.

RISK MANAGEMENT IMPLICATIONS:

Medium: Failure to implement this project could invite continued anti-social behaviour issues within this vicinity and fail to address the concerns of the residents living within close proximity.

STRATEGIC IMPLICATIONS:

In keeping with the City's Strategic Community Plan 2013-2017, the following Objectives state:

"3.1.2 Promote and foster community safety and security".

This proposal aligns with the Safer Vincent Community Safety and Crime Prevention Plan 2011-2014 (current at time of grant application) as follows:

"3.3 Implementation of proactive projects/ strategies to promote safe physical environments".

Additionally, it aligns with proposed strategies within the Safer Vincent Community Safety and Crime Prevention Plan 2015-2018, which is currently in development.

SUSTAINABILITY IMPLICATIONS:

The lights are low maintenance and should require minimal upkeep.

The use of solar energy and LED lighting aligns with the objectives and actions within the City's *Sustainable Environment Strategy 2011-2016* related to clean air and emissions. These include the use of renewable energy sources in the City's operations and the implementation of energy efficient lighting technologies such as solar lights and LED.

FINANCIAL/BUDGET IMPLICATIONS:

The funds to purchase and install the equipment is provided by the WA Police Community Crime Prevention Fund and has no direct impact on the City's 2014/2015 Budget.

COMMENTS:

This project is one of the City's proactive initiatives to promote safer environments, in accordance with the Safer Vincent Community Safety and Crime Prevention Plan.

Beaufort Street is in close proximity to a number of parks, residential homes and the local entertainment precinct. The laneways or right of ways that run off Beaufort Street are sometimes used as a thoroughfare between the entertainment and food precincts and local open spaces such as Forrest Park. The laneways for the most part are unlit, and as such there is a heightened probability the laneways may attract antisocial and associated criminal behaviour. The City believes the introduction of lighting in these areas will mitigate or diminish the potential for this type of activity.

It is also anticipated that the improved lighting in this area will assist to reduce resident concerns and create a safer and more secure environment for residents and visitors.

5.5 CHIEF EXECUTIVE OFFICER

5.5.1 Use of the Council's Common Seal

Ward:	-	Date:	20 March 2015
Precinct:	-	File Ref:	SC406
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	L Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

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

BACKGROUND:

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

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

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

Date	Document	No of copies	Details
03/03/2015	Deed of Covenant	2	City of Vincent and Dexter Holdings Pty Ltd, C/o HWL Ebsworth Lawyers, PO Box 7222 Cloisters Square WA 6850 relating to Nos. 251-255 (Lots 452 & 453 D/P301681) Stirling Street Perth – Change of Use – <i>As per Planning Condition (6.2)</i>
04/03/2015	Withdrawal of Caveat	1	City of Vincent and Beersheba Investments Pty Ltd and ACS Corporate Services Pty Ltd, of Walcott Street, Mt Lawley relating to Lots 14 & 15 Plan 1874 – Withdrawal of Caveat – <i>Approved at OMC 14 February 2012</i>
12/03/2015	Deed of Covenant	2	City of Vincent and Asdad Pty Ltd and Rojoda Pty Ltd, C/o HWL Ebsworth Lawyers, PO Box 7222 Cloisters Square WA 6850 relating to Nos. 609-623 (Lots 5,6,7 on Plan 2324, Lot 151 D/P30762) Beaufort Street, Mount Lawley – Deed of Amalgamation Change of ownership – <i>As per OMC 8 April 2014</i>
17/03/2015	Grant Agreement	2	City of Vincent and the Commonwealth as represented by the Department of Veterans' Affairs, the Repatriation Commission and the Military Rehabilitation and Compensation Commission relating to grant received by the City for \$10,115 under the Anzac Centenary Local Grants Program
18/03/2015	Scheme Amendment Documents	3	City of Vincent Town Planning Scheme No. 1 – Amendment No. 36 – amendments to Scheme Amendment Documents as required by the Western Australian Planning Commission (<i>Replacement Pages – Oxford Precinct Maps</i>)

5.5.2 Audit Committee – Terms of Reference

Ward:	-	Date:	20 March 2015
Precinct:	-	File Ref:	SC243-02
Attachments:	001 – Terms of Reference		
Tabled Items:	Nil.		
Reporting Officer:	J Paton, Director Corporate Services		
Responsible Officer:	L Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

That Council:

1. **DELEGATES BY ABSOLUTE MAJORITY to the Audit Committee the responsibility to meet with the City’s Auditor in accordance with section 7.12A (2) of the *Local Government Act 1995*; and**
2. **ADOPTS the revised Terms of Reference for the Audit Committee as detailed in Attachment 001.**

PURPOSE OF REPORT:

To consider revised draft Terms of Reference for the Audit Committee.

BACKGROUND:

The *Local Government Act 1995* (the Act) prescribes that local governments are to establish an Audit Committee, as detailed below:

7.1A. *Audit committee*

- (1) *A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it; and*
- (2) *The members of the audit committee of a local government are to be appointed by the local government and at least 3 of the members, and the majority of the members, are to be council members.*

The current Terms of Reference for the City’s Audit Committee is very brief and states:

To:

- (a) *Determine the process of selecting the Auditor;*
- (b) *Recommend to Council on the Auditor;*
- (c) *Manage the Audit Process;*
- (d) *Monitor Administrations actions on, and responses to, any significant matters raised by the Auditor;*
- (e) *Submit an Annual Report on the audit function to the Council and the Department of Local Government;*
- (f) *Consider of the completed Statutory Compliance Return and monitoring administrations corrective action on matters on non-compliance;*
- (g) *Oversee Risk Management and Accountability considerations; and*
- (h) *Oversee Internal Audit/Accountability functions.*

Meeting Information

Meetings are held on a quarterly basis at the City of Vincent Administration and Civic Centre Committee Room.

The Committee consists of four Council Members, with the Chief Executive Officer (CEO) and Director Corporate Services (DCorpS) attending in a non-voting capacity.

DETAILS:

The Audit Committee Terms of Reference (ToR) has been reviewed to ensure it adequately articulates the anticipated role of an Audit Committee established under the *Local Government Act 1995*.

In reviewing the ToR, reference has been made to the following:

- Part 7 of the Act – Audit;
- Local Government (Audit) Regulations 1996 (the Regulations);
- Local Government Operational Guidelines – No 09 Audit in Local Government, the appointment, function and responsibilities of Audit Committees (revised September 2013); and
- Local Government Operational Guidelines – No 13 the Relationship between Internal and External Audit (April 2006).

Included within Local Government Operational Guidelines – No 09 is a model Terms of Reference for Audit Committees. The 2013 revision of the guidelines has incorporated an additional responsibility for the Audit Committee in line with changes to the Regulations. These changes introduced additional requirements under clauses 16(c) and 17 for the CEO and the Audit Committee respectively in relation to oversight of the results of reviews pertaining to the effectiveness and appropriateness of systems and procedures related to risk management, internal controls and legislative compliance.

The model ToR has been used as the basis for the draft City of Vincent Audit Committee Terms of Reference (**Attachment 001**), which has been customised to suit the City's requirements. Two key amendments include:

- Increasing the membership of the Audit Committee to consist of all Council Members; and
- Increasing the frequency of meetings to every two months, or more regularly at the discretion of the Presiding Member.

CONSULTATION/ADVERTISING:

Not Applicable

LEGAL/POLICY:

The following legislative provisions are relevant:

Local Government Act 1995 (the Act)

Division 1A of Part 7 of the Act provides for the establishment of an Audit Committee, limitations on what Delegations can be provided to the Committee and confirmation that decisions of an Audit Committee are to be made by simple majority.

7.12A. Duties of local government with respect to audits

- (1) *A local government is to do everything in its power to –*
 - (a) *assist the auditor of the local government to conduct an audit and carry out his or her other duties under this Act in respect of the local government; and*
 - (b) *ensure that audits are conducted successfully and expeditiously.*
 - (2) *Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.*
 - (3) *A local government is to examine the report of the auditor prepared under section 7.9(1), and any report prepared under section 7.9(3) forwarded to it, and is to*
 - (a) *determine if any matters raised by the report, or reports, require action to be taken by the local government; and*
 - (b) *ensure that appropriate action is taken in respect of those matters.*
-

- (4) A local government is to –
- (a) prepare a report on any actions under subsection (3) in respect of an audit conducted in respect of a financial year; and
 - (b) forward a copy of that report to the Minister,

by the end of the next financial year, or 6 months after the last report prepared under section 7.9 is received by the local government, whichever is the latest in time.

Local Government (Audit) Regulations 1996

16. Audit committee, functions of

An audit committee -

- (a) is to provide guidance and assistance to the local government –
 - (i) as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and
 - (ii) as to the development of a process to be used to select and appoint a person to be an auditor; and
- (b) may provide guidance and assistance to the local government as to –
 - (i) matters to be audited;
 - (ii) the scope of audits;
 - (iii) its functions under Part 6 of the Act; and
 - (iv) the carrying out of its functions relating to other audits and other matters related to financial management; and
- (c) is to review a report given to it by the CEO under regulation 17(3) (the **CEO's report**) and is to -
 - (i) report to the council the results of that review; and
 - (ii) give a copy of the CEO's report to the council.

RISK MANAGEMENT IMPLICATIONS:

High: Updating the Terms of Reference to reflect the additional requirements of the amended *Local Government (Audit) Regulations 1996* will reduce the relevant compliance risks and clarify the Audit Committee's responsibilities for the oversight of the efficiency and effectiveness of the City's management functions.

STRATEGIC IMPLICATIONS:

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

- 4.1 Provide good strategic decision-making, governance, leadership and professional mananagement
 - 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 service, performance procedures and processes is improved and enhanced."

SUSTAINABILITY IMPLICATIONS:

Not Applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Not Applicable.

COMMENTS:

The model Terms of Reference prepared by the Department of Local Government and Communities represents current best practice and therefore should be utilised as the basis for the development of the City of Vincent's Audit Committee Terms of Reference.

The Act prescribes that an Audit Committee shall consist of at least three members of Council who are to be the majority of the committee. Employees cannot be members of the committee, however external representation is permitted. The terms of reference has been drafted to provide for the membership of the committee to consist of all members of Council (9).

Section 7.12A (2) of the Act states in part "a local government is to meet with the auditor of the local government at least once in every year". The term "local government" in this context means the Council. Given the specific functions of the Audit Committee and attendance of the Auditors at certain Audit Committee meetings, delegating the responsibility to meet with the Auditor to the Audit Committee appears prudent and is listed as a responsibility of the Committee in the revised Terms of Reference.

5.5.3 Information Bulletin

Ward:	-	Date:	20 March 2015
Precinct:	-	File Ref:	-
Attachments:	001 – Information Bulletin		
Tabled Items:	-		
Reporting Officer:	J Highfield, Executive Assistant		
Responsible Officer:	Len Kosova Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the Information Bulletin dated 20 March 2015, as distributed with the Agenda.

DETAILS:

The items included in the Information Bulletin dated 20 March 2015 are as follows:

ITEM	DESCRIPTION
IB01	Tamala Park Regional Council Minutes Meeting held on 12 February 2015
IB02	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 18 February 2015
IB03	Mindarie Regional Council Minutes Meeting held on 19 February 2015
IB04	WALGA summary Minutes of State Council Meeting held on 4 March 2015
IB05	State Administrative Tribunal Orders – Australian Leisure and Hospitality Group v City of Vincent DR 12 of 2015 (Nos. 331-367 Bulwer Street, Perth)
IB06	Confirmed Minutes of the Parks Working Group (PWG) held on 19 November 2014
IB07	Unconfirmed Minutes of the Parks Working Group (PWG) held on 4 March 2015
IB08	Confirmed Minutes of the Safer Vincent Crime Prevention Partnership (SVCPP) held on 10 December 2014
IB09	Unconfirmed Minutes of the Safer Vincent Crime Prevention Partnership (SVCPP) held on 4 March 2015
IB10	Confirmed Minutes of the Loftus Centre Management Working Group (LCMWG) held on 11 December 2014
IB11	Unconfirmed Minutes of the Leederville Town centre Enhancement Working Group Meeting held on 9 February 2015
IB12	Perth International Arts Festival thank you letter received dated 11 March 2015
IB13	Register of Petitions – Progress Report – April 2015
IB14	Register of Notices of Motion – Progress Report – April 2015
IB15	Register of Reports to be Actioned – Progress Report – April 2015
IB16	Register of Legal Action (Confidential – Council Members Only) - Monthly Report as at 20 February 2015
IB17	Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 19 March 2015
IB18	Register of Applications Referred to the Design Advisory Committee – 2015
IB19	Register of Applications Referred to the MetroWest Development Assessment Panel – Current
IB20	Forum Notes – 17 February 2015

6. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

7. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

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

Nil.

9. CLOSURE