



CITY OF VINCENT

ORDINARY COUNCIL MEETING

18 October 2016

Notice of Meeting and Agenda

Notice is hereby given that an Ordinary Meeting of the Council of the City of Vincent will be held at the Administration and Civic Centre, at 244 Vincent Street (corner Loftus Street) Leederville, on **Tuesday 18 October 2016** at 6:00pm.

Len Kosova
CHIEF EXECUTIVE OFFICER

14 October 2016

ENHANCING AND CELEBRATING OUR DIVERSE COMMUNITY

This document is available in other formats and languages.

DISCLAIMER

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

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

Copyright

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

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

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

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

RECORDING OF COUNCIL MEETINGS

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

ORDER OF BUSINESS

1. (a) **Declaration of Opening**
(b) **Acknowledgement of Country Statement**

“Today we meet on the lands of the Nyoongar people and we honour them as the traditional custodians of this land”.
 2. **Apologies/Members on Approved Leave of Absence**
 3. (a) **Public Question Time and Receiving of Public Statements**
(b) **Response to Previous Public Questions Taken On Notice**
 - [3.1](#) Response to questions from Ms Faye Caldwell taken on notice at the Ordinary Council Meeting held on 20 September 2016.
 - [3.2](#) Response to questions from Mr Stuart Lofthouse taken on notice at the Ordinary Council Meeting held on 20 September 2016.
 - 3.3 Response to questions from Ms Debbie Saunders taken on notice at the Ordinary Council Meeting held on 20 September 2016. (To be distributed on Monday 17 October 2016).
 4. **Applications for Leave of Absence**
 5. **The Receiving of Petitions, Deputations and Presentations**
 - 5.1 Petition received on 14 October 2016 from Ms V Komarenko of Stirling Street, Perth, along with 90 signatures from residents and businesses in the area, respectfully requesting that the City of Vincent (Council): *‘Keep to their promise and relocate the Manna Inc. feeding service from Weld Square to a non-residential location by December 2016. City of Vincent is to propose a new location as they see fit to offer the individuals in need the dignity they deserve.’*
 6. **Confirmation of Minutes**
 - 6.1 Ordinary Meeting of Council held on 20 September 2016
 7. **Announcements by the Presiding Member (Without Discussion)**
 8. **Declarations of Interest**
 9. **Reports**

As listed in the Index.
 10. **Motions of which Previous Notice has been given**

Nil.
 11. **Questions by Members of which Due Notice has been given (Without Discussion)**

Nil.
 12. **Representation on Committees and Public Bodies**

Nil.
 13. **Urgent Business**

Nil.
-

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

Nil.

15. Closure

INDEX
(18 OCTOBER 2016)

ITEM	REPORT DESCRIPTION	PAGE
9.1	DEVELOPMENT SERVICES	
9.1.1	FURTHER REPORT: No. 131 (Lot: 282; D/P: 2503) Coogee Street, Mount Hawthorn – Proposed Carport Addition to Existing Single House (PR12043; 5.2016.124.1)	1
9.1.2	FURTHER REPORT: No. 52 (Lot: 66; D/P: 2324) Chelmsford Road, Mount Lawley – Proposed Alterations and Additions to Existing Single House (PR19871; 5.2016.102.1)	7
9.1.3	No. 29 (Lot: 2; D/P: 73385) Edith Street, Perth – Change of Use from Grouped Dwelling to Short Term Dwelling (Unlisted Use) (PR54373; 5.2016.288.1) [ABSOLUTE MAJORITY DECISION REQUIRED]	13
9.1.4	Nos. 284-286 (Lot: 500; D/P: 70429) Oxford Street, Leederville – Change of Use from Office to Office and Ancillary Laboratory (Unlisted Use) (PR15530; 5.2016.216.1) [ABSOLUTE MAJORITY DECISION REQUIRED]	18
9.1.5	No. 50 (Lot: 103; D/P: 1659) Buxton Street, Mount Hawthorn – Change of Use from Single House to Bed And Breakfast (Unlisted Use) (PR11293; 5.2016.257.1) [ABSOLUTE MAJORITY DECISION REQUIRED]	22
9.1.6	Nos. 104-110 (Lot: 504; D/P: 29873) Hobart Street, Mount Hawthorn – Proposed Extension of Term of Approval: Ancillary Eating House to Existing Warehouse (PR14032; 5.2016.233.1)	26
9.1.7	No. 131 (Lot: 361 & 364; D/P: 2355) Walcott Street, Mount Lawley – Proposed Amendment to Previous Approval: Four Grouped Dwellings (PR26760; 5.2016.334.1)	31
9.1.8	No. 5 (Lot: 33 D/P: 2001) Bramall Street, East Perth – Proposed Amendment to Previous Approval (Retrospective): Three Storey Mixed Use Development (PR18611, 5.2016.354.1)	34
9.1.9	Nos. 36-38 (Lots 3 & 4; D/P: 1346) Melrose Street, Leederville – Proposed Two Storey Six Unit Multiple Dwelling Development (PR23573; 5.2016.36.1)	37
9.1.10	Submission on Draft Perth Transport Plan (SC1973)	46
9.1.11	Initiation of Amendment to Local Planning Policy No. 7.5.15 – Character Retention Areas (SC1343)	55
9.1.12	Initiation of Amendment to Local Planning Policy No. 7.7.1 – Parking and Access (SC2632)	61
9.1.13	Nos. 338-342 (Lots: 9 and 10; D/P: 2287) Oxford Street, Leederville – Proposed Change of Use from Educational Establishment to Place of Public Worship (PR15617; 5.2016.305.1)	66
9.2	TECHNICAL SERVICES	
9.2.1	Proposed Safety Improvement at the Intersection of Walcott and Beaufort Streets, Mount Lawley (SC686, SC986)	76
9.2.2	Traffic Related Matters Anzac Road, Mount Hawthorn - Proposed Installation of Traffic Calming Measures Oxford Street to Sasse Avenue (SC673, SC446)	81

**INDEX
(18 OCTOBER 2016)**

ITEM	REPORT DESCRIPTION	PAGE
9.2.3	Proposed Parking Restriction Trial – Chelmsford Road, Fitzgerald Street to Ethel Street, North Perth (SC738, SC1201)	84
9.2.4	Urgent Works: Ceiling Panel Renewal and Lighting Upgrade (SC377) [ABSOLUTE MAJORITY DECISION REQUIRED]	87
9.2.5	Deed of Variation to the Constitution Agreement of the Mindarie Regional Council – Further Report (SC1161)	90
9.3	CORPORATE SERVICES	
9.3.1	Investment Report as at 30 September 2016 (SC1530)	95
9.3.2	Authorisation of Expenditure for the period 1 September 2016 to 21 September 2016 (SC347)	99
9.3.3	Financial Statements as at 31 August 2016 (SC357)	102
9.3.4	Review of Policy 4.2.7 – Council Members – Allowances, Fees and Reimbursement of Expenses (SC2639)	109
9.3.5	Arrangements for an Extraordinary Election (SC2639) [ABSOLUTE MAJORITY DECISION REQUIRED]	113
9.3.6	Assignment of Lease – Portion of Beatty Park Leisure Centre – NBP Holdings Pty Ltd to Beatty Park Physiotherapy Pty Ltd (SC1968)	116
9.4	COMMUNITY ENGAGEMENT	
9.4.1	Review of Local Law Provisions Relating to Storage of Items on Verge (SC1991)	121
9.5	CHIEF EXECUTIVE OFFICER	
9.5.1	Review of Policy No. 4.2.15 - Council Members Contact with Developers (SC2639)	125
9.5.2	Information Bulletin	127
10.	COUNCIL MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	
	Nil.	128
11.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (Without Discussion)	
	Nil.	128
12.	REPRESENTATION ON COMMITTEES AND PUBLIC BODIES	
	Nil.	128
13.	URGENT BUSINESS	
	Nil.	128
14.	CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE	

**INDEX
(18 OCTOBER 2016)**

ITEM	REPORT DESCRIPTION	PAGE
	CLOSED (“Behind Closed Doors”)	
	Nil.	128
15.	CLOSURE	128

9.1 DEVELOPMENT SERVICES

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

Ward:	North	Date:	10 October 2016
Precinct:	Precinct 1 – Mount Hawthorn	File Ref:	PR12043; 5.2016.124.1
Attachments:	<u>1</u> – Location and Consultation Plan <u>2</u> – Development Application Plans <u>3</u> – Applicant’s Photos <u>4</u> – Arboricultural Assessment Report		
Tabled Items:	Nil		
Reporting Officer:	A Groom, Statutory Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council, in accordance with subclause 68(2)(c) of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, REFUSES the application for development approval for the Carport addition at No. 131 (Lot 282; D/P: 2503) Coogee Street, Mount Hawthorn in accordance with amended plans date stamped 5 August 2016, as shown on Attachment 2, subject to the following reasons:

1. Due to the proposed location of the carport, the development is not capable of providing a crossover with a minimum width of 3 metres (Australian Standards AS2890.1); and
2. Due to the proposed location of the crossover, the development is likely to impact the long-term health of the existing well established mature “Weeping Peppermint Tree”, and potentially resulting in the tree having to be removed.

PURPOSE OF REPORT:

For Council to determine an application for development approval for a carport at No. 131 Coogee Street, Mount Hawthorn.

BACKGROUND:

Landowner:	A & R van der Feltz
Applicant:	A & R van der Feltz
Date of Application:	4 April 2016, received 5 April 2016
Zoning:	MRS: Urban TPS1: Zone: Residential R-Code: R30 TPS2: Zone: Residential R-Code: R30
Existing Use Class:	Single House – “P”
Proposed Use Class:	Single House – “P”
Lot Area:	488m ²
Right of Way (ROW):	5 metres wide, City owned, sealed and drained
Heritage List:	No

The subject site is located on the western side of Coogee Street, Mount Hawthorn, between Ellesmere Street and Woodstock Street. The location of the subject site is included as **Attachment 1**. The site and adjoining properties are zoned 'Residential' and are serviced by a right-of-way to the rear.

The carport is proposed to be located within the front setback area near to the northern boundary shared with 133 Coogee Street and will serve a single vehicle. The development plans are included as **Attachment 2**.

The site currently has vehicle access to the existing single house from the right of way to the western boundary. There is no existing crossover that provides access to the site from Coogee Street. Only one other property within this portion of Coogee Street has an existing carport.

The property has an 11.3 metre frontage to Coogee Street. A significant verge tree is located within the adjoining verge and the trunk of this tree trunk sits approximately 4 metres from the northern boundary and 6 metres from the southern boundary. The verge tree is a mature Weeping Peppermint, estimated to be around 60 years old, and is currently in a sound and healthy state of growth with excellent branch structure and leaf canopy. A power pole is also located within the verge and is positioned 3.1 metres north of the base of the verge tree.

The proposed Carport addition was presented to the Ordinary Meeting of Council on 20 September 2016 where Council resolved to defer the item in order to obtain an Arboricultural Assessment Report of the verge tree. An Arboricultural Assessment Report has now been undertaken for the verge tree and is included in **Attachment 4**.

The proposal remains unchanged from the proposal considered on 20 September 2016. The report has been updated to consider the arboricultural assessment report dated 3 October 2016.

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

DETAILS:

Summary Assessment

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

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

Detailed Assessment

The assessment against the principles is as follows:

Parking & Access (Carport)		
Requirement	Proposal	Variation
Policy No. 7.2.1 – Residential Design Elements		
<u>Carport location</u>		
(a) Car parking, garages and carports are to be located at the rear of the property and access via a Right of Way where a Right of Way exists and the property has legal right of access to the Right of Way;	Existing garage located off the rear right of way. Carport proposed with access off Coogee Street.	Primary Street crossover from Coogee Street with existing parking being retained from the rear right of way.
<u>Vehicle access</u>		
(b) Notwithstanding the above, vehicular access may be from a street, regardless whether a Right of Way is available to the property, where: (3) the applicant demonstrates there is a mobility or access issue by using the Right of Way; or	The applicant has provided a medical certificate to demonstrate a mobility issue with using the existing garage off the rear right of way.	
<u>Crossover width</u>		
Residential Design Codes Clause 5.3.5		
Driveways to primary or secondary streets provided as follows: - Driveways serving four dwellings or less not narrower than 3 metres at the street boundary.	2.1 metres	0.9 metres
Policy No. 2.2.4 – Verge Treatments, Plantings and Beautification		
The clearance of any existing tree or pole in the road reserve shall be 0.5 metres. Where an existing tree is within 1.5 metres of a proposed crossover, advice shall be obtained from the City's Parks Services section on the future size of the tree and the advisability of it being retained. Due to the size of the tree, the City's Parking Services have advised that a clearance of 1 metre is required in this instance.	0.5 metres from tree and power pole.	0.5 metres
Australian Standards AS2890.1		
Width requirements are low volume down to a minimum of 3 metres at a domestic property.		

The suitability of the proposed variations are discussed in the Comment section below.

CONSULTATION/ADVERTISING:

Consultation was undertaken for a period of 14 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 24 August 2016 to 6 September 2016. A total of seven letters were hand delivered to owners and occupiers adjoining the subject site in accordance with the City's Policy No. 4.1.5 – Community Consultation.

No submissions were received during the consultation period.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

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

Delegation to Determine Applications:

This matter is referred to Council for determination as it was deferred from 20 September 2016 Council Meeting.

RISK MANAGEMENT IMPLICATIONS:

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*.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Arboricultural Assessment Report

An arboricultural assessment report was undertaken on behalf of the City by Jonathon Epps – member of Institute of Australian Consulting Arboriculturists. The report details the following:

- The current extent of the root zone;
 - How much of the root zone in the area where the vehicle crossover is proposed to be constructed would be lost;
-

- The recommended or ideal tree protection zone where no construction should occur;
- The change of survival if the crossover was built; and
- The measures necessary to give the tree the best chance of survival if the crossover was built.

The report confirmed that the subject tree appears to be between 50-70 years old, with the crown is in good health without any apparent serious defect. Due to the size of the crown and the root system, the report recommends that no ground intrusion should occur within 3-4 metres from the base of the tree stem. If the proposed carport and crossover were permitted, up to 40 percent of the subject tree's root system may be damaged. It is considered by the report that these works are highly likely to damage the primary supporting, woody roots, and that the expected future lifespan of the subject tree is likely to be reduced as a result.

Carport Location, Vehicle Access and Crossover Width

The City requires a minimum 3 metre crossover width to enable safe vehicle access. It is also a requirement that a clearance of 0.5 metres be provided from the edge of the driveway to trees, light poles and other structures. The space between the base of the tree and the light pole has been measured by the City at 3.1 metres. In order to provide some clearance between the tree and light pole, the application proposes a 2.4 metre wide crossover between the tree and light pole.

The 2.4 metre wide crossover in the location proposed is does not meet the requirements of the Australian Standards AS2890.1. It is considered that the proposal will impact on pedestrian safety and will not provide safe vehicle access to the site. In addition, there is insufficient space in this location to provide the necessary 3 metre wide crossover, 3 to 4 metre clearance from the tree and 0.5 metre clearance from the power pole. An alternative option has previously been offered to the applicant to locate of the crossover to the southern side of the verge tree where sufficient space exists for a crossover and necessary setbacks. The applicant has previously rejected this option.

Conclusion

The City's Policy No. 7.2.1 – Residential Design Elements allows access off the primary street to be considered when the applicant demonstrates that there is a mobility access issue with using the right of way. The applicant has demonstrated that there is a medical reason for direct access from Coogee Street with the submission of a medical certificate. In addition, the design of the carport is considered to be appropriate to the streetscape as does not dominate the lot and frontage as it is integrated into the development through the use of compatible materials, colours, scale and roof pitch to the dwelling on site.

On the above basis, the City does not oppose the construction of a new crossover and carport having access off Coogee Street. However, the location of the proposed crossover is not supported for the following reasons:

- The crossover does not meet the requirements of the Australian Standards AS2890.1 as the proposed crossover will be a maximum width of 2.4 metres and will detrimentally impact safe vehicle and pedestrian access; and
- The crossover will be to the detriment of the existing mature verge tree, which is considered a quality landscape feature to the Coogee Street streetscape. The location of a crossover one metre from the base of the tree will impact the drip zone of the tree and the removal of substantial roots, and has the ability to impact the stability of the tree in the future.

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

Conclusion

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

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

The verge tree is estimated to be between 50-70 years old and plays a significant part in the landscape and aesthetic appeal of Coogee Street. The tree is currently in a sound and healthy state of growth with excellent branch structure and leaf canopy. The crossover will pose to have a significant impact on the health of the tree and is avoidable.

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

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

It is recommended that Council refuses this proposal.

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

Ward:	South	Date:	11 October 2016
Precinct:	Precinct 10 – Norfolk	File Ref:	PR19871; 5.2016.102.1
Attachments:	1 – Location and Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification 4 – Marked up plans showing proposed versus required setbacks 5 – Determination Advice Notes		
Tabled Items:	Nil		
Reporting Officer:	C Sullivan, Statutory Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council, in accordance with subclauses 68(2)(b) and 73(b) of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, APPROVES the application for development approval for Alterations and Additions to Existing Single House at No.52 (Lot: 66; D/P2324) Chelmsford Road, Mount Lawley in accordance with plans date stamped 17 August 2016, as shown on Attachment 2, except for the proposed ‘New Carport’ and ‘New Porch/Deck’, subject to Determination Advice Notes in Attachment 5 and the following conditions:

1. Where a condition has a time limitation for compliance, and the condition is not met in the required time frame, the obligation to comply with the requirements of the condition continues whilst the approved development exists;
2. **Crossover**
Any proposed crossover must maintain a minimum of 500mm from any verge tree, lot boundary and street pole, to the satisfaction of the City;
3. **Stormwater**
All storm water produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City;
4. **External Fixtures**
All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings;
5. **Street Verge Trees**
 - 5.1 The verge tree located on the western side of the verge shall not be removed without the prior written approval of the City. The verge tree shall be retained and protected from any damage including unauthorised pruning, to the satisfaction of the City;
 - 5.2 The verge tree located on the eastern side of the verge, being in conflict with the proposed crossover is to be removed at the applicants cost, to the satisfaction of the City; and
6. In accordance with Clause 73(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* this approval does not relate to the ‘New Carport’ and ‘New Porch/Deck’ indicated on the approved plans.

PURPOSE OF REPORT:

For Council to consider an application for development approval for alterations and additions to the existing single house at 52 Chelmsford Road, Mount Lawley.

BACKGROUND:

Landowner:	R Kingdom & H Curtis
Applicant:	R Kingdom & H Curtis
Date of Application:	16 March 2016
Zoning:	MRS: Urban TPS1: Zone: Residential R-Code: R40 TPS2: Zone: Residential R-Code: R40
Existing Use Class:	Single House – “P” Use
Proposed Use Class:	Single House – “P” Use
Lot Area:	450m ²
Right of Way (ROW):	At rear, approx. 4 metres wide
Heritage List:	No

The subject site is located on the northern side of Chelmsford Road in Mount Lawley. The location of the subject site is included as **Attachment 1**. The existing dwelling is an older style single house with a bull nosed verandah at the front and a lean to addition at the rear. An existing garage takes access from the right of way to the rear.

The application includes minor alterations at the rear of the dwelling to insert windows, extend the eaves of the existing roof, and replace a wall of the existing house. The application also includes modifications to the study windows and replacement of the existing bull nosed verandah at the front with a smaller flat roofed porch. A flat roofed double car port within the street setback area is also proposed as well as a new vehicle access from Chelmsford Road, which would require the removal of a street tree. The development plans are included as **Attachment 2**.

The proposed Carport addition was presented to the Ordinary Meeting of Council on 20 September 2016 where Council resolved to defer the item in order to obtain advice on the ability for the street tree to be replaced.

The proposal remains unchanged from the proposal considered on 20 September 2016.

DETAILS:

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1, the Residential Design Codes and the City’s policies. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the Detailed Assessment section following from this table.

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Street Setback	✓	
Front Fence	✓	
Building Setbacks/Boundary Wall		✓
Building Height/Storeys	✓	
Roof Form		✓
Open Space	✓	

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Privacy	✓	
Parking & Access		✓
Solar Access	✓	
Essential Facilities	✓	
Surveillance	✓	
Minor Incursion into Street Setback		✓

Detailed Assessment

The deemed-to-comply assessment of the elements that require the discretion of Council is as follows:

Building Setbacks/Boundary Wall		
Requirement	Proposal	Variation
Residential Design Codes Clause 5.1.3 – Lot Boundary Setback Eastern Boundary (carport)	Nil setback	1 metre setback required
Roof Form		
Requirement	Proposal	Variation
Policy No. 7.2.1 – Residential Design Elements Clause – Roof Form – BDADC3 Roof Pitch between 30 and 45 degrees	Flat roof to porch/verandah and carport	30 – 45 degrees
Parking & Access (Carport)		
Requirement	Proposal	Variation
Policy No. 7.2.1 – Residential Design Elements <u>Carport location</u> (a) Car parking, garages and carports are to be located at the rear of the property and access via a Right of Way where a Right of Way exists and the property has legal right of access to the Right of Way; <u>Vehicle access</u> (b) Notwithstanding the above, vehicular access may be from a street, regardless whether a Right of Way is available to the property, where: (2) More than 50 per cent of the dwellings in the immediate street block, on the same side of the street that the subject dwelling is located have carports or garages accessed from the primary street;	Carport is located at the front with access from Chelmsford Road Only 36.4% of the dwellings on Chelmsford Road have access from the primary street.	Location of carport access is contrary to the City's policy for lots where a ROW can be used for access. An additional 13.6% of the dwellings on Chelmsford Road would need to take access from the primary street for this criteria to be met.

Building Setbacks/Boundary Wall		
Requirement	Proposal	Variation
<p>Residential Design Codes Clause 5.3.5 – Vehicular Access</p> <p>Access to onsite car parking spaces to be provided, where available, from a right of way available for lawful use to access the relevant lot and which is adequately paved and drained from the property boundary to a constructed street.</p>	<p>Vehicle access from Chelmsford Road</p>	<p>Vehicle access from Chelmsford Road where an alternative access way exists</p>
Minor Incursion into Street Setback Area		
Requirement	Proposal	Variation
<p>Policy No. 7.2.1 – Residential Design Elements – Clause SADC6 – Minor Incursions into Street Setback Area</p> <p>A porch, verandah, chimney or the equivalent may project not more than 1 metre into the street setback area, provided that the maximum total width of such projections do not exceed 20 percent of the lot frontage at any level.</p>	<p>Porch/verandah projects to a depth of 2.5 metres and has a width of 4.8 metres, which equates to 40% of the lot frontage width</p>	<p>1.5 metres</p> <p>20% additional width</p>

CONSULTATION/ADVERTISING:

Consultation was undertaken for a period of 14 days in accordance with the *Planning and development (Local Planning Scheme) Regulations 2015*, from 7 June 2016 until 20 June 2016. A total of 13 letters were sent to owners and occupiers of properties within close proximity of the subject site (**Attachment 1**) in accordance with the City's Policy No. 4.1.5 – Community Consultation.

One objection was received. The issues raised related to concerns that the proposal was not in keeping with the existing streetscape, and that the vehicle access was proposed to be taken from the primary street (Chelmsford Road) when a Right of Way was available to the rear of the property.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

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

Delegation to Determine Applications:

This application is being referred to Council as it was deferred from the 20 September 2016 Council Meeting.

RISK MANAGEMENT IMPLICATIONS:

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*.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Building Setbacks

The proposed carport proposes a nil setback to the northern lot boundary. The carport is open on three sides and attached to the main house with a lightweight flat roof and piers.

The reduced lot boundary setback is not considered to have a negative impact to the adjoining property or the streetscape as it does not increase the bulk of the building, nor restrict direct sun or ventilation to adjoining properties. There are no privacy implications and the proposal is considered acceptable.

Minor Incursions

The proposal for a wider and deeper porch is consistent with the many older properties have similar style porches/verandahs which are not strictly compliant with the deemed to comply criteria, but are appropriate to the character of the property.

The proposed flat roofed porch addition does result in a lower height to the addition, however the additional variation to the roof form (flat roof) does not reflect any features of the existing house. Combined with the larger width and depth, it is considered to be a detrimental addition that dominates the appearance of the dwelling when viewed from the street.

Roof Form

The existing dwelling has a colorbond pitched roof, in keeping with the older style character properties in the area. The application proposes to replace this with a flat roof porch and carport addition.

The applicant has referred to the Burra Charter in support of the proposal. The Burra Charter defines basic principles and procedures to be observed with regards to new work added on to an older property (but not necessarily Heritage listed):

- New work should be similar to (but not imitate) the existing significant fabric;
 - New work should be readily identifiable;
 - Designing an addition or new building in a modern manner is desirable but should not be an excuse to make the new work dominate or draw attention away from the existing place and its features.
-

The proposal provides clear differentiation between the old and new parts of the dwelling and the flat roof proposed results in a lower building height, which reduces the dominance of the proposal. However, the proposed flat roof additions are not considered to compliment the existing streetscape character of the area as they are located in the front setback area, well forward of the setback line of structures in the adjoining and opposite properties.

Carport

The applicant has stated their future intention to subdivide the block, and is therefore proposing to include vehicle access and a carport to the front of the dwelling at the same time as undertaking other work to the dwelling to make best use of resources.

It is noted that only 36.4 per cent of the houses in the locality have a carport or garage from Chelmsford Road. The City's Residential Design Elements Local Planning Policy specifically requires that more than 50 per cent of the dwellings have carports or garages accessed from the primary street in order for carports and garages to be permitted as-of-right.

The City does have discretion to consider carports within the front setback area where they do not visually dominate the site or the streetscape. The flat roof structure of the carport does reduce the bulk and dominance of the carport. However, the location of the carport forward of the dwelling, with a nil front setback, is considered to dominate the streetscape given that there are no other carports or garages forward of dwellings within this section Chelmsford Road (from the right-of-way to right-of-way).

Vehicle Access

It is noted that more than 50 per cent of properties within this section of Chelmsford Road have vehicle access from the primary street and so the provision of a front driveway to this property is considered appropriate. However, the vehicle access proposed by the application would require the removal of one of the two small street trees located in the verge. Given the location of the second street tree, there is not considered to be adequate space for a replacement street tree to be provided within verge adjoining the subject site. In addition, conditioning a replacement street tree further down Chelmsford Road or in a nearby park is not considered to be valid as it would not adequately relate to the proposed development.

Given the small size (less than 500mm diameter) of the verge street tree, and that there is a second tree located within the adjoining verge, it is considered appropriate for the proposed driveway, resulting in the removal of this verge street tree, to be supported as part of this application.

Conclusion

The proposed alterations and additions to the dwelling are considered to be acceptable, with the exception of the proposed front porch and carport due to their location in the front setback area and potential impact on the character of the streetscape. The proposal is recommended for approval subject to conditions, including that the proposed porch and carport do not form part of the approval.

9.1.3 No. 29 (Lot: 2; D/P: 73385) Edith Street, Perth – Change of Use from Grouped Dwelling to Short Term Dwelling (Unlisted Use)

Ward:	South	Date:	4 October 2016
Precinct:	Precinct 12 – Hyde Park	File Ref:	PR54373; 5.2016.288.1
Attachments:	<u>1</u> – Location and Consultation Map <u>2</u> – Development Application Plans <u>3</u> – Management Plan and Code of Conduct received 11 July 2016 <u>4</u> – Applicant Response to Advertising Comments <u>5</u> – Determination Advice Notes		
Tabled Items:	Nil		
Reporting Officer:	S Laming, Statutory Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council, in accordance with subclause 68(2)(b) of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, APPROVES BY ABSOLUTE MAJORITY the application for Change of Use from Grouped Dwelling to Short Term Dwelling (Unlisted Use) at No. 29 (Lot: 2; D/P: 73385) Edith Street, Perth in accordance with plans date stamped 11 July 2016, as shown on Attachment 2, subject to the following conditions:

1. Limitation on Use

1.1 The development shall be used in accordance with the definition of ‘Short Term Dwelling’ set out under the City’s Local Planning Policy No. 7.4.5 – Temporary Accommodation; and

1.2 Maximum Number of Residents

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

2. Management Plan

2.1 Prior to the development first being occupied, a Management Plan shall be submitted to and approved by the City. The Management Plan shall set out the House Rules and Code of Conduct for residents. The Short Term Dwelling shall operate in accordance with the approved Management Plan; and

2.2 The House Rules and Code of Conduct shall be provided to occupants of the Short Term Dwelling on arrival and displayed in a prominent location within the premise at all times;

3. External Fixtures

All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings; and

4. Street Verge Trees

No verge trees shall be removed without the prior written approval of the City. The verge trees shall be retained and protected from any damage, including unauthorised pruning, to the satisfaction of the City.

PURPOSE OF REPORT:

For Council to determine an application for development approval for a change of use from 'Grouped Dwelling' to 'Short Term Dwelling (Unlisted Use)' at 29 Edith Street, Perth.

BACKGROUND:

Landowner:	P Astill
Applicant:	P Astill
Date of Application:	11 July 2016
Zoning:	MRS: Urban TPS1: Zone: Residential R-Code: R50 TPS2: Zone: Residential R-Code: R50
Existing Land Use:	Grouped Dwelling
Use Class:	Short Term Dwelling – Unlisted use
Site Area:	162m ²
Right of Way (ROW):	Not applicable
Heritage List:	No

The subject site is located on the southern side of Edith Street, Perth. The location of the site as show in **Attachment 1**. The site is zoned 'Residential' and is bound by 'Residential' zoned land containing single houses to the east and west and an associated grouped dwelling on the recently created lot to the south which fronts Ruth Street. To the north on the opposite side of Edith Street is a 'Local Centre' zone supporting mixed use development, including commercial tenancies, grouped dwellings and apartments.

The subject site previously formed the rear half of 54 Ruth Street, Perth, which was granted approval by the City on 30 June 2014 to be developed as two grouped dwellings. The two storey grouped dwellings were subsequently developed and the site was then subdivided.

The City initially received and advertised two applications for each of the grouped dwellings to be change to 'short term dwelling'. However, the applicant, who is the owner of both properties, advised the City that they have opted to reside at the rear adjoining property No. 54 Ruth Street, Perth, and therefore requested the application for the change of use relating to that property to be withdrawn.

The existing grouped dwelling on the site consists of:

- Dining and living area;
- Single garage;
- Kitchen;
- Laundry;
- Three bedrooms;
- Ensuite; and
- Bathroom.

The application proposes to change the use of the 'grouped dwelling' to 'short term accommodation' so that the dwelling can be used for temporary accommodation. The development plans are included as **Attachment 2**.

The applicant expects that will stay for a minimum of seven night for no more than six months in a 12 month period. The owner now proposes to reside at the adjoining grouped dwelling fronting 54 Ruth Street, Perth, while operating the short term dwelling.

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

DETAILS:

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1 (TPS1) and the City’s policies. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the section of the report following from this table both in relation to the deemed-to-comply provisions and the design principles.

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

Detailed Assessment

The application proposes to change the existing ‘grouped dwelling’ use to ‘short term dwelling’. The proposed use ‘short term dwelling’ cannot reasonably be determined as falling within the interpretation of any other use class listed in TPS1 and has therefore been considered an unlisted use.

TPS1 requires that an unlisted use be considered against the objectives and purpose of the particular zone in which it is located, in this case the ‘Residential’ zone. It is considered that the ‘short term dwelling’ use may be consistent with the objectives and purpose of the ‘Residential’ zone and so the use has been processed as a “SA” use.

The applicant has provided a Management Plan, included as **Attachment 3**. This document addresses the requirements of the City’s Policy No. 7.4.5 – Temporary Accommodation and requires that:

- No parties, events or functions are permitted at the property;
- Guests must return to the premises by midnight;
- Any complaints from neighbours be attended to promptly, noting that the applicant resides in the adjoining grouped dwelling to the rear of the property;
- Guests have use of the single car garage and be reminded to avoid parking in the street;
- No verge parking is permitted; and
- Bicycle parking be encourage.

CONSULTATION/ADVERTISING:

Consultation was undertaken for a period of 14 days in accordance with the *Planning and development (Local Planning Scheme) Regulations 2015*, from 5 August 2016 until 18 August 2016. A total of 45 letters were sent to owners and occupiers within close proximity of the subject site subject (**Attachment 1**) in accordance with the City’s Policy No. 4.1.5 – Community Consultation. A sign was also placed on the site and a notice was included in a local newspaper, “The Voice”.

A total of five submissions were received, including four objections. The matter raised by the objections are as follows:

- Short term accommodation is associated with anti-social behaviour and by its very nature results in no community spirit. Tenants ignoring the requirements of the Management Plan to the detriment of permanent residents in the area will have minimal consequences.
- Both units have small outdoor entertaining areas providing no means of sound attenuation. Up to six people socialising in can create noise nuisance that will have an adverse impact on the amenity of the adjoining properties.

- The proposed short term dwelling has a maximum capacity of six guests, who may all drive to the premises in separate cars. Parking is already at a premium on Edith Street and surrounding streets. Many residents in the area do not have off-street car parking and the number of cafes and restaurants in the vicinity have increased with many not having the capacity to provide sufficient on-site car parking for their patrons.
- The windows on the top levels of the dwelling have clear glass that allow for overlooking into major opening windows and outdoor living areas of the adjoining properties.

The applicants response to the issues raised in the submissions in included in **Attachment 4**.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- Residential Design Codes 2015;
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.12 – Hyde Park Precinct;
- Policy No. 7.4.5 – Temporary Accommodation; and
- Policy No. 7.7.1 – Parking and Access.

Delegation to Determine Applications:

The matter is being referred to Council for determination as the proposal is for an Unlisted Use which requires an Absolute Majority decision.

RISK MANAGEMENT IMPLICATIONS:

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*.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Antisocial Behaviour and Noise

A number of submitters raised concerns with the potential for noise and anti-social behaviour to increase as a result of the development. It considered that the management plan provided with the application will address these concerns as it prohibits parties, events and functions; requires guests to return to the premises by midnight; sets clear and generally reasonable quiet times; and requires all complaints to be attended to promptly by the operator. In addition, the operator is currently residing in the associated grouped dwelling to the rear of the subject site, and will be proactively monitoring and responding to any issues that arise.

The management plan provided with the application and included as **Attachment 3**, is considered to meet the requirements of the City's Local Planning Policy No. 7.4.5 – Temporary Accommodation. However, it is considered that further improvements could be made to the formatting and structure of the management plan and as such a condition is recommended on any approval requiring a revised management plan to be submitted and approved by the City prior to the commencement of operation of the short term dwelling. It is also recommended that a condition be imposed on any approval requiring the short term dwelling to operate in accordance with the approved management plan.

Parking

Submitters raised concern that the proposal may further impact on parking in the area, given the application proposes to accommodate a maximum of six persons at any one time. It is noted that the current 'grouped dwelling' use already permits up to up to six unrelated persons or a larger single family to reside at the premise. In addition, the development complies with the parking requirements of the City's Local Planning Policy No. 7.4.5 – Temporary Accommodation and Local Planning Policy No. 7.7.1 – Parking and Access.

Though the property only provides a single garage on-site, the area is well serviced by public transport, being only a short distance from bus routes on Bulwer Street and William Street. The management plan provided with the application also requires guests to park in the garage, prohibits verge parking and requires the operator to remind guest to avoid parking in the street. Given the above, there is not considered to be any additional impact on parking as a result of the proposal.

Privacy

One objector noted was concerned that the windows on the top levels of the dwelling at 29 Edith Street have clear glass that allows for overlooking into adjoining properties. The current grouped dwelling on the site was assessed by the City against the overlooking requirements of the State Government's Residential Design Codes. The proposal included a bathroom window and a highlight bedroom window. Both of these windows met the deemed-to-comply standards of the R-Codes and the development was granted approval.

No changes are proposed to the dwelling as a result of this application and given it complies as-of-right with the R-Codes, there is not considered to be any additional impact on privacy as a result of the proposal.

Conclusion

The proposed change of use to 'short term dwelling' is considered to meet all of the requirements of the City's Local Planning Policy No. 7.4.5 – Temporary Accommodation. Based on the detailed Management Plan and the fact that the operator will be residing to the rear of the property, the proposal is not expected to have a detrimental impact on the locality.

It is recommended that Council approves this proposal subject to conditions.

9.1.4 Nos. 284-286 (Lot: 500; D/P: 70429) Oxford Street, Leederville – Change of Use from Office to Office and Ancillary Laboratory (Unlisted Use)

Ward:	North	Date:	3 October 2016
Precinct:	Precinct 3 – Leederville	File Ref:	PR15530; 5.2016.216.1
Attachments:	1 – Location and Consultation Map 2 – Development Application Plans		
Tabled Items:	Nil		
Reporting Officer:	S Laming, Statutory Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council, in accordance with the subclause 68(2)(b) of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, APPROVES BY ABSOLUTE MAJORITY the application for a Change of Use from Office to Office and Ancillary Laboratory (Unlisted Use) at Nos. 284-286 (Lot: 500; D/P: 70429) Oxford Street, Leederville in accordance with plans date stamped 19 July 2016, as shown on Attachment 2, subject to the following conditions:

1. Use of the Premises

- 1.1 The laboratory use shall be ‘ancillary’ to the existing office, as defined by Town Planning Scheme No. 1; and
- 1.2 The maximum floor area of the laboratory use shall be limited to 53 square meters;

2. External Fixtures

All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings;

3. Verge Trees

No verge trees shall be removed without the prior written approval of the City. The verge trees shall be retained and protected from any damage, including unauthorised pruning, to the satisfaction of the City;

4. Waste Management

- 4.1 A Waste Management Plan is to be submitted to the City prior to the commencement of development and approved by the City prior to development first being occupied. The Waste Management Plan shall detail:
 - 4.1.1 that waste collection is taken from Galwey Street and collection is not permitted from the Oxford Street road reserve; and
 - 4.1.2 a bin store to accommodate the City’s specified bin requirement; and
- 4.2 Waste management for the development shall thereafter comply with the approved Waste Management Plan; and

5. General

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

PURPOSE OF REPORT:

For Council to determine an application for development approval for a change of use from 'office' to 'office' and 'ancillary laboratory (unlisted use)' at 284-286 Oxford Street, Leederville.

BACKGROUND:

Landowner:	Kingstop Investments Pty Ltd
Applicant:	Building Lines
Date of Application:	31 May 2016
Zoning:	MRS: Urban TPS1: Zone: Residential R-Code: R60 TPS2: Zone: Residential R-Code: RC100
Existing Land Use:	Office
Proposed Use Class:	Office – "SA" Ancillary Laboratory – Unlisted Use
Site Area:	1,034m ²
Right of Way (ROW):	Not applicable
Heritage List:	No

The subject site is located on the corner of Oxford Street and Galwey Street in Leederville as shown in **Attachment 1**. The site is located within the 'Residential' zone with existing residential dwellings adjoining the site to the north and east and on the opposite side of Oxford Street to the west and Galwey Street to the south.

The site supports a two storey strata commercial building, which is currently occupied by multiple office tenancies. The subject business operates in a portion of the ground floor of the commercial building. The current floor layout of the subject business consists of two open plan office areas, four individual offices, a board room, kitchen, foyer and a chemical storage room. The company has operated from the subject property for the past eight years.

The subject business is an ASX-listed pharmaceutical company that specialises in product research and development for a range of cosmetic and dermatological products. The company has its headquarters at the subject property and currently conducts its product analysis off-site, predominately at universities.

The applicant proposes to modify the internal layout of the existing office to accommodate an ancillary laboratory. The proposed modifications to the internal layout of the existing office will create three individual offices, a board room, kitchen, foyer, a chemical storage room, a staff room, a tool room, and a working floor for the ancillary laboratory (**Attachment 2**). There will not be any increase in the floor area of the subject building.

In accordance with Part 7 Clause 61(1)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, internal works to a building that is not heritage listed are exempt from the requirement for development approval.

DETAILS:

The ancillary laboratory is proposed to be centrally located in the existing office and directly accessible from the staff room, tool room, kitchen and the manager's office. The laboratory will be an ancillary use to the business operations of the pharmaceutical company currently occupying the premises.

The applicant's submission outlines the details of the proposed ancillary laboratory use as follows:

- The laboratory will conduct analysis of commercially available cosmetic products using High Performance Liquid Chromatography.
- The ingredients being analysed are widely used and found in common household products.
- No hazardous or bio-hazardous materials will be used.
- Equipment and instruments used to conduct the product analysis will have a footprint of less than 1 square meter and will not be plumbed or hard wired.

The office and ancillary laboratory will operate Monday to Friday, 8:00am to 5:00pm and will be closed on Saturday, Sunday and Public Holidays. There will be a maximum number of twelve staff on-site at any time and the office and ancillary laboratory will not be accessible to the general public. Potential visitors are not expected to exceed more than one person per day.

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1 (TPS1) and the City's policies. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the section of the report following from this table both in relation to the deemed-to-comply provisions and the design principles.

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

Detailed Assessment

The application proposes to change part of the existing 'office' use to 'ancillary laboratory' (**Attachment 2**). The proposed use 'ancillary laboratory' cannot reasonably be determined as falling within the interpretation of any other use class listed in TPS1 and has therefore been considered an unlisted use.

TPS1 requires that an unlisted use be considered against the objectives and purpose of the particular zone in which it is located, in this case the 'Residential' zone. It is considered that the 'ancillary laboratory' use may be consistent with the objectives and purpose of the 'Residential' zone and so the use has been processed as a "SA" use.

CONSULTATION/ADVERTISING:

Consultation was undertaken for a period of 14 days in accordance with the *Planning and development (Local Planning Scheme) Regulations 2015*, from 4 August 2016 until 24 August 2016. A total of 38 letters were sent to owners and occupiers within close proximity of the subject site subject (**Attachment 1**) in accordance with the City's Policy No. 4.1.5 – Community Consultation. A sign was also placed on the site and a notice was included in a local newspaper, "The Voice".

No responses or submissions were received.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: Yes

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.3 – Leederville Precinct;
- Policy No. 7.2.1 – Residential Design Elements; and
- Policy No. 7.7.1 – Parking and Access.

Delegation to Determine Applications:

The matter is being referred to Council for determination as the proposal is for an Unlisted Use which requires an Absolute Majority decision.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposed change of use is considered to be ancillary to the existing office use on site, with the operation of the laboratory completely contained within the subject tenancy. The proposal will not result in an increase in visitors to the site and does not result in extra parking requirements. It is considered that there will be no impact on surrounding properties as a result of the proposal and it is recommended for approval subject to conditions.

9.1.5 No. 50 (Lot: 103; D/P: 1659) Buxton Street, Mount Hawthorn – Change of Use from Single House to Bed And Breakfast (Unlisted Use)

Ward:	North	Date:	3 October 2016
Precinct:	Precinct 1 – Mount Hawthorn	File Ref:	PR11293; 5.2016.257.1
Attachments:	<u>1</u> – Location and Consultation Map <u>2</u> – Development Application Plans <u>3</u> – Management Plan and Code of Conduct dated 27 June 2016 <u>4</u> – Determination Advice Note		
Tabled Items:	Nil		
Reporting Officer:	C Sullivan, Statutory Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council, in accordance with subclause 68(2)(b) of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, **APPROVES BY ABSOLUTE MAJORITY** the application for Change of Use from Single house to Bed And Breakfast (Unlisted Use) at No. 50 (Lot: 103; D/P: 1659) Buxton Street, Mount Hawthorn in accordance with plans date stamped 27 June 2016, as shown on Attachment 2, subject to the Determination Advice Notes in Attachment 4 and the following conditions:

1. Limitation on Use

- 1.1 The development shall be used in accordance with the definition of ‘Bed And Breakfast’ set out under the City’s Local Planning Policy No. 7.4.5 – Temporary Accommodation; and
- 1.2 The operator shall reside at the premises at all times while the ‘Bed and Breakfast’ is in operation;

2. Management Plan

- 2.1 Prior to the development first being occupied, a Management Plan shall be submitted to and approved by the City. The Management Plan shall set out the House Rules and Code of Conduct for residents. The Bed And Breakfast shall operate in accordance with the approved Management Plan to the satisfaction of the City; and
- 2.2 The house rules and code of conduct shall be provided to occupants of the Bed And Breakfast on arrival and shall be displayed in a prominent position within the premises at all times; and

3. External Fixtures

All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings.

PURPOSE OF REPORT:

For Council to determine an application for development approval for a change of use from ‘single house’ to ‘Bed And Breakfast (unlisted use)’ at 50 Buxton Street, Mount Hawthorn.

BACKGROUND:

Landowner:	C A Nannini
Applicant:	C A Nannini
Date of Application:	27 June 2016
Zoning:	MRS: Urban TPS1: Zone: Residential R-Code: R30 TPS2: Zone: Residential R-Code: R30
Existing Use Class:	Single House
Proposed Use Class:	Bed And Breakfast – Unlisted Use
Site Area:	491m ²
Right of Way (ROW):	Not Applicable
Heritage List:	No

The subject site is located on the eastern side of Buxton Street, Mount Hawthorn near the corner with Ashby Street as shown in **Attachment 1**. The site and surrounding area is zoned 'Residential' and is dominated by single house development.

The existing single house on the site consists of:

- Four Bedrooms;
- Lounge/kitchen/dining area;
- Front verandah;
- Outbuilding and pergola at rear; and
- One car bay within the lot boundary at the front of the dwelling.

The application proposes to change the use of the 'single house' to 'bed and breakfast' so that two of the four bedrooms (the two located in the front portion of the dwelling) can be used for temporary accommodation for a minimum of one night and maximum of six months. The owner proposes to reside at the premise while operating the short term accommodation.

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

DETAILS

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1 (TPS1) and the City's policies. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the section of the report following from this table both in relation to the deemed-to-comply provisions and the design principles.

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

Detailed Assessment

The application was originally lodged and advertised as a 'short term dwelling'. However, the definition of 'short term dwelling' in the City's Local Planning Policy No. 7.4.5 – Temporary Accommodation relates to short stay private rental accommodation for a maximum of six people, where the owner/operator does not reside on site. As the applicant is proposing to continue to reside on site with their family, it is considered that the more appropriate use set out under the City's Local Planning Policy No. 7.4.5 – Temporary Accommodation is 'bed and breakfast', which allows the operator and their family to reside on the site. As a result, the applicant has confirmed that they are in fact seeking to use to premise as a 'bed and breakfast'.

The application proposes to change the existing 'single house' use to 'bed and breakfast' (**Attachment 2**). The proposed use 'bed and breakfast' cannot reasonably be determined as falling within the interpretation of any other use class listed in TPS1 and has therefore been considered an unlisted use.

TPS1 requires that an unlisted use be considered against the objectives and purpose of the particular zone in which it is located, in this case the 'Residential' zone. It is considered that the 'bed and breakfast' use may be consistent with the objectives and purpose of the 'Residential' zone and so the use has been processed as a "SA" use.

The City's Local Planning Policy No. 7.4.5 – Temporary Accommodation requires a bed and breakfast to provide guests with a separate bathroom, access to a dining area and laundry facilities and breakfast. The proposal provides a separate ensuite bathroom for each bedroom proposed to be used as part of the bed and breakfast and will also provide guests with access to laundry facilities and breakfast.

CONSULTATION/ADVERTISING:

Consultation was undertaken for a period of 14 days in accordance with the *Planning and development (Local Planning Scheme) Regulations 2015*, from 4 August 2016 until 24 August 2016. The application was advertised as a 'short term dwelling' and a total of nine letters were sent to owners and occupiers within close proximity of the subject site subject (**Attachment 1**) in accordance with the City's Policy No. 4.1.5 – Community Consultation. A sign was also placed on the site and a notice was included in a local newspaper, "The Voice".

A total of two submissions were received, both in support of the application.

The application is now considered to be a 'bed and breakfast' rather than a 'short term dwelling', as the owners will be residing at the premise with their family while operating the short term accommodation. As the only the description of the development has changed, and all other aspects of the proposal remain as advertised, it is not considered necessary to readvertise the proposal.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.1 – Mount Hawthorn Precinct;
- Policy No. 7.4.5 – Temporary Accommodation; and
- Policy No. 7.7.1 – Parking and Access.

Delegation to Determine Applications:

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

Policy No. 7.4.5 – Temporary Accommodation

The City's Local Planning Policy No. 7.4.5 – Temporary Accommodation defines 'short term dwelling' as meaning:

"the provision of temporary accommodation, lodging or boarding within a residential dwelling for a maximum of six (6) persons, inclusive of the keeper if they reside at the dwelling, for a continuous period of less than six (6) months within any twelve month period. Examples of a Short Term Dwelling accommodation include short stay private rental accommodation, holiday homes, student accommodation, short term share housing etc."

'Bed and breakfast' is defined in the policy as meaning:

"a dwelling, used by a resident of the dwelling, to provide accommodation for a maximum of six guests for a continuous maximum period of six (6) months away from their normal place of residence (to a maximum of 12 persons inclusive of the family of the keeper) and includes the provision of breakfast."

RISK MANAGEMENT IMPLICATIONS:

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*.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposed change of use to 'bed and breakfast' is considered to meet all of the requirements of the City's Local Planning Policy No. 7.4.5 – Temporary Accommodation. The property is well serviced by public transport and commercial areas on Scarborough Beach Road and the car parking provided on site complies with the requirements for this use in this location. The management plan provided with the application and included as **Attachment 3**, is considered to meet the requirements of the City's Local Planning Policy No. 7.4.5 – Temporary Accommodation and will ensure that the amenity of surrounding neighbours and security of guests, residents and visitors is maintained.

The proposal is considered small scale as it relates to two bedrooms within the development and the operator will reside at the premise while the use is in operation. Given this, it is not considered that the proposal will adversely affect the amenity of the locality. It is also noted that as part of the advertising process, two submissions of support were received for the proposal.

It is recommended that Council approves this proposal subject to conditions.

9.1.6 Nos. 104-110 (Lot: 504; D/P: 29873) Hobart Street, Mount Hawthorn – Proposed Extension of Term of Approval: Ancillary Eating House to Existing Warehouse

Ward:	North	Date:	4 October 2016
Precinct:	Precinct 2 – Mount Hawthorn	File Ref:	PR14032; 5.2016.233.1
Attachments:	<u>1</u> – Location and Consultation Map <u>2</u> – Development Application Plans <u>3</u> – Previous Approval		
Tabled Items:	Nil		
Reporting Officer:	C Sullivan, Statutory Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council:

1. In accordance with subclause 77(4)(b) and Part 9 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVES the application to extend the period within which the development approval 5.2016.233.1 granted on 11 June 2014 for Ancillary Eating House to Existing Warehouse at Nos. 104 – 110 (Lot: 504; D/P: 29873) Hobart Street, Mount Hawthorn, must be substantially commenced, subject to the following conditions:

- 1.1 Condition 3.2 of the development approval is deleted and replaced with the following condition:

“3.2 Landscape and Reticulation Plan

- 3.2.1 A detailed landscape and reticulation plan for the development site (south western corner adjacent to Hobart Street and Edinboro Street) and adjoining road verge is to be lodged with and approved by the City prior to commencement of the development. The plan shall be drawn to a scale of 1:100 and show the following:

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

3.2.1.2 Areas to be irrigated or reticulated; and

3.2.1.3 The removal of redundant crossovers;

- 3.2.2 All works shown on the approved plans shall be undertaken in accordance with the approved plans to the City’s satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers.”

1.2 Additional conditions 6 and 7 are included on the development approval as follows:

“6. Use of the Premises

6.1 The total occupancy associated with the eating house shall be limited to a maximum of 12 persons including the area within the property boundary (indoor and outdoor) and any alfresco dining area in the public realm unless otherwise approved by the City; and

6.2 Any proposed increase to the number of patrons of the Eating House will require a further development application;

7. General

7.1 Conditions that have a time limitation for compliance, and the condition is not met in the required time frame, the obligation to comply with the requirements of the condition continues whilst the approved development exists.”

2. NOTES that all other conditions and advice notes detailed on development approval 5.2014.51.1 granted on 11 June 2014 and included in Attachment 2 continue to apply to this approval.

PURPOSE OF REPORT:

For Council to determine an application to amend the current approval for an ‘ancillary eating house to existing warehouse’ at portion Lot 504 Hobart Street, Mount Hawthorn, to extend the period within which the development must be substantially commenced.

BACKGROUND:

Landowner:	Hobart Enterprises Pty Ltd
Applicant:	J De Leo
Date of Application:	10 June 2016
Zoning:	MRS: Urban TPS1: Zone: Commercial TPS2: Zone: District Centre
Existing Use Class:	Warehouse - “P” Use
Proposed Use Class:	Warehouse – “P” Eating House – “P”
Site Area:	612m ²
Right of Way (ROW):	Not Applicable
Heritage List:	No

Lot 204 is located on the corner of Hobart Street and Edinboro Street opposite Axford Park in the Mount Hawthorn Centre Precinct. The location of the subject site is shown on **Attachment 1**. The site is currently developed as a car park and services an adjoining warehouse development that is under the same ownership.

Council granted a development approval for an ‘ancillary eating house to existing warehouse’ on the southern portion of the subject site at its meeting of 11 June 2014. The development included a small freestanding 5.5 metre x 2.7 metre single storey flat roofed building (housing the kitchen facilities) located at the south eastern corner of the site, with a small decking area for seating (all seating is outside) attached to the eastern side of the building. The small eating house was proposed to serve hot and cold beverages and pre-packaged food to patrons, aimed at passing trade. The operating hours approved for the ‘ancillary eating house’ were 6:00am to 5:00pm Monday to Friday and 7:00am to 5:00pm Saturday and Sundays. The approved plans are included as **Attachment 2** and the approval is included as **Attachment 3**.

The proposal is unchanged from the original approval. Whilst this proposal has not changed since it was granted approval in 2014, an amendment to Local Planning Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Developments has been approved by Council which amended Clause 5.1 – Landscaping.

The previous landscaping condition included on the ‘ancillary eating house’ approval is as follows:

“3.2 Landscaping and Reticulation Plan

A detailed landscape and irrigation plan for the development site and adjoining road verge shall be submitted to the City’s Parks and Property Services for assessment and approval.

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

- A. *The location and type of existing and proposed trees and plants;*
- B. *All vegetation including lawns;*
- C. *Areas to be irrigated or reticulated;*
- D. *Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and*
- E. *Separate soft and hard landscaping plans (indicating details of materials to be used).*

The Council encourages landscaping methods and species selection which do not rely on reticulation.

All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).”

DETAILS:

The current development approval lapsed on 11 June 2016 and there has been no substantial commencement of works in relation to the development since that time.

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

“I am requesting an extension for the development approval as due to a number of factors I have not been able to expedite the development of this project. This is primarily due to the requirements of my employment where I have been required to be out of Perth. My circumstances are now such that I am able to devote sufficient time so this project can be brought to fruition”

Summary Assessment

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

Planning Element	Use Permissibility/ Deemed-to-Comply	Previously approved	Requires further Discretion
Land Use	✓		
Street Setback		✓	
Building Setbacks		✓	
Parking & Access		✓	
Bicycles		✓	
Landscaping			✓

Detailed Assessment

The proposal provides 22% of the site area or 22m² of low/mid height landscaping in lieu of the minimum 25% of the site area or 25m² now required by Local Planning Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Developments. The applicant has provided the following justification for the proposal:

“The proposed coffee pod is intended to be a low impact, mostly takeaway business. It was original conceived to encourage use by local pedestrians and cyclists. This is not intended as a long term structure and is being built and architecturally designed by D4 Architecture in a sustainable, pop-up style with a minimal footprint. To that end the ability to provide moveable landscape elements (pots, benches etc) is highly desirable.”

There are no other changes to the planning framework that impact this proposal.

CONSULTATION/ADVERTISING:

Consultation was undertaken for a period of 14 days in accordance with the *Planning and development (Local Planning Scheme) Regulations 2015*, from 5 August 2016 until 18 August 2016. A total of 23 letters were sent to owners and occupiers of properties within close proximity of the subject site (**Attachment 1**) in accordance with the City’s Policy No. 4.1.5 – Community Consultation. A sign was also placed on the site and a notice was included in a local newspaper, “The Voice”.

Two submission were received, one being an objection and one raising concerns. The concerns raised in the submission related to the potential for Edinboro Street to be used for car parking and requested car parking time restrictions be introduced to Edinboro Street to prevent all day parking by employees.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.2 – Mount Hawthorn Centre Precinct;
- Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Developments; and
- Policy No. 7.7.1 – Parking and Access.

Delegation to Determine Applications:

This matter is being referred to Council as the original development application was determined by Council, and changes to the conditions of approval are recommended.

RISK MANAGEMENT IMPLICATIONS:

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*.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposed application seeks approval to extend the validity of the original approval. The proposal has not changed and the car parking provided onsite complies with the requirements of the City's Policy No. 7.7.1 – Parking and Access. Given the concerns raised regarding parking, an additional condition has been recommended limiting the number of persons that the Eating House is able to accommodate. This has been confirmed with the applicant and given the size and nature of the proposal, is considered appropriate.

Amendments to the landscaping requirements set out in the City's Local Planning Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Developments, mean that the proposal no longer meets the deemed-to-comply landscaping requirements. The development is considered to meet the applicable principles of the policy given the proposal includes eight trees, two green walls and a number of planter pots along the edges of the decked seating area, which is not included in the soft landscaping calculations. However, in order to ensure the new landscaping requirements are met, it is recommended that a condition be applied to any approval setting a revised landscaping plan condition that aligns with the new policy.

Given the above, the request for approval for a further two years for the development to be substantially commenced is considered appropriate, subject to the existing conditions as detailed on the previous Council approval of 11 June 2014, and additional conditions as detailed above.

9.1.7 No. 131 (Lot: 361 & 364; D/P: 2355) Walcott Street, Mount Lawley – Proposed Amendment to Previous Approval: Four Grouped Dwellings

Ward:	South	Date:	4 October 2016
Precinct:	Precinct 10 – Norfolk	File Ref:	PR26760; 5.2016.334.1
Attachments:	1 – Location Map 2 – Previous Approval and Plans 3 – Amended Development Application Plans 4 – Applicant’s Justification		
Tabled Items:	Nil		
Reporting Officer:	A Groom, Statutory Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council:

1. In accordance with subclause 77(4)(a) and Part 9 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVES the application to amend development approval 5.2015.169.1 granted on 28 July 2015 for Four Grouped Dwellings at No. 131 (Lot: 361 & 364; D/P: 2355) Walcott Street, Mount Lawley, in accordance with the plans date stamped 9 August 2016, as shown on Attachment 3; and
2. NOTES that all conditions and advice notes detailed on development approval 5.2016.169.1 granted on 13 August 2016 and included in Attachment 2 continue to apply to this approval.

PURPOSE OF REPORT:

For Council to determine an application to amend the current approval for four grouped dwellings at 131 Walcott Street, Mount Lawley.

BACKGROUND:

Landowner:	R & L Nadalini, M Tonizzo and L Galic
Applicant:	Stannard Group Pty Ltd t/a Ultimate Homes
Date of Application:	9 August 2016
Zoning:	MRS: Urban TPS1: Zone: Residential R-Code: R60 TPS2: Zone: Residential R-Code: R60
Existing Use Class:	Grouped Dwellings – “P” Use
Proposed Use Class:	Grouped Dwellings – “P” Use
Site Area:	1192m ²
Right of Way (ROW):	Not Applicable
Heritage List:	No

The subject site is located on the southern side of Walcott Street, Mount Lawley, between William and Forrest Street. The location of the subject site is included as **Attachment 1**. The site and adjoining properties are zoned ‘Residential’ and the area is dominated by single house and grouped dwelling development.

Council granted a development approval for four grouped dwellings on the subject site at its meeting of 28 July 2015. Units 1, 2 and 3 of the development are currently under construction.

The applicant proposes to amend the existing approval by modifying the setbacks of Unit 4 as follows:

- (a) Increasing the side setback of the laundry wall on the ground floor to the south-west boundary from 1.61 metres to 2.3 metres; and
- (b) Reducing the side setback of the family room on the ground floor to the north-west boundary from 1.573 metres to 1.023 metres.

The applicant has proposed the amendments in order to comply with the minimum setback distance required by the Water Corporation to a manhole lid located in the rear western corner of the property.

The amended development application plans including the proposed changes to Unit 4 are included at **Attachment 3**. The applicant's justification for the proposal is included at **Attachment 4**.

DETAILS:

Summary Assessment

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

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Building Setbacks	✓	

Detailed Assessment

The proposed amendments to the setback distances for Unit 4 on the ground floor do not result in any further discretion being sought. Although the proposed amendments result in a reduced setback to the north-west, the development complies with the deemed-to-comply setback distances stipulated in Table 2a and 2b of the Residential Design Codes (R-Codes). The application does not propose any other modifications.

CONSULTATION/ADVERTISING:

The proposed amendment to the setback distances of the existing development approval do not result in any variation to the deemed-to-comply requirements of the R-Codes and do not require advertising under the Regulations, the City's policies or the R-Codes.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

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

Delegation to Determine Applications:

This application is being referred to Council as the original planning application was determined by Council and involves more than 3 grouped dwellings for which no delegation exists to determine the application (Category 2).

RISK MANAGEMENT IMPLICATIONS:

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*.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The application seeks approval for minor amendments to Unit 4 of the development approval granted by Council in July 2015 for four grouped dwellings. The amendments to the setbacks for Unit 4 on the ground floor meet the deemed-to-comply setback distances required by the State Government's Residential Design Codes and are considered appropriate.

It is recommended that Council approves this amendment without conditions, noting that all of the conditions previously imposed by Council will continue to apply.

9.1.8 No. 5 (Lot: 33 D/P: 2001) Bramall Street, East Perth – Proposed Amendment to Previous Approval (Retrospective): Three Storey Mixed Use Development

Ward:	South Ward	Date:	4 October 2016
Precinct:	Precinct 15 – Banks	File Ref:	PR18611, 5.2016.354.1
Attachments:	1 – Location and Consultation Map 2 – Previous Approval and Plans 3 – Development Application Plans 4 – Applicant’s Justification		
Tabled Items:	Nil		
Reporting Officer:	A Spicer, Statutory Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

1. Pursuant to Clause 77(4)(a) and Part 9 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVES the retrospective application to amend development approval 5.2014.79.1 granted on 26 August 2014 for Three Storey Mixed Use Development at No. 5 (Lot: 33; D/P: 2001) Bramall Street, East Perth, in accordance with the plans date stamped 18 August 2016, as shown on Attachment 3; and
2. NOTES that all conditions and advice notes detailed on the development approval 5.2014.79.1 granted on 26 August 2014 and included in Attachment 2 continue to apply to this approval

PURPOSE OF REPORT:

For Council to determine a retrospective application to amend the current approval for a three storey mixed use development at 5 Bramall Street, East Perth.

BACKGROUND:

Landowner:	Night owl Holdings Pty Ltd
Applicant:	Robert Luca
Date of Application:	18 August 2016
Zoning:	MRS: Urban TPS1: Zone: Commercial R-Code: R60 TPS2: Zone: Commercial R-Code: R60
Existing Use Class:	Office - “P” Use and Multiple Dwelling - “AA” Use
Proposed Use Class:	Office - “P” Use and Multiple Dwelling - “AA” Use
Site Area:	491m ²
Right of Way (ROW):	4 metres in width, City owned
Heritage List:	No

The subject site is located on the southern side of Bramall Street, East Perth, between East Parade and Joel Terrace. The location of the subject site is included as **Attachment 1**. The site and adjoining properties are zoned ‘Commercial’ and the area is dominated by commercial, mixed use and single house development.

Council granted a development approval for a three storey mixed use development on the subject site at its meeting of 26 August 2014. The three storey development completed construction July 2016.

The as constructed stores for Units 2 and 4 of the development did not comply with the development approval granted by Council in August 2014. As a result the applicant proposes to retrospectively amend the existing development approval by modifying the store room sizes at Unit 2 and Unit 4 as follows:

- (a) Reducing the store room size from 4m² to 3.8m².

The amended development application plans including the proposed changes to Unit 2 and 4 are included in **Attachment 3**.

The applicant amended the store room sizes in order to comply with the minimum acoustic requirements set for the development, which required that sound insulation be installed around the plumbing duct. The sound insulation encroaches into the store room areas resulting in the store room area being reduced. The applicant's justification for the proposal is included at **Attachment 4**.

DETAILS:

Summary Assessment

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

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires further Discretion
Essential Facilities		✓

Detailed Assessment

The undersized store room sizes for Unit 2 and Unit 4 are 3.8m² in lieu of the deemed-to-comply requirement of 4m² set out in the Residential Design Codes (R-Codes).

CONSULTATION/ADVERTISING:

Consultation was undertaken for a period of 14 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 1 September 2016 until 14 September 2016. A total of 14 letters were sent to owners and occupiers adjoining the subject site in accordance with the City's Policy No. 4.1.5 – Community Consultation.

No submissions were received during the consultation period.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.15 – Banks; and
- Policy No. 7.2.1 – Residential Design Elements.

Delegation to Determine Applications:

This matter is being referred to Council as the application seeks to vary the original planning approval for the Construction of a Three Storey Mixed Use Development Comprising Two Offices, Four Two Bedroom Multiple Dwelling and Associated Car Parking.

RISK MANAGEMENT IMPLICATIONS:

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*.

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:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The application seeks approval for minor amendments to Unit 2 and Unit 4 of the development approval granted by Council 26 August 2014 for three storey mixed use development. The undersized store rooms are considered to meet the design principles required by the R-Codes for the following reasons:

- Unit 2 and 4 are approximately 127m² with ample storage opportunity including the store rooms, a service court area and a laundry area;
- The store rooms are located adjacent the service court and laundry which allows for convenient access for residents;
- The store rooms are located to the rear of each unit and are screened from view of active habitable spaces and the public realm; and
- The store rooms are lockable and are able to be managed by the residents.

It is recommended that Council approves the proposed amendment without conditions, noting that all of the conditions previously imposed by Council will continue to apply.

9.1.9 Nos. 36-38 (Lots 3 & 4; D/P: 1346) Melrose Street, Leederville – Proposed Two Storey Six Unit Multiple Dwelling Development

Ward:	South	Date:	4 October 2016
Precinct:	Precinct 3 – Leederville	File Ref:	PR23573; 5.2016.36.1
Attachments:	<p>1 – Location and Consultation Map 2 – Development Application Plans 3 – Development Perspectives 4 – Car Parking and Bicycle Tables 5 – Marked up plans showing proposed versus required setbacks 6 – Applicant’s Justification/Context Report 7 – Summary of Submissions and Administration Response 8 – Extract of Design Advisory Committee Minutes and Comments 9 – Main Roads Comments 10 – Determination Advice Notes</p>		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Statutory Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council, in accordance with subclause 68(2)(b) of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, APPROVES the application for development approval for Six Multiple Dwellings at Nos. 36-38 (Lots 3 & 4; D/P: 1346) Melrose Street, Leederville in accordance with amended plans date stamped 15 September 2016, as shown on Attachment 2, subject to the Determination Advice Notes in Attachment 10 and the following conditions:

1. **Boundary Wall**

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 40 and 34b Melrose Street, Leederville in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork to the satisfaction of the City;

2. **Car Parking and Access**

- 2.1 A minimum of six resident and two visitor bays shall be provided onsite for the residential use;
- 2.2 The car park shall be used only by residents and visitors directly associated with the development;
- 2.3 The visitor bays are to be marked accordingly;
- 2.4 The car parking and access areas are to comply with the requirements of AS2890.1;
- 2.5 Vehicle and pedestrian access points are required to match into existing footpath levels;
- 2.6 Prior to occupancy or use of the development the car parking areas on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans, completed to the satisfaction of the City and maintained thereafter by the owner(s)/occupier(s); and
- 2.7 The 0.5 meters wide area adjacent to the right-of-way shall be sealed, drained and graded to match into the level of the existing right-of-way, to the satisfaction of the City;

3. **External Fixtures**

All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings;

4. **Verge Trees**

No verge trees shall be removed without the prior written approval of the City. The verge trees shall be retained and protected from any damage including unauthorised pruning, to the satisfaction of the City;

5. **Car Parking Permits**

All prospective purchasers are to be advised in writing that the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential dwellings in accordance with Policy No. 3.9.3 – Parking Permits;

6. **Acoustic Report**

6.1 An Acoustic Report, in accordance with the City's Policy No. 7.5.21 – Sound Attenuation and State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning, shall be lodged with and approved by the City prior to the commencement of the development. All of the recommended measures included in the approved Acoustic Report shall be implemented as part of the development, to the satisfaction of the City;

6.2 Certification from an acoustic consultant shall be provided to the City that the recommended measures identified in the approved Acoustic Report have been undertaken to the City's satisfaction, prior to occupancy or use of the development; and

6.3 Prior to occupancy, the owners shall agree in writing to a notification being lodged under Section 70A of the *Transfer of Land Act 1893* notifying proprietors and/or (prospective) purchasers of the property of the following:

“The lots are situated in the vicinity of a transport corridor and is currently affected or may in future be affected by transport noise.”

This notification shall be lodged and registered in accordance with the *Transfer of Land Act 1893*;

7. **Landscape and Reticulation Plan**

7.1 A detailed landscape and reticulation plan for the development site and adjoining road verge is to be lodge with and approved by the City prior to commencement of the development. The plan shall be drawn to a scale of 1:100 and show the following:

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

7.1.2 Provision of twelve (12) 500L trees across the site;

7.1.3 Areas to be irrigated or reticulated; and

7.1.4 The removal of redundant crossovers; and

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

8. **Schedule of External Finishes**

A detailed schedule of external finishes (including materials and colour schemes and details) to the development is to be submitted to and approved by the City prior to the commencement of development. Development shall be in accordance with the approved schedule;

9. **Construction Management Plan**

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

10. **Waste Management**

10.1 A Waste Management Plan shall be submit to and approved by the City prior to commencement of the development detailing a bin store to accommodate the City's specified bin requirement; and

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

11. **Clothes Drying Facility**

Prior to occupation of the dwellings, each dwelling shall be provided with a clothes drying area, facility or allocated a communal area, which is screened from view from the street(s) in accordance with the Residential Design Codes to the satisfaction of the City;

12. **Stormwater**

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

13. **Bicycle Bays**

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

14. **General**

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

PURPOSE OF REPORT:

For Council to determine a n application for development approval for a two storey six unit 'Multiple Dwelling' development at 36-38 Melrose Street, Leederville.

BACKGROUND:

Landowner:	Ms P Clarke
Applicant:	Collins Property Group
Date of Application:	3 February 2016
Zoning:	MRS: Urban TPS1: Zone: Residential R-Code: R60 TPS2: Zone: Residential R-Code: R60
Existing Use Class:	Single House – "P"
Proposed Use Class:	Multiple Dwelling – "P"
Site Area:	876m ²
Right of Way (ROW):	Yes
Heritage List:	No

The subject site is located on the northern side of Melrose Street, Leederville, and currently consists of a single house and a vacant lot. The location of the site as show in **Attachment 1**. The site and surrounding area is zoned 'Residential' and is dominated by single houses and grouped dwellings. The site has a right-of-way to the rear and faces the Mitchell Freeway across Melrose Street.

The development was initially proposed as six, two storey grouped dwellings. However, after discussing the minimum lots size requirements of the Residential Design Codes (R-Codes) with the applicant, the proposal was revised to a multiple dwelling development, with increased landscaping.

The two storey six unit development is based around a central access leg which separates the two sections of the units along the eastern and western boundaries. Two car parking bays per dwelling have been provided for the rear four dwellings and one car parking bay per dwelling for the front two dwellings. Two visitor parking bays have also been provided. The development plans are included as **Attachment 2** and perspectives are included as **Attachment 3**.

DETAILS:

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1, the Residential Design Codes and the City's policies. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the Detailed Assessment section following from this table.

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Land Use	✓	
Density/Plot Ratio	✓	
Street Setback		✓
Front Fence	✓	
Building Setbacks/Boundary Wall		✓
Building Height/Storeys	✓	
Roof Form		✓

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

Detailed Assessment

The deemed-to-comply assessment of the elements that require the discretion of Council is as follows, noting that the car parking and bicycle assessment tables is included at **Attachment 4**:

Street Setback		
Requirement	Proposal	Variation
Policy No. 7.2.1 – Residential Design Elements Clause 6.4.2		
<u>Melrose Street</u> Ground – 7.2 metres	3.1 metres – 4.1 metres	3.1 metres – 4.1 metres
Upper – 9.2 metres	5 metres – 5.9 metres	3.3 metres – 4.2 metres
Balcony – 8.2 metres	2.6 metres – 3.6 metres	4.6 metres – 5.6 metres
<u>Right-of-Way</u> Ground – 2 metres	1.2 metres	0.8 metres
Upper – 3 metres (1 metre behind ground floor)	1.2 – 2 metres	1 – 1.8 metres
Building Setbacks/Boundary Wall		
Requirement	Proposal	Variation
R-Codes Clause 6.1.4		Plans showing the proposed and deemed-to-comply setbacks are included on Attachment 5 .
Ground Floor:		
Western (Balance) = 1.5 metres	(Balance) = 1 metres – 1.5 metres	0.5 metres
Eastern (Balance) = 1.5 metres	(Balance) = 1 metre – 1.5 metres	0.5 metres
Roof Form		
Requirement	Proposal	Variation
Policy No. 7.2.1 – Residential Design Elements		
30-45 degrees	Flat – 8 degrees	22 degrees – 30 degrees

Landscaping		
Requirement	Proposal	Variation
<p>Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings</p> <p>A minimum of 25% of the total site area shall be provided as <i>soft landscaping</i> within the common property area of the development - 219 square metres (Communal Areas)</p>	<p>17.1% or 150.24 square metres (Total Soft Landscaping)</p>	<p>7.9% or 68.76 square metres</p>

The applicant's justification for the proposed variations is included in **Attachment 6**. The suitability of the proposed variations are discussed in the Comment section below.

CONSULTATION/ADVERTISING:

Consultation was undertaken regarding the proposal on two separate occasions first in relation to the initial grouped dwelling proposal and then subsequently in relation to the amended application for multiple dwelling.

The first round of consultation occurred for a period of 14 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 18 March 2016 to 2 April 2016. A total of 73 letters were sent to owners and occupiers within close proximity of the subject site subject (**Attachment 1**) in accordance with the City's Policy No. 4.1.5 – Community Consultation.

A total of two submissions were received during the first round of consultation, including one objection.

The second round of consultation occurred for a period of 14 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 26 July 2016 to 8 August 2016. Again, letters were sent to 73 letters owners and occupiers within close proximity of the subject site subject (**Attachment 1**) in accordance with the City's Policy No. 4.1.5 – Community Consultation.

One submission was received during the second round of consultation, being an objection from the same objector to the original proposal. The main issues raised by the objector were as follows:

- Concern that the design of the development, including the roof form, street setback and façade design, does not add to the character of Melrose Street and will have a significant impact to the existing streetscape.
- Concern regarding the mature trees onsite and the removal of these to facilitate the development of the site.
- Concern that the development will cause parking issues, with limited street parking available.
- Other technical queries regarding the assessment.

The main issues raised by the objector are discussed in the Comment section below. A detailed summary of the submission and Administration's response to each matter raised is included in **Attachment 7**.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: Yes

The proposal was considered by the City's DAC on one occasion on 25 May 2016. Refer to **Attachment 8** for an extract of the Minutes of the meetings and subsequent correspondence.

The applicant engaged with the DAC process to consider the concerns of the DAC and incorporated modifications to the design.

Design Excellence is not required.

Main Roads WA

Given the proximity to the Mitchell Freeway, the application was referred to Main Roads WA for comment. Main Roads supported the application subject to conditions regarding noise amelioration, including a requirement for notifications to be placed on title in relation to freeway noise. Main Roads' submission is included at **Attachment 9**. It is recommended that these conditions be included on any approval granted for the development.

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.3 – Leederville Precinct;
- Policy No. 7.2.1 – Residential Design Elements; and
- Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings.

Delegation to Determine Applications:

This matter is being referred to Council as the application proposes more than three multiple dwellings.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Development Design and Streetscape Character

The street setbacks and roof form do not comply with the deemed-to-comply standards set out in Residential Design Codes and the City's Local Planning Policy No. 7.2.1 – Residential Design Elements. Concerns were also raised by an objector that the design of the development, including the roof form, street setback and façade design, does not add to the character of Melrose Street and will have a significant impact to the existing streetscape.

The front setbacks of the development range between 3.1 and 5.9 metres in lieu of the average setback of the five adjoining dwellings being 7.2 metres. The sections of the development that are forward are large open style balconies, which reduce the impact of the buildings bulk on the street. The location of this central driveway further breaks up the built form into two distinct portions, reducing the scale when viewed from the street. An adequate street setback has been maintained for soft landscaping, which includes the provision of four 500L trees, which will further soften the impact of the reduced setback on the street.

The proposed roof form fronting Melrose Street is set at an 8 degree pitch in lieu of the minimum 30 degree pitch set as a deemed-to-comply standard under the City's Local Planning Policy No. 7.2.1 – Residential Design Elements. Most of the dwellings along Melrose Street have a pitched style roof with some examples of flat and curved roof dwellings (Nos. 7, 9, 19 and 34). The proposed roof pitch reduces the scale of the development when viewed from the street and will not impinge on solar access.

Given the above, it is not considered that the proposal will be out of character with current varied architecture style along Melrose Street or that it will significantly impact the existing streetscape.

ROW Setback

The setbacks of the development to the right-of-way range are 1.2 metres in lieu of 2 metres on the ground floor and 3 metres on the upper floor, as required by the City's Local Planning Policy No. 7.2.1 – Residential Design Elements. The proposed right-of-way elevation is open in nature with the presence of openings at the ground and upper floor levels, which assist to create interaction and an enhanced surveillance of the right-of-way. Currently there is no established right-of-way pattern, and the proposed development will contribute to the character of the right-of-way.

Boundary Setbacks

The proposed ground floor portions of wall present minor setback reductions to the western and eastern boundaries. It is not considered that these reduced setbacks would have a negative impact to the adjoining properties given the proposed portion of wall abut carports and driveway areas of the adjoining properties and do not adjoin any habitable rooms. In addition, the proposed portions of wall do not include any major openings that would impact privacy.

Landscaping

The proposed development has evolved in design and concept from a grouped dwelling development in the initial application into a multiple dwelling development. This evolution increased the amount of landscaping provided and met the requirement set at the time of lodgements of the amended plans, being 30% of the total site area as landscaping, 10% of the site area within common areas as soft landscaping and 5% of the site area within private areas as soft landscaping.

However, since lodgement Council has adopted an amendment to Local Planning Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Developments which amended Clause 5.1 – Landscaping and instead required 25% of the site area to be soft landscaped common property. In addition, concerns were raised from the objector regarding the mature trees onsite and the removal of these to facilitate the development.

Whilst the proposal does not meet the 25% soft landscaping requirement, it is considered that the proposed deep root zones, mature planting (including twelve 500L trees and a further 30 additional trees) and associated canopy coverage meet the relevant design principles of the policy.

Parking and Access

Concerns were raised by the objector that the development will cause parking issues, with limited street parking available. The development proposes two car parking bays per dwelling for the rear four dwellings and one car parking bay per dwelling for the front two dwellings. In addition, the development includes two visitor parking bays. The proposal exceeds the parking requirements set out in the State Government's Residential Design Codes and it is not considered that the development will cause any parking issues on Melrose Street.

Conclusion

The proposal complies with plot ratio, number of storeys, building height and car parking requirements. The landscaping proposed onsite whilst not technically compliant with the City's Policy in relation to the provision of landscaping within communal areas is located principally to the perimeter of the site, which assists to soften the bulk of the building and allow for deep root plantings in the form of 500L trees, which is recommended to be included as a condition.

Although the proposal requires discretion to the roof form, front setback and lot boundary setback requirements, these variations are considered to meet the design principles/solution aspects in each instance and will not adversely impact the adjoining properties.

The proposal is recommended for approval subject to conditions.

9.1.10 Submission on Draft Perth Transport Plan

Ward:	Both	Date:	18 October 2016
Precinct:	All	File Ref:	SC1973
Attachments:	1 – Draft Perth Transport Plan 2 – City of Vincent Comments on Draft Perth Transport Plan		
Tabled Items:	Nil		
Reporting Officer:	S Schreck, Strategic Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council:

- 1. ENDORSES the proposed City of Vincent comments on the draft Perth Transport Plan included as Attachment 2 and ADVISES the Department of Transport that Council expresses its significant concern with the lack of a light rail route through the City of Vincent by a Perth population of 2.7 Million; and**
- 2. NOTES that Administration will forward the comments included as Attachment 2 to the Department of Transport.**

PURPOSE OF REPORT:

To consider the comments on the draft Perth Transport Plan suite of documents (draft PTP).

BACKGROUND:

The State Government released a suite of documents outlining the strategic direction of transport in the Perth metropolitan area for public comment on 29 July 2016. The suite of documents released for public comment included:

- The draft PTP (included as **Attachment 1**);
- A series of five technical reports;
- The draft PTP summary document;
- A series of 10 fact sheets;
- A series of maps; and
- Frequently Asked Questions, media statements and a promotional video clip.

The documents set out the future transport networks for public transport, road, active transport and freight and aimed to:

- Set the vision for a generational change to Perth's transport network;
- Provide a long term plan for transport infrastructure and consider how the transport network can be used more efficiently as Perth's population approaches 3.5 million and beyond;
- Look at where people will live and work when the population reaches 3.5 million and outline a flexible transport system so that people and freight can keep moving as the city grows; and
- Help to maintain Perth's status as one of the most liveable cities in the world.

Administration has prepared comments on the documents for Council's consideration. Public comments close on 28 October 2016.

DETAILS:

A summary of the key themes and major projects that impact the City of Vincent is provided below.

1. General

The draft PTP sets the vision for the public transport, road, active transport and freight network for the Perth metropolitan area for when the population reaches 2.7 million, 3.5 million and beyond 3.5 million. The draft PTP also focuses on optimising the use of the existing transport network and proposes to expand the existing transport network alongside population growth.

The document states that it is based on the draft Perth and Peel @ 3.5 Million sub-regional land use planning suite of documents that the Western Australian Planning Commission (WAPC) released for public comment in 2015. The land use projections in the draft Perth and Peel @ 3.5 Million documents have been used and include the projections of where the population will live and work. The draft PTP states that any alterations to the Perth and Peel @ 3.5 Million documents may necessitate a change to the draft PTP, particularly the location and timing of the delivery of higher density development that will affect the need for transport infrastructure.

2. East Wanneroo Rail Link

The draft PTP does not propose any Light Rail routes through the City of Vincent. In its place the draft PTP proposes an East Wanneroo Rail Link between the Perth Central Business District (CBD and the existing Joondalup line south of the Butler station (Figure 13), through the City of Vincent, though no station is proposed by the plan within the City's boundaries. This railway link is intended to connect the currently under-serviced north east corridor to the metropolitan rail network and relieve pressure from the existing Joondalup Line. The rail link is intended to supplement above ground public transport options.

Section 7.2.1 and Figure 2 in the Public Transport Plan Technical Report (PTPTR) shows the proposed location of the underground line underneath the Charles Street alignment through the City of Vincent. It is noted in the PTPTR that this alignment is subject to further detailed investigation. The first station is proposed to be located at ECU Mount Lawley, meaning that no stations are proposed within the City of Vincent.

It is predicted by the PTP that demand for this rail link will exist prior to the population reaching 2.7 million so the project is intended to be completed in three stages. Stage 1 of the project is from the Perth CBD to Marshall Road via Morley and is proposed to be implemented by the time the population of Perth and Peel reaches 2.7 million. It includes an underground section from the Perth CBD to north of Morley and stations at Edith Cowan University (ECU) Mount Lawley campus and the Morley activity centre. Stage 2 of the project connects the line from Marshall Road to the existing Joondalup line and is intended to be completed by the time the population reaches 3.5 million. Stage 3 of the project includes a spur line to Ellenbrook which is intended to be completed when the population is beyond 3.5 million.

3. Inner City Subway System

The draft PTP proposes an Inner City Subway System to connect Perth, East Perth, West Perth, Northbridge, Leederville and other inner city centres around the CBD (Figure 9 and 11). Section 9.1.1 in the PTPTR indicates that the system is intended to focus on moving passengers via underground rail throughout the inner core of the metropolitan area to supplement the above ground public transport services. It will be unlike the current suburban rail network as it will focus on short journeys in dense, highly walkable areas. The draft PTP does not provide further details on the proposed alignment of the subway or the location of stations so it is not possible to determine the location of tunnelling through the City as a result.

Appendix 1 of the draft PTP identifies this project for partial completion by the time the population reaches 3.5 million and full completion after the population reaches 3.5 million.

4. Bus Priority On-Road Public Transport Network

Section 3.1 of the draft PTP proposes bus priority measures including queue jumps, signal priority and bus only lanes on over 20 key corridors to cater for high volumes of passengers on the road network.

Section 8.2 and Figure 8.1 of the Road Network Plan Technical Report (RNPTR) identify two proposed bus priority public transport corridors in the City of Vincent to expand on the existing network. These are located on Scarborough Beach Road (east of Brady Street) and on Charles Street on the approach to the Charles Street Bus Bridge. A southbound dedicated bus lane is planned for Charles Street from Scarborough Beach Road, linking with the bus bridge and serving the Charles Street / North Perth catchment. The RNPTR states that the opportunity for southbound priority at the Green Street intersection requires further investigation.

The RNPTR Executive Summary states that as bus passenger volumes increase and bus services are expanded to satisfy the demand, public transport priority measures will be progressively implemented on high-volume routes. Section 3.4.3 of the RNPTR also states that further modelling will be required to define the expansion of the arterial road network, including bus priority requirements, once land use is available which shows development areas beyond 2050. It is therefore unclear when these proposed services are scheduled for implementation.

5. Road Network

Figure 19 in the draft PTP shows the proposed upgrades and expansion to the existing road network. There are no specific projects relating to the road network in the City of Vincent.

6. Active Transport Network

Section 3.1 and Figure 11 in the Cycling Network Plan Technical Report (CNPTR) propose a number of projects that will increase the off-road commuter and recreational cycle network throughout the metropolitan area from 172km currently to approximately 850km. This expansion is to support the draft PTPs aim to increase cycling and walking to 18% of all-day trips. Three projects that affect the City of Vincent are outlined below:

- 6.1 Section 4.1 in the CNPTR identifies ECU Mount Lawley as the “cycling gateway” to Perth’s north eastern suburbs. It is intended to be serviced by a number of high quality routes linking it to Morley, Mirrabooka, Belmont and Glendalough. Figure 22 shows the proposed alignment of a “high standard” cycle link from ECU Mount Lawley to the CBD through King Street, Lake Street, Hyde Park, Norfolk Street and Learoyd Street. No detail of the form of this link is included in the draft PTP. Figure 11 shows a Principal Shared Path (PSP) along Alexander Drive north of the ECU Mount Lawley campus which terminates at ECU Mount Lawley at 2050. The purpose of these links is to provide cycling facilities from the CBD, through the City of Vincent to the north east corridor of the metropolitan area.

- 6.2 Section 4.2 in the CNPTR identifies the Yokine – Claisebrook Greenway project. This project is intended to link Wanneroo Road (near Dog Swamp shopping centre) to the Midland and Armadale PSPs (near the Claisebrook train station). The project is intended to serve as an interim measure before dedicated cycling facilities can be added to London Street and Loftus Street. Figure 23 in the CNPTR shows the proposed alignment of this cycle route through the City of Vincent.
- 6.3 Figure 26 in the draft PTP and Section 3.7.2 and Figure 18 in the CNPTR propose a new Summers Street Bridge project. This project is intended to improve access to the Burswood Peninsular and East Perth train station via Bulwer Street and Summers Street. The connection integrates into the existing on and off road cycling network to the east and north within the City of Vincent.

Appendix 1 in the draft PTP shows that the off road network will expand to 350km by the time the population reaches 2.7 million, and to 850km by the time the population reaches 3.5 million. Section 5 of the CNPTR states that the proposals will guide the Local Bike Routes Review, an action from the Western Australian Bicycle Network Plan 2014-2031. It indicates that the Transport Portfolio will engage with local governments to refine the plan, review management options, develop the category of local access routes and arrive at formal agreements for those routes. The timing of the above three projects is not stated in the draft PTP or in the CNPTR and it is therefore unclear when these proposed projects are scheduled for implementation.

7. Freight Network

Figure 30 in the draft PTP shows the proposed upgrades and expansion to the existing freight network. There are no specific projects relating to the freight network in the City of Vincent.

8. Optimising the System

The draft PTP identifies several methods for optimising the transport infrastructure network. This includes use of technology, management of freeways, behaviour change programs, travel plans for new developments, public transport network optimisation, parking strategies and transport pricing.

9. Implementation

Appendix 1 in the draft PTP provides a broad estimate of the timing of major projects in the plan. It identifies the population trigger that will require the delivery of projects. The draft PTP states that it is too early to determine the exact timing and priority of most projects and that this will be determined over the next three decades. The draft PTP is not currently funded and recognises that government funding is likely to remain constrained into the future.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"1.1.5 Take action to improve transport and parking in the City and mitigate the effects of traffic."

SUSTAINABILITY IMPLICATIONS:

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

"1.10 Advocate for improved public transport links within and to the City."

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The three key areas of importance for the City of Vincent are the urgent need for improved active transport routes and connections, improved rail linkages including the East Wanneroo Rail Link and the inner city subway system project and the lack of a formal bus strategy. Administration's comments on the draft PTP are included as **Attachment 2** and are proposed to be forwarded to the Department of Transport if adopted by Council. A summary of Administration's key comments are included below.

1. General

Administration supports the development of a transport plan for the Perth metropolitan area to ensure the efficient use of existing infrastructure and to adequately plan for future infrastructure. The City's draft Town Planning Scheme No. 2 and the WAPC's draft Perth and Peel @ 3.5 Million documents both propose to increase density along major transport corridors, and the provision of transport infrastructure will support this. However, the public transport infrastructure proposed by the draft PTP does not adequately support the current or future density that is proposed along the transport corridors in the City of Vincent. In particular the omission of a light rail route along Fitzgerald Street, linking the North Perth District Centre to the Perth Central Business District and the north east corridor, is of significant concern as this route is essential to support the density occurring in this area.

It is acknowledged that the draft PTP was released after the draft Perth and Peel @ 3.5 Million documents. However, transport planning must be embedded within the Regions' land use plans to ensure that they do not occur independently. It is therefore recommended that these documents be combined into one suite of documents to completely integrate land use and transport planning for the metropolitan area. This will ensure that reporting on the delivery of both plans will also be integrated.

Although the draft PTP appears to be based on the Perth and Peel @ 3.5 Million documents there is no mention of the Department of Planning's (DoP) input on this document. Administration is of the view that the Department of Planning is a key stakeholder in this project and the document should align all relevant State Government departments, particularly the DoP.

2. East Wanneroo Rail Link and Light Rail

Administration supports the inclusion of the East Wanneroo Rail Link in the draft PTP to connect the CBD with the north east of the metropolitan area and establish a certain public transport link. However, this rail link must be expanded to maximise the number of stations at the City's District Centres and must be supplemented by above ground public transport options, including a light rail link along Fitzgerald Street, connecting North Perth District Centre to the Perth Central Business District and the north east corridor. In addition, the City must be involved in the design and delivery of this project.

It is unclear in the draft PTP why the light rail route along Fitzgerald Street was omitted. Fitzgerald Street is a higher density corridor, includes 'Residential Commercial' zoning and includes the Fitzgerald Street (North Perth) District Centre, identified in State Planning Policy 4.2: Activity Centres for Perth and Peel (SPP 4.2).

It is also unclear in the draft PTP why Charles Street was selected as the location for this rail line, given that this road is proposed to have high frequency bus services and predominately residential development. No proposed stations have been included along this line within the City of Vincent, which is of significant concern given the density proposed in the City's district activity centres by TPS 2.

The transport network within the City of Vincent plays a vital role in reducing car dependence due to its location in proximity to the CBD. The City's current demographic data from the Australian Bureau of Statistics and Informing Decisions (ID) indicates that 73% of daily trips to work to the City of Vincent are taken by a car, which is far greater than the average for the Perth metropolitan area of 67.5%. In addition to this the data shows that 42% of people who work in the City of Vincent travel from the northern suburbs including the Cities of Joondalup and Stirling. Furthermore, 18% of the City's residents drive to work in the CBD.

The provision of light rail and additional station/s along this proposed rail line would better service residents and workers both within and beyond the City of Vincent and would contribute to the draft PTPs outcomes of:

- Increasing public transport use to 11% of all day trips (including 65% of peak period trips to the CBD);
- Increasing cycling and walking to 18% of all day trips; and
- Reducing car driver trips to 50% of all day trips and 29% of peak period trips to the CBD.

Administration is also concerned with the impact that the construction of the underground line will have on existing residents, specifically the impacts of tunnelling. It is unacceptable for the City's residents to be negatively impacted by the construction of this line and not receive any of the benefits that the line would eventually bring as there are no stations to service the population. The potential impact of this tunnelling on existing residents and the City will need to be investigated by the State Government and all potential issues addressed before the City's full support can be provided for the project.

Administration recommends that the Department of Transport undertake further work in conjunction with the City to determine the exact alignment of this rail line and the number and location of stations, particularly in relation to the amount of tunnelling through the City and the number and location of stations within the City to service the growing population and activity centres. Administration also notes that Figure 5 in the WAPC's draft Central Sub Regional Planning Framework does not include the proposed rail line. Although not the subject of the current consultation Administration would strongly support the integration and alignment of both draft documents.

3. Inner City Subway System

Administration supports the inclusion of the inner city subway system in the long term to service key activity centres outside of the CBD and provide a rail service with short journeys in dense, highly walkable areas. However, it is clear that this is a very long term proposal and the City's existing secondary and district activity centres are currently poorly serviced by highly important east west public transport connections. This lack of east west service must be addressed now. Administration recommends including a new project in the plan to provide east west public transport through the City of Vincent, this could potentially include an extension of the existing CAT bus services provided in the CBD in the first stage followed by conversion to light rail in the longer term.

Administration acknowledges that the alignment of this link and the number and location of stations is subject to further work. Administration recommends that the Department of Transport undertake further work in conjunction with the City to determine the exact alignment of the public transport and subway route and number and location of stops and future subway stations to ensure that it adequately services the City's various secondary and district activity centres identified in SPP 4.2, and to determine the exact staging of its implementation with appropriate connections to other transport networks servicing the central sub region.

Administration notes that none of the figures in the WAPC's draft Central Sub Regional Planning Framework include the proposed rail line. Although not the subject of the current consultation Administration strongly recommends the integration and alignment of both draft documents.

4. Bus Priority On-Road Public Transport Network

Administration supports the proposals to expand the current bus priority on road public transport network on Scarborough Beach Road and Charles Street and recommends that upgrades to these services be provided proactively to service the growing demand, rather than reactively once the demand already exists. Administration also recommends that the Department of Transport undertake further work in conjunction with the City to determine the most appropriate bus priority measures and the number and location of stops on each route.

Administration is concerned that the PTNTR does not include an overall bus strategy which outlines the current and future proposed bus network, aligned with land use planning. Administration recommends that an overall bus strategy be provided to identify key routes and plan for their implementation.

5. Road Network

The plan appears to focus strongly on investment to improve the road network. Increasing the capacity of our existing road network through road widening and intersection upgrades is generally not supported as this undermines the changing travel behaviours and reinforces car usage. Administration recommends that this vision for the document be reconsidered to ensure that it contributes to achieving the other outcomes in the document that focus on improving alternative transport modes.

Administration acknowledges that there are no specific projects relating to the road network in the City of Vincent. Administration recommends that in the event that changes are proposed the City be consulted prior to any changes being undertaken, to ensure there are no negative impacts on local amenity.

6. Active Transport Network

Administration supports the proposed improvements to the metropolitan cycle network to support alternative transport modes.

Administration agrees that ECU Mount Lawley is an appropriate location to be the gateway for cycling infrastructure to the north east corridor of the metropolitan area. Administration acknowledges that this north east link will include a PSP along Alexander Drive, north of ECU Mount Lawley and a Perth Bike Network Route to the south through the City of Vincent. Figure 22 in the CNPTR indicates that this route will be of a "high standard", However, it is unclear what a 'high standard' constitutes and Administration recommends that further work be undertaken to determine the suitability of this route for upgrade to a PSP in the long term. The route should also be shown on Figure 11 in the CNPTR as a potential PSP at 2050.

The proposed alignment of this high speed cycle route through Hyde Park is of significant concern and is not supported. Hyde Park is a key urban park in the region and is a high amenity pedestrian environment. A different route for this PSP is included in the City's Bike Plan 2013, Figure 8-1 located on the western boundary of Hyde Park, along Throssell Street and Palmerston Street connecting to Roe Street, then Milligan Street. The proposed route through Hyde Park is not supported by the City and the Department of Transport should work with the City to progress the proposed strategic bicycle route in the City's Bike Plan.

Administration supports the inclusion of the Yokine – Claisebrook Greenway project to link the northern corridor of the metropolitan area to the eastern corridor. Administration acknowledges that the City's Greening Plan 2014 identifies key greenways along the proposed route. Administration supports this route as an interim measure before dedicated cycling facilities can be added to London Street and Loftus Street. Administration is concerned that there is no further mention of these upgrades elsewhere in the CNPTR or draft PTP. Administration recommends that the upgrades to London and Loftus Streets be identified as projects within the draft PTP and CNPTR.

Administration does not support the proposed bridge at Summers Street. Administration considers that the Windan Bridge, with necessary upgrades, is sufficient to provide access to the Burswood Peninsula without the need for an additional bridge. Two bridges within such close proximity would dominate the river front and reduce its amenity.

In addition to the active transport network shown in the draft PTP the City of Vincent Bike Plan 2013 identifies several additional Strategic Bicycle Routes (Figure 8-1), some of which have now been completed. Administration recommends that the CNPTR recognise these routes.

Furthermore, funding for cycling infrastructure should be provided through the Perth Bike Network grants system to ensure funding is in place to enable local governments to continue to make investment in the local cycle network.

The proposal for the Department of Transport to engage with local governments is supported and it is recommended that this be done as part of the finalisation of the draft PTP.

7. Freight Network

Administration acknowledges that there are no specific projects relating to the freight network in the City of Vincent. Administration recommends that in the event that changes are proposed the City be consulted prior to any changes being undertaken, to ensure there are no negative impacts on local amenity.

8. Optimising the System

Administration supports the proposal to ensure that the transport system is used efficiently and effectively. Administration is concerned with the lack of detail provided with regards to when each method of optimisation is most appropriate. Administration recommends including further information in the draft PTP explaining when each optimisation method is most appropriate.

9. Implementation

Administration is concerned with the overall lack of detail provided on the timing of and funding required to support the implementation of the projects in the draft PTP. Administration is concerned that without commitment on the projects in the plan they may be subject to change with political cycles and that no government will be held to account for the delivery of the plan. It is critical that land use and transport planning for the metropolitan area is guided by these strategic documents in the long term.

Administration acknowledges that using population figures as triggers for the development of infrastructure is sound in principle. However, this approach does not provide sufficient certainty to adequately plan for projects and align land use planning, such as increased density, with the delivery of transport infrastructure and services. Administration recommends that the draft PTP include other triggers for project delivery including population growth, travel demand rates, the expected timing of funding and an estimated timeframe for when the State Government is likely to be resourced to deliver these projects. Projects should also be prioritised to provide an indication as to how the network will be staged and developed over time. Administration recommends that transport infrastructure be provided proactively to service the growing demand, rather than reactively once the demand already exists.

Administration recommends that Council endorse the comments provided in **Attachment 2** on the draft PTP which will form the basis of a submission to be forwarded to the Department of Transport.

9.1.11 Initiation of Amendment to Local Planning Policy No. 7.5.15 – Character Retention Areas

Ward:	Both	Date:	30 September 2016
Precinct:	All Precincts	File Ref:	SC1343
Attachments:	<u>1</u> – Current Local Planning Policy No. 7.5.15 – Character Retention Areas <u>2</u> – Location Map – Harley Street <u>3</u> – Amended Local Planning Policy No. 7.5.15 – Character Retention Areas (with tracked changes) <u>4</u> – Amended Local Planning Policy No. 7.5.15 – Character Retention Areas (without tracked changes)		
Tabled Items:	Nil		
Reporting Officer:	A Fox, Strategic Planning Officer J O’Keefe, Manager Policy and Place		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council:

- PREPARES** amendments to Local Planning Policy No. 7.5.15 – Character Retention Areas included as Attachment 4 pursuant to Clause 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the purpose of advertising; and
- NOTES** that amendments to Local Planning Policy No. 7.5.15 – Character Retention Areas will be advertised for a period of 28 days pursuant to Clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Policy No. 4.1.5 – Community Consultation.

PURPOSE OF REPORT:

For Council to consider various amendments to Local Planning Policy No. 7.5.15 – Character Retention Areas, including adding a new appendix for the Harley Street Character Retention Guidelines and other refinements to the substantive policy, and whether to endorse the amended local planning policy for the purposes of advertising.

BACKGROUND:

Local Planning Policy No. 7.5.15 – Character Retention Areas was adopted by Council on 22 September 2015 (**Attachment 1**).

The purpose of the Local Planning Policy was to establish a framework to allow the community to nominate areas that contain unique characteristics of value. Following a valid nomination, the Local Planning Policy allows the City, in conjunction with the community, to assess and prepare specific design guidelines for each area. These guidelines are contained as appendices in the Local Planning Policy.

The Local Planning Policy prescribes how a nomination is to be considered by the City and the extent of pre-community consultation. The preparation and adoption of the guidelines is to be conducted in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (Planning Regulations) as an amendment to the Local Planning Policy.

St Albans Avenue was the first area to be included as a Character Retention Area in the Local Planning Policy, with the corresponding guidelines set out in Appendix 2 of the current policy (**Attachment 1**).

Since its adoption, the City has also received a nomination for Harley Street, Highgate.

Date	Comment
22 September 2015	Council adopted Local Planning Policy No. 7.5.15 – Character Retention Areas.
30 May 2016	The City received a nomination for all of Harley Street, Highgate, to be included as a Character Retention Area. The nomination was accompanied by a petition signed by 55% of Harley Street landowners.
6 July 2016	The City held a workshop for Harley Street landowners. 18 owners attended which represented 11 of the 33 properties in the nomination area.
22 August 2016	A second workshop with Harley Street landowners was held with 17 owners in attendance again representing 11 of the 33 properties in the nomination area.
27 September 2016	Council workshop.

DETAILS:

Key characteristics

Harley Street is located in Highgate and is bound by Chatsworth Road to the north and Lincoln Street to the south (**Attachment 2**). The street is a wide dual carriage way characterised by on-street parallel parking and Queensland Brush Box tree (*Laphostemon confertus*) verge plantings at regular intervals to both sides. The lots are serviced by rights of way resulting in few car bays and carports in property frontages.

Harley Street contains 27 of its 33 original residences from the time of subdivision. The majority of the dwellings were constructed between the late 1890's and the early twentieth century, many of which are fine examples of Federation style architecture, with six of the 33 properties listed on the City's Municipal Heritage Inventory (MHI) at the time these guidelines were formed.

The level of original detailing, form and roovescape results in an excellent representation of a Federation streetscape.

More detailed characteristics of the area are summarised as follows:

- The area is a highly intact example of late nineteenth to early twentieth century residential development comprising good examples of modest, single storey dwellings and two storey terrace houses constructed in the Federation style of architecture;
- The overall form, style, height and selection of materials of the dwellings contribute to the uniformity of the streetscape, providing a consistent and coherent character;
- A high level of retained original detail including street facing verandahs, decorative gables, chimneys, windows and front fences;
- Lot widths are generally consistent, with some half-width lots accommodating terrace housing built at the time of the Chatsworth Estate, many of which are now listed on the City's MHI;
- Front setbacks are generally consistent, reinforcing the building edge, maintaining consistent pattern of development and allowing viewlines along the fronts of all dwellings;
- Front fences are low and or visually permeable with an absence of solid, obtrusive front fences; and
- The street has an absence of car bays and carports to property frontages due to access from a Right of Way and the abundance of on street parking.

For these reasons, many owners have requested the area be considered as a Character Retention Area.

Community Workshops

In accordance with the requirements of the Local Planning Policy, the City sent letters to all landowners in the nominated area to attend a workshop to allow staff to discuss the implications of the nomination and how it would proceed. This was also an important step to gauge wider community views on the nomination.

The meetings were an informal presentation of information to owners, question and answer opportunities and discussion around the possible mechanisms to protect the character of the area. The focus of discussion centred on the following points:

- Background information regarding the Character Retention Areas policy and its relationship to the current planning policy framework,
- The process and implications of the street becoming a Character Retention Area;
- The impact of changes in the Planning Regulations which have resulted in no longer requiring a planning approval for the demolition of single houses;
- Discussion to ascertain property owners views on what the prevailing and valued character in each area is; and
- The implication of Clause 7.3.1 of the Residential Design Codes (R-Codes) which allows the City to amend or replace certain deemed-to-comply provisions, and provide local housing objectives within its planning framework, and how this could be used to best protect the prevailing and desired character of each area.

The initial workshop for Harley Street was held on 6 July 2016 and was attended by 18 residents, the Mayor and City staff. Of those attendees, 11 of the 33 properties were represented.

At this meeting, there appeared to be unanimous support from attendees for the progression of the guidelines.

A further site meeting with two owners from Harley Street was held to undertake an observational survey of the prevailing character to inform and refine the proposed provisions for inclusion in the draft guidelines.

Once completed, the City invited all landowners, by letter, to attend a second workshop to discuss in greater detail what would be contained in the guidelines. This was held on 22 August 2016 with 17 owners and two Administration staff in attendance. The attendees at this meeting represented 11 of the 33 properties included in the nomination area.

The draft guidelines were presented and extensively discussed resulting in further refinements of some of the provisions.

Draft Guidelines

Following these workshops the City prepared draft guidelines for Harley Street, which are proposed to replace the 'deemed-to-comply' provisions of the R-Codes and establish local housing objectives that will be used as a basis to assess proposals that do not meet the 'deemed-to-comply' standards. These provisions are considered to reflect the prevailing character of the streetscape.

The Guidelines are proposed to be included as Appendix 2 of the Policy and are contained in **Attachment 3** and **4**.

Implications of Changes to the Planning Regulations

The current St Albans Avenue Guidelines included in the Local Planning Policy contain provisions which provide standards for development applications that propose demolition of buildings within that Character Retention Area. Where a building is identified as 'contributing' to the streetscape, demolition of the façade of the building is not supported by the Local Planning Policy. The intent is to ensure that buildings that contribute to the streetscape in some way are protected and those buildings which did not are not overly restricted.

The State Government's planning reform agenda has resulted in a new planning framework coming into effect which has removed the ability for Local Government to require a development application for, or place any restrictions on, the demolition of a single house, unless it is:

- Protected under the *Heritage of Western Australia Act 1990*;
- Included on a heritage list prepared in accordance with the scheme; or
- Located within an area designated under this scheme as a heritage area.

The Planning Regulations came into effect on 19 October 2015 and override all inconsistent planning instruments in the local planning framework including Town Planning Scheme No. 1 and any local planning policy.

This change directly affects the Character Retention Areas Policy as the provisions relating to demolition of homes that 'contribute' to the streetscape are no longer enforceable.

In order to acknowledge this change, the draft Harley Street Guidelines make reference to the fact that the current Planning Regulations do not require a development approval for demolition of single houses. The draft Harley Street Guidelines include a deemed-to-comply requirement and housing objective to provide guidance on demolition so that, if the Planning Regulations are changed to require a development approval for demolition, this standard will immediately apply.

Administrative Amendments to Policy No. 7.5.15 – Character Retention Areas

During the preparation of the draft guidelines and in consultation with the community further refinements to the substantive Local Planning Policy are proposed and are summarised as follows:

Policy Structure

A new Part 1 has been included in the Local Planning Policy, which sets out the intent by clarifying its purpose and application and clearly identifies the head of power.

Part 2 of the Local Planning Policy includes the framework for the nomination of a Character Retention Area and the consultation required.

A number of sections in the policy have been revised including the 'Introduction' and 'Aims' headings which have been replaced with 'Purpose & Application' and 'Policy Objectives'. New sections 'Policy Development' and 'Application of Policy & Development Standards' have also been included. These revisions will remove any ambiguity regarding the purpose and application of the Local Planning Policy and will bring the structure in line with the draft Built Form Local Planning Policy structure, which is now considered best practice for the City's local planning policies.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes, required by Schedule 2, Part 2, Clauses 4 and 5 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
Required by City of Vincent Policy No. 4.1.5:	Yes, required by the City's Policy No. 4.1.5 – Community Consultation.
Consultation Period:	28 days
Consultation Type:	<ul style="list-style-type: none">• Written notification to affected landowners in Harley Street;• Adverts in both the Voice and the Guardian local newspapers;• Notice on the City's website;• Copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre;• Request for comments from the City's Design Advisory Committee members; and• Promotion through the Planning E-Newsletter.

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Town Planning Scheme No. 1; and
- Residential Design Codes (R Codes).

RISK MANAGEMENT IMPLICATIONS:

The risk of not progressing an adequate character retention policy framework is that the City will be unable to appropriately deal with development issues and this may result in unintended development outcomes, resulting in the loss of character streetscapes that create attractive and desirable places to live.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

- “1.1.1 *Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.*
- 1.1.2 *Enhance and maintain the character and heritage of the City.*
- 4.1.4 *Plan effectively for the future.*
- 4.1.5 *Focus on stakeholder needs, values, engagement and involvement.”*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

It is proposed to add a new Appendix 2 to Local Planning Policy No. 7.5.15 – Character Retention Areas to include Character Retention Area Guidelines for Harley Street, Highgate. Administration has facilitated two workshops with affected property owners from this area and has prepared draft Guidelines in accordance with the Local Planning Policy.

In addition to the inclusion of the guidelines, Administration is also recommending a number of changes to the substantive Policy No. 7.5.15 – Character Retention Policy. The changes add clarity and transparency to the process of how development applications are assessed against the guidelines and bring the Local Planning Policy into alignment with the Regulations and the draft Built Form Policy.

Following formal consultation, a report will be presented Council so that the results of the public consultation can be considered along with a recommendation as to whether to proceed or not with all or some of the draft amendments.

It is recommended that Council initiates formal advertising of the amendments to Local Planning Policy No. 7.5.15 – Character Retention Areas pursuant to Clause 5 of Schedule 2 of the Planning Regulations.

9.1.12 Initiation of Amendment to Local Planning Policy No. 7.7.1 – Parking and Access

Ward:	Both	Date:	4 October 2016
Precinct:	All	File Ref:	SC2632
Attachments:	<p><u>1</u> – Current Local Planning Policy No. 7.7.1 – Parking and Access <u>2</u> – Amended Local Planning Policy No. 7.7.1 – Parking and Access (with tracked changes) <u>3</u> – Amended Local Planning Policy No. 7.7.1 – Non-Residential Parking Requirements (without tracked changes) <u>4</u> – Schedule of Modifications <u>5</u> – Parking Requirements Comparison Table</p>		
Tabled Items:	Nil		
Reporting Officer:	S Schreck, Strategic Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council:

- PREPARES** amendments to Local Planning Policy No. 7.7.1 – Parking and Access included as Attachment 3 pursuant to Clause 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the purpose of advertising; and
- NOTES** that the amendments to Local Planning Policy No. 7.7.1 – Parking and Access will be advertised for a period of 28 days pursuant to Clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Policy No. 4.1.5 – Community Consultation.

PURPOSE OF REPORT:

For Council to consider various amendments to Local Planning Policy No. 7.7.1 – Parking and Access, and whether to endorse the amended Local Planning Policy for the purposes of advertising.

BACKGROUND:

Council resolved to commence a full review of the City's Local Planning Policy No. 7.7.1 – Parking and Access in September 2015 and required Administration to report back in October 2016. The current Local Planning Policy is included as **Attachment 1**.

The review was undertaken in response to the need for a contemporary and more proactive Local Planning Policy.

Date	Comment
27 March 2001	Council adopted Local Planning Policy No. 7.7.1 – Parking and Access.
22 September 2015	Council resolved to undertake a full review of the City's Local Planning Policy No. 7.7.1 – Parking and Access and for a report to be presented back to Council by October 2016.
30 August 2016	Administration presented the results of the review to a Council Workshop.

DETAILS:

Administration has reviewed Local Planning Policy No. 7.7.1 – Parking and Access and is proposing nine major changes. A track changed version of the amended Local Planning Policy is included as **Attachment 2** with the clean version of the amended Local Planning Policy included as **Attachment 3**. A schedule of the proposed modifications to the Local Planning Policy is also included as **Attachment 4**. The Local Planning Policy changes are outlined below:

1. Policy Title and Structure

The review identified that the title of the Local Planning Policy No. 7.7.1 – Parking and Access did not clearly communicate the scope of the Local Planning Policy. As a result the title has been amended to 'Non-Residential Development Parking Requirements' to make it clear that it does not apply to residential development.

In addition, the structure of the Local Planning Policy has been amended to be brought into line with that of the draft Built Form Local Planning Policy structure, which is now considered best practice. It is now split into two parts, Part 1 sets out the intent and Part 2 provides the Local Planning Policy provisions.

2. Parking Requirements – Table 1

The current Local Planning Policy contains a land use based parking requirements table (Table 1) consisting of 51 land uses and 26 different parking requirements. The amended Local Planning Policy proposes to reduce the number of land uses in Table 1 and lists only those that are most common. The remaining land uses are still accounted for but have been removed from the table and replaced by a provision that requires a Parking Management Plan to be prepared in those instances. In addition, car parking maximums have been introduced to the table to cap the number of car parking bays a development can provide.

The reduction of land uses in Table 1 is recommended to ensure that developers undertake a separate and more comprehensive body of work for particular land uses to ensure that parking provided onsite reflects the likely demand. The car parking maximums are proposed to ensure that developments do not oversupply car parking and create traffic issues on local roads, noting that the Local Planning Policy only applies to non-residential development.

3. Removal of Adjustment Factors

The current Local Planning Policy contains 12 adjustment factors that allows applicants to reduce the number of car bays provided if they satisfy certain locational requirements. Adjustment factors are applied as of right, regardless of a land uses gross parking requirement. The maximum reduction currently allowed reduces the required number of car parking bays by three quarters. These adjustment factors allow developments to reduce parking due to factors that may not directly influence or reduce the number of cars using that development.

As part of the review of the Local Planning Policy, the City engaged an independent consultant to establish the appropriate parking requirement for each land use in each of the City's 'Built Form Areas'. The amended Local Planning Policy proposes to remove the use of adjustment factors and instead replace them with these different parking standards for each Built Form Area proposed by the City's draft Built Form Local Planning Policy. For example the parking requirement for an office in a 'Town Centre' is now proposed to have a different parking requirement to one in a 'Mixed Use' area.

In many cases the minimum parking requirements proposed differ from those listed in Table 1 of the current Local Planning Policy so that they more accurately reflect the likely demand in each 'Built Form Area' and incorporate the previous adjustment factors. A comparison between the parking requirements of the current and amended Local Planning Policy is contained as **Attachment 5**.

4. Parking Management Plans

During the review it was identified that many land uses may induce different demand rates between developments and therefore require more flexibility in the provision of parking. As a result the amended Local Planning Policy includes additional land uses in Table 1 requiring a Parking Management Plan.

In the case where a Parking Management Plan is currently required, applicants have very limited guidance on what details are to be included in such a document. Setting these standards will ensure that consistent Parking Management Plans are submitted with development applications.

The amended Local Planning Policy provides a more rigorous set of guidelines for Parking Management Plans, which are contained in Clause 6 and Appendix 1. These guidelines will improve transparency and provide the City with the ability to achieve a more flexible outcome for parking.

5. Bicycle Parking Requirements

The current Local Planning Policy requires 35% of an applications' bicycle parking to be Security Level A & B (long term) and 65% to be Security Level C (short term), regardless of the land use. The split of long term and short term facilities has been revised in the amended Local Planning Policy based on the land use's expected employee/visitor percentage. This approach has been adapted from the current Local Planning Policy but is intended to provide a more fine grained approach for each land use.

Wherever possible the amended Local Planning Policy has also aligned bicycle parking requirements with the same unit of measurement as the car parking requirements.

The proposed changes are considered to provide clarity, consistency and promote cycling and active transport within new developments.

6. Change-of-Use

The current Local Planning Policy allows the City to waive a parking shortfall in a development application for a change of use in certain instances including:

- Where there is a reduction to the number of existing on site bays;
- An application that involves building works to increase the floor area;
- An application that has been subject to a previous council decision for the same use;
- A change of use is the second or subsequent application after initial approval; and
- Where a minimum of 12 months has elapsed between the first and subsequent application.

This Clause was intended to make it easier for small business to comply with requirements for a change of use application.

It is proposed to maintain the content of this clause but locate it in a different section of the Local Planning Policy, with an additional explanation stating that these exemptions will not apply to new development or major redevelopment.

7. Cash-In-Lieu

The current Local Planning Policy provides guidance for when the City will accept cash in lieu for a parking shortfall and sets out that cash-in-lieu should only be provided for shortfalls in parking proposed by new development or major redevelopment. Item 8.4 of the City's Corporate Business Plan includes a review of the City's collection and expenditure of cash-in-lieu of car parking, with the project due for completion by the end of 2016/2017 financial year. No changes are proposed to the cash-in-lieu provisions of the Local Planning Policy until this review is completed.

8. End of Trip Facilities

The current Local Planning Policy requires end-of-trip facilities, including male and female showers and change rooms, to be provided where a development is required to contain five or more bicycle parking bays. It also sets out provisions for additional male and female facilities and supply of lockers.

During the review it became apparent that under the current requirements end-of-trip facilities are rare as most developments are not required to provide more than five bicycle bays. End-of-trip facilities are a key attractor for increasing cycling, specifically within employee dominated land uses, for example Office.

The amended Local Planning Policy proposes to require all new developments or major redevelopments that include bicycle parking to also provide a minimum of two unisex end-of-trip facilities, which includes a shower, change room and locker.

The amended Local Planning Policy proposes to require developments which provide five long term bicycle bays to also include an additional two unisex showers and change rooms. Every additional five bays following this will then be required to provide a further two unisex showers and change rooms.

The amended Local Planning Policy intends to ensure new developments or major redevelopments provide end-of-trip facilities to increase the use of cycling as a mode of transport.

9. Service Bays

The current Local Planning Policy requires a service bay within a development that has a total non-residential floor area of 1,000m² or more. During the review it was established that most commercial developments in the City are less than 1,000m² so the requirement for a service bay is rarely reached. This places pressure on the existing traffic and parking provided within the City. Where an intensive land use of less than 1,000m² does not provide a service bay it may create complications for the existing transport network.

The amended Local Planning Policy proposes to require all new developments to provide an additional bay to be marked as a service bay. It will remove the requirement for a service bay where it can be demonstrated through a Parking Management Plan that the development can be serviced by an off-site service bay. For example in a 'Town Centre' setting where an on-street loading bay can be used to service several businesses.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes, required by Schedule 2, Part 2, Clauses 4 and 5 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
Required by City of Vincent Policy No. 4.1.5	Yes, required by the City's Policy No. 4.1.5 – Community Consultation.
Consultation Period:	28 Days
Consultation Type:	<ul style="list-style-type: none">• Adverts in both the Voice and the Guardian local newspapers;• Notice on the City's website;• Copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre;• Promotion through the Planning E-Newsletter.

LEGAL/POLICY:

- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 4.1.5 – Community Consultation; and
- Policy No. 7.7.1 – Parking and Access.

RISK MANAGEMENT IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

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

- “4. *Guiding Better Development Outcomes in the City*
4.1 *Review the local planning policy framework.*”

The City's Strategic Plan 2013 – 2023 states:

- “1.1.1 *Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.*”
“1.1.5 *Take action to improve transport and parking in the City and mitigate the effects of traffic.*”

SUSTAINABILITY IMPLICATIONS:

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

- “1.13 *Employ a demand management approach to car parking within the City to encourage the use of alternative transport modes.*”

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

The current Local Planning Policy has been benchmarked against other Local Governments and is already considered to be progressive in its approach. As part of the review it has been identified that significant improvements can be made to the various parking standards and to simplify the interpretation and application of the Local Planning Policy. The Local Planning Policy is proposed to be amended to align with the City's draft Built Form Local Planning Policy recently adopted for advertising, ensuring the City's planning framework is integrated and user friendly.

It is recommended that Council initiates formal advertising of the amendments to Local Planning Policy No. 7.7.1 – Parking and Access pursuant to Clause 5 of Schedule 2 of the Planning Regulations.

9.1.13 Nos. 338-342 (Lots: 9 and 10; D/P: 2287) Oxford Street, Leederville – Proposed Change of Use from Educational Establishment to Place of Public Worship

Ward:	North	Date:	10 October 2016
Precinct:	Precinct 3 – Leederville	File Ref:	PR15617; 5.2016.305.1
Attachments:	1 – Location and Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification and Management Plan 4 – Car Parking and Bicycle Tables 5 – Response from the Applicant to the Submissions 6 – Determination Advice Notes		
Tabled Items:	Nil		
Reporting Officer:	R Narroo, Senior Statutory Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council, in accordance with subclause 68(2)(b) of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, APPROVES the application for a Change of Use from Educational Establishment to Place of Public Worship at Nos. 338-342 (Lots: 9 and 10; D/P: 2287) Oxford Street, Leederville in accordance with plans date stamped 21 September 2016, as shown on Attachment 2, subject to the following conditions:

1. Parking and Special Events Management Plan

A Parking and Traffic Management Plan shall be submitted to, and approved by the City prior to the use of the site as a ‘Place of Public Worship’. The Parking and Traffic Management Plan shall detail for each time period and each activity of the ‘Place of Public Worship’:

- The capacity and demand for parking and traffic;
- The location and management of parking areas, including any agreements necessary to provide access to the parking areas;
- The management of traffic;
- The management of pedestrian movement and safety;
- The maximum number of persons permitted on the site;
- The community consultation requirements;
- A Travel Behaviour Change Plan;

Use of the premises shall be carried out in accordance with the approved Parking and Traffic Management Plan and all requirements of the Parking and Traffic Management Plan shall be implemented to the satisfaction of the City;

2. Use of the Premises

2.1 The maximum number of persons permitted on the site at any given time shall accord with the Parking and Traffic Management Plan;

2.2 The hours of operation of the development shall not exceed:

- 10:00am to 10:00pm Monday to Thursday;
- 9:00am to 10:00pm Friday and Saturday;
- 9:00am to 7:00pm Sunday;

3. Car Parking and Access

- 3.1 The car parking and access areas are to comply with the requirements of AS2890.1;
- 3.2 Vehicle and pedestrian access points are required to match into existing footpath levels; and
- 3.3 Prior to occupancy or use of the development the car parking areas on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans, completed to the satisfaction of the City and maintained thereafter by the owner(s)/occupier(s);

4. External Fixtures

All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings;

5. Interactive Front

Windows, doors and adjacent areas fronting Oxford Street and Franklin Street shall maintain an active and interactive relationship with the street. Darkened, obscured, mirror or tinted glass or the like is prohibited;

6. Verge Trees

No verge trees shall be removed without the prior written approval of the City. The verge trees shall be retained and protected from any damage including unauthorised pruning, to the satisfaction of the City;

7. Landscape and Reticulation Plan

7.1 A detailed landscape and reticulation plan for the development site and adjoining road verge is to be lodged with and approved by the City prior to commencement of the development. The plan shall be drawn to a scale of 1:100 and show the following:

- 7.1.1 The location and type of existing and proposed trees and plants;
- 7.1.2 Areas to be irrigated or reticulated; and
- 7.1.3 The removal of redundant crossovers;

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

8. Waste Management

- 8.1 A Waste Management Plan shall be submitted to and approved by the City prior to commencement of the development detailing a bin store to accommodate the City's specified bin requirement; and
 - 8.2 Waste management for the development shall thereafter comply with the approved Waste Management Plan;
-

9. **Stormwater**

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

10. **Bicycle Bays**

Prior to occupancy or use of the development a minimum of 10 bicycle bays are to be provided onsite to the City's satisfaction. Bicycle bays must be provided at a location convenient to the entrance, publicly accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3;

11. **Signage**

11.1 Signage shall not have flashing or intermittent lighting;

11.2 All signage shall be safe, non-climbable, free from graffiti and kept in a good state of repair for the duration of its display on-site;

11.3 The signage is to be entirely contained within the property boundary;

11.4 The proposed signage is to advertise the place of public worship and services only; and

11.5 The glazed area of the windows shall comply with Policy No. 7.5.2 – Signs and Advertising; and

12. **Heritage**

12.1 Landscaping to the perimeter of the hail shall not be hard up against the building, and watering is to be directed away from the fabric to minimise issues with damp;

12.2 A photographic archival record is to be made of the former St Mary's Hall prior to alterations, according to the *Guide to Preparing an Archival Record*; and

13. **General**

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

PURPOSE OF REPORT:

For Council to determine an application for development approval for a change of use from 'educational establishment' to 'place of public worship' at 338-342 Oxford Street, Leederville.

BACKGROUND:

Landowner:	Trustees of the Christian Brothers
Applicant:	Resolve Group Pty Ltd
Date of Application:	22 July 2016
Zoning:	MRS: Urban TPS1 Zone: Residential R-Code: R60 TPS2 Zone: Residential Commercial R-Code: R100
Existing Use Class:	Educational Establishment – “AA”
Use Class:	Place of Public Worship - “AA”
Site Area:	Lot 9= 556 square metres Lot 10= 556 square metres Total= 1112 square metres
Right of Way (ROW):	Eastern side, 5 metres in width, sealed
Heritage List:	Yes

The subject site is located at Lots 9 and 10 Oxford Street Leederville, on the corner Franklin Street, see **Attachment 1**. The site currently contains the heritage listed St Mary’s Hall, which is a vacant school hall previously used in association with Aranmore Catholic College. The subject site is included on the City’s Municipal Heritage Inventory as Management Category A – Conservation Essential and the Heritage Council’s State Register of Heritage Places.

The site is zoned ‘Residential’ and adjoins a ‘Residential’ zoned property containing a single house to the north, with Aranmore Catholic College to the south and east, separated by a Franklin Street and a right-of-way respectively. Commercial uses occur directly adjacent to the subject site to the west, across Oxford Street. The surrounding area is predominately zoned ‘Residential’ and is dominated by single house development.

The applicant proposes to use the existing building for a ‘place of public worship’ in order to accommodate Sonlife Church, an independent church currently located at 8 Cleaver Street, West Perth. The church has been operating from its current location for two and a half years and is looking to relocate to accommodate a higher density of visitors.

The application proposes to modify the internal layout of the building to accommodate the church use. This includes converting the storeroom, bathrooms, change rooms and kitchen in the northern addition, which was built in the 1960s, into classrooms and reconfiguring the existing stage in the Hall. Space for two car parking bays, ten bicycle bays and bin store is available on Lot 10 off the right-of-way and a dividing fence is also proposed along the northern boundary. Six signs are proposed as part of this application. The development plans are included as **Attachment 2**.

A number of activities are proposed at different times as part of the application, including:

- A church office component from Tuesday to Friday, 10:00am to 4:00pm, for up to eight people;
- Meetings on weeknights from 6:00pm for up to 30 people;
- Playgroup on Fridays from 9:00am for up to 30 people
- Prayer Service on Friday nights from 7:00pm for up to 100 people
- Sunday Service from 10:00am to 1:00pm for up to 400 people; and
- Special events (Christmas/Easter/Weddings/Funerals), from 10:00am to 1:00pm for up to 450 people.

The applicant has undertaken a detailed parking assessment, analysis and management plan in support of the proposal, which along with the written application is included as **Attachment 3**.

DETAILS:

Summary Assessment

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

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Land Use (only where required)		✓
Parking & Access		✓
Bicycles		✓
Signage		✓

Detailed Assessment

The deemed-to-comply assessment of the elements that require the discretion of Council is as follows, noting that the car parking and bicycle assessment tables is included at **Attachment 4**:

Land Use		
Requirement	Proposal	Aspect for Consideration
Town Planning Scheme No. 1		
Zone – Residential R60	Place of Public Worship- "AA" Use	The use is not permitted unless Council has exercised its discretion by granting planning approval.
Parking		
Requirement	Proposal	Difference
Local Planning Policy No. 7.7.1 – Parking and Access		
Church office Tuesday to Thursday 10:00am – 4:00pm 1 bay	2 bays	1 bay surplus
Church office and Playgroup Fridays 9:00am onward 5 bays	2 bays	3 bay shortfall
Meetings Monday to Thursday 6:00pm onward 4 bays	2 bays	2 bay shortfall
Meetings + Prayer Service Friday nights 6:00pm onward 16 bays	2 bays	14 bay shortfall
Sunday Service Sunday 10:00am to 1:00pm 49 bays	2 bays	47 bay shortfall
Special events Christmas/Easter/ Weddings/Funerals 55 bays	2 bays	53 bay shortfall

Bicycles		
Requirement	Proposal	Difference
<p>Local Planning Policy No. 7.7.1 – Parking and Access</p> <p>23 bicycle bays</p>	<p>10 bicycle bays</p> <p>Plus 5 U-Rails (10 Spaces) on the Franklin Street Verge adjacent to the building (on the same offset alignment to the trees).</p>	<p>13 bicycle bays on site</p> <p>3 bicycle bays</p>
Signage		
Requirement	Proposal	Difference
<p>Local Planning Policy No. 7.5.2 Signs and Advertising</p> <p>A maximum of 2 signs per tenancy</p> <p>Window signs</p> <p>Window sign not to exceed 50 per cent of the glazed area of any one window or exceed 10 square metres in area in total per tenancy on a lot.</p>	<p>8 signs</p> <p>Windows facing Oxford Street = 66 and 69 per cent of the glazed area of the windows</p>	<p>6 signs in excess</p> <p>16 and 19 per cent of glazed area.</p>

CONSULTATION/ADVERTISING:

Consultation was undertaken for a period of 14 days in accordance with the *Planning and development (Local Planning Scheme) Regulations 2015*, from 18 August 2016 until 31 August 2016. A total of 23 letters were sent to owners and occupiers within close proximity of the subject site (**Attachment 1**) in accordance with the City's Policy No. 4.1.5 – Community Consultation.

A total of 12 submissions were received, including three objections one with concerns and eight in support. The matters raised by the submissions are as follows:

- Support for the change of use to a place of public worship is a good outcome for the heritage building, as a community use in close proximity to the school, in lieu of a residential or commercial development.
- There is sufficient car parking along Oxford Street and adjoining streets to support the proposed use. Sonlife Church in West Perth is very well organised and their car parking arrangements have always been well managed and communicated to the congregation members and visitors with good signage and volunteer marshals assisting each week. The parking assessment and strategy contained in the application is very comprehensive and logical.
- Parking is a major issue along Oxford Street and the proposed place of public worship will exacerbate this issue. There is insufficient data to show there will be no impact on the parking in this area and there is no agreement with Aranmore College for people coming to the church to park within the Aranmore college compound.
- The use of the site for a church will have a traffic impact on the surrounding area.
- The backyard of the adjoining northern property including the bathroom can be viewed from the hall's outdoor area. With so many people attending the place of public worship it will have an impact on privacy.
- Anti-social behaviour is a matter of concern.
- Noise from the activities of the church will impact on the adjoining residential properties.

A response from the applicant to the issues raised is included as **Attachment 5**.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

Heritage

The proposal was referred to the State Heritage Office given the subject place is listed on the City's Municipal Heritage Inventory as Management Category A – Conservation Essential and the Heritage Council's State Register of Heritage Places. In a letter dated 15 September 2016, received 22 September 2016, from the State Heritage Office, the Office stated that the proposed development is supported subject to the following conditions:

1. Landscaping to the perimeter of the hall shall not be hard up against the building, and watering is to be directed away from the fabric to minimise issues with damp (see Heritage Council publication *Technical guide - Salt Attack and Rising Damp*).
2. A photographic archival record is made of the former St Mary's Hall prior to alterations, according to the *Guide to Preparing an Archival Record*.

In addition, the State Heritage Office advised that in relation to the removal of the proscenium arch and proposed alterations to the stage, this will be an irreversible change occurring to significant original fabric. Whilst this change will not adversely impact the significance of the registered place, it is not considered good conservation practice. The State Heritage Office would encourage the applicant to reinstate the proscenium arch in its relocated position, or carefully dismantle and store the material on site so that it is capable of reinstatement at a later date.

Given the above, it is recommended that any approval of the development include the conditions and advice notes outlined by the State Heritage Office.

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.3 – Leederville Precinct;
- Policy No. 7.5.2 – Signs and Advertising; and
- Policy No. 7.7.1 – Parking and Access.

Delegation to Determine Applications:

This matter is being referred to Council as 'place of public worship' is classified as a Category 2 application which is required to be referred to Council for determination.

RISK MANAGEMENT IMPLICATIONS:

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*.

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:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Land Use

The building on site, known as St Mary's Hall, has historically been used as a school hall in association with Aranmore Catholic College. The proposal to change the land use of the building to 'public place of worship', a discretionary land use under Town Planning Scheme No. 1, is considered to closely align with this historic use. The land use is also considered complimentary to the heritage of the building as it necessitates minimal alteration to the original fabric of the place.

Though currently zoned 'Residential' the area is proposed to be rezoned 'Residential/Commercial' under the City's draft Town Planning Scheme No. 2. The immediate vicinity is already dominated by educational and commercial uses, and the proposed land use is considered in keeping with both the current and planned character of the area.

Parking and Traffic

The application proposes a high intensity use of the site, particularly on Sunday mornings, where it is proposed that up to 400 people will attend the site; Friday nights, where it is proposed that up to 130 people will attend; and on special occasions (Christmas/Easter/Weddings/Funerals), where up to 450 people could attend the site. Only two car parking spaces are proposed on the site, as significant modifications would be required to the heritage listed building if additional bays were to be provided.

The applicant has proposed that car parking be accommodated in the surrounding street parking bays, which are currently sign posted as free and unlimited on Sunday mornings and Friday night. The applicant has undertaken two parking surveys on two Sundays along Oxford Street and the adjoining streets showing there is an average of 199 on street car parking bays available at this time within 200 metres of the site. In addition to this the applicant has indicated that they are seeking a reciprocal parking arrangement with Aranmore Catholic College for the 41 bay car park adjacent to the site.

The proposal results in a significant shortfall in car parking, particularly on weeknights, Sunday mornings and at special occasions. The previous use of the site as a school hall was supported by the car parking available at Aranmore Catholic College. However, this proposal is not yet supported by a similar arrangement and without this agreement would result in significant parking demand on local residential streets. It should be noted that the City did not advertise this proposal to all properties that could be affected by this increased parking demand.

The current Sonlife Church located in Cleaver Street, West Perth also relies on on-street parking and operates under a parking management plan, which identifies the appropriate parking locations and areas where parking is not to occur. This is communicated to visitors through the Church's web site, in the Church building, in newsletters and in special event flyers. The Church also employs a team of marshals that direct visitors to parking in and around the church each Sunday. The applicant has confirmed that this same approach is proposed as part of this proposal.

The applicant did submit a Parking Management Plan with their application, detailing where in the street the Sunday Service parking demand could be accommodated. However, this management plan does not detail the parking demand for each time period and each activity proposed by the application. Nor does it detail how traffic, pedestrians and parking will be managed.

It is considered essential that the proposed development be supported by a detailed traffic and parking management plan that outlines how much parking will be needed for each activity proposed; where this parking will be provided; and any agreements or community consultation necessary prior to the activity occurring. This management plan should also set the maximum number of persons permitted on the site for specific activities at specific times and detail how visitors travel behaviour will be managed to ensure minimal impact on the surrounding residential streets.

Bicycle Parking

The calculation for bicycle bays is based on the maximum number of attendees to the place of worship, which will occur only on Sundays and special occasions. For the remaining part of the week the required number of bicycle bays will comply. Given this, and the fact that the building is Heritage Listed and would require significant alterations to accommodate additional bicycle parking, it is considered that 10 bicycle bays on site and the 5 U-Rails (10 Spaces) on the Franklin Street Verge adjacent to the building (on the same offset alignment to the trees) are appropriate in this instance, provided the bays in the Franklin Street road reserve are appropriately located and constructed to the City's satisfaction.

Privacy

It was noted in the submissions that the backyard of the adjoining northern property including the bathroom can be viewed from the hall's outdoor area. In order to address these potential privacy concerns, the applicant has proposed a fence along the northern boundary which will provide privacy to the adjoining property.

Noise

Submissions raised concerns regarding the impact of noise, particularly from bells and services. The applicant has advised bells will not be used as part of services and that acoustic insulation, acoustic curtains, carpets on the hall floor and padded seats will all be installed, which will contribute to absorption of sound. The hours proposed by the application are also considered appropriate to reduce the impact of noise on adjoining residential properties. In order to ensure the proposal will comply with the *Environmental Protection (Noise) Regulations 1997* it is recommended that any approval include a condition limiting the hours of operation to:

- 10:00am to 10:00pm Monday to Thursday;
- 9:00am to 10:00pm Friday and Saturday; and
- 9:00am to 7:00pm Sunday.

These times aligned both with those proposed in the application and those periods set out in the regulations.

Signage

The application proposes six signs to the external façade of the building, five facing Oxford Street and three facing Franklin Street. The scale and design of the proposed wall and awning signage is considered to be minor and will not dominate the building or streetscape. However, the window signage proposed is considered to be excessive given that it obscures more than 50 per cent of the glazing. As such, it is recommended that any approval require the windows to maintain an interactive frontage with the street.

Conclusion

The proposed 'public place of worship' is considered to be appropriate both for the site, given the mixed use character of the area, and the building, given its heritage value. The development does propose a high intensity use on Friday nights, Sunday mornings and on special occasions. However, these times are largely 'off-peak' and so it is considered that with the correct arrangements, traffic and parking can be managed appropriately.

Given the above, it is recommended that the application be approved subject to conditions.

9.2 TECHNICAL SERVICES

9.2.1 Proposed Safety Improvement at the Intersection of Walcott and Beaufort Streets, Mount Lawley

Ward:	South	Date:	30 September 2016
Precinct:	Precinct 11 - Mount Lawley Centre	File Ref:	SC686, SC986
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council:

1. **NOTES that:**
 - 1.1 **Walcott Street is a boundary road between the City of Stirling and the City of Vincent; and**
 - 1.2 **on 29 May 2012 the City of Stirling Council approved the implementation of permanent right turn bans at the intersection of Walcott Street and Beaufort Street;**
2. **APPROVES undertaking a 12 month trial right turn ban, at all times at the intersection of Beaufort and Walcott Streets, Mount Lawley;**
3. **UNDERTAKES a traffic assessment on potentially affected streets (in Vincent) Roy Street, Barlee Street and Curtis Street prior to implementing the trial right turn ban and during the trial;**
4. **LIAISES with both the City of Stirling and Main Roads WA regarding implementing the trial, including lowering the posted speed on Walcott Street between Field Street and Roy Street, from 60kph to 40kph;**
5. **Prior to the commencement of the trial PROVIDES information to potentially affected stakeholders on the reasons for the trial and seeks their feedback during the course of trial; and**
6. **RECEIVES a further report at the conclusion of the trial in late 2017.**

PURPOSE OF REPORT:

To consider undertaking a safety improvement trial at the intersection of Beaufort and Walcott Streets, Mount Lawley.

BACKGROUND:

The Beaufort and Walcott Streets intersection has been considered by Council on numerous previous occasions since April 2010 where a number of safety improvement options were discussed.

In 2011 the former Minister for Transport requested that MRWA set up a working group to examine options to improve safety at the intersection as a matter of priority. The group, chaired by MRWA was subsequently formed and included representatives from the Cities of Vincent and Stirling, Public Transport Authority, the Ministers Office, Department of Transport, and the WA Police.

Following a number of meetings, in March 2012 the group recommended that the following improvement measures should be further progressed:

- Extension of the 40km/h variable speed limit north of Walcott Street;
- Full right turn bans on all legs of the intersection;
- Removal of fully protected pedestrian crossing and install parallel pedestrian crossing (subject to full time right turn bans);
- Installation of Red Light Speed Camera; and
- Relocation of Bus Stop on Beaufort Street to the departure side of the intersection.

It was agreed that the Cities of Stirling and Vincent work with Main Roads WA to develop the above-mentioned treatments and make submissions at the Council level.

City of Stirling Decision 29 May 2012:

Council endorsed the following:

- implementation of permanent right turn bans at the intersection (*works on hold pending City of Vincent decision*);
- removal of all-walk pedestrian phases and the introduction of parallel walk pedestrian phases (*works on hold pending City of Vincent decision*); and
- extension of the 40kph north of Walcott Street (*completed*).

City's former Integrated Transport Advisory Group:

The benefits/pitfalls of implementing a ban on all right turn movements at the intersection 'at all times', and other proposals, were discussed in detail by the Group between 2011 and 2013 where it was considered that due to the numerous existing restrictions within the area, peak period right turn bans, blocked streets or deviations, already made access difficult for both residents and businesses alike.

Further, the former group considered that the permanent right turn bans would encourage more 'rat running' along the adjoining residential streets, i.e. Roy, Gerard and Curtis Streets in Vincent and Queens Crescent, Field and Clifton Streets in Stirling.

The matter was subsequently considered by Council on 14 May 2013 where it decided (in part) to consult the local business community, Beaufort Street Network and affected residents in the area bounded by Walcott Street, Curtis Street, Harold Street and Raglan, Hutt and Grosvenor Roads and seek their views on the following:

- Permanently ban ALL right turn movements at the intersection of Beaufort Street and Walcott Street; and/or
- Installation of a 'red light' traffic camera at the intersection of Beaufort Street and Walcott Street.

The City's former Integrated Transport Advisory Group met again on 10 June 2013 and were advised that of the 523 letters posted and distributed 87 submissions were received with the following:

- 52 or (60%) supported a red light camera.
- 44 or (51%) supported parallel pedestrian walks
- 52 or (60%) opposed permanent right turn bans

Ordinary Meeting of Council held on 23 August 2016:

Council considered a further report on safety improvements at the Beaufort and Walcott Streets intersection and the following decision was made (in part):

"2. REFERS the Beaufort / Walcott Street intersection to the Road Safety Advisory Group to reconsider the following:

- 1.1 Permanently banning the right turn movements at the intersection;
- 1.2 Installation of a 'red light' traffic camera; and
- 1.3 The provision of Parallel pedestrian walk phasings with 10 second phase;"

DETAILS:

Walcott Street is a boundary road between the City of Stirling and the City of Vincent and therefore both local governments share the care control and management of Walcott Street. Stirling generally look after the east bound carriageway while Vincent is responsible for the west bound carriageway.

Therefore before any changes can proceed at intersection on Walcott and Beaufort Street there needs to be a mutual agreement between the two local governments.

Road Safety Advisory Group met on 28 September 2016:

The Road Safety Advisory Group met on 28 September 2016 however prior to this meeting the Director Technical Services met with the Federal Member for Perth, the State Member for Mount Lawley and the Mayor as all have received requests from constituents to consider undertaking urgent improvements at the Beaufort and Walcott Streets intersection.

The outcome of this meeting formed the basis of the discussion at the Road Safety Advisory Group meeting whereby the following matters were presented and where there was general consensus to what was being proposed.

Right Turn Bans:

Blackspot:

The Beaufort and Walcott Streets intersection is currently ranked No 43 on the State Black Spot list. Over the last five years it recorded a total of 129 accidents.

While not all of the accidents were right hand turn related, when examining the crash data many of the accident types, right turning vehicles were a major contributing factor.

Due to the existing buildings/awnings there is no scope to widen the intersection to provide dedicated right turn slip lanes and the provision of right turn filter arrows, within the existing carriageway configuration, would severely reduce the level of service of the intersection (due to existing high traffic volumes) as there is not enough room for two vehicles to undertake a simultaneous right turn.

Traffic Analysis:

Currently there is a permanent right turn ban for north bound traffic on Beaufort Street wishing to turn right into Walcott Street. All other legs of the intersection have an AM and PM peak period right turn ban controlled by flashing LED signage.

A detailed analysis of the intersection undertaken over a 24 hour period in February 2012 showed that out of the 9,288 vehicles travelling east bound on Walcott Street only 626, or 6.7% of vehicles turned right into Beaufort Street. The average for all three legs was 6.3% of vehicles as shown in the following table:

Street	Walcott Street	
	West of Beaufort	East of Beaufort
Location		
Vehicles over a 24 hour period	17,602	16,086
Vehicles tuning right into Beaufort heading south	626	
Vehicles tuning right into Beaufort heading north		557

Street	Beaufort Street	
	North of Walcott	South of Walcott
Vehicles over a 24 hour period	25,630	24,968
Vehicles tuning right into Walcott heading west	628	
Vehicles tuning right into Beaufort heading east		10*

Note:* Ten illegal movements as there is a permanent right turn ban on this leg of the intersection

Red Light Camera:

In 2013 the Commissioner of Police advised that the WA Police did not support the installation of a red light camera at the intersection due to the limited space available and the existing awnings. The new type of cameras which also record vehicle speeds need more space than the older style single pole mounted cameras.

Parallel Pedestrian Walks:

Currently the entire intersection shuts down to allow pedestrians to cross. During the 2012, 24 hour intersection survey there were approximately 4,850 pedestrian crossings recorded. Of these, 1,100 crossed diagonally while the others crossed either north south or east west.

The concept of parallel pedestrian walks with permitted left-turns, while it would provide more efficient traffic flow due to accommodation of pedestrian crossing within a single pedestrian phase, the display of a green pedestrian symbol may not convey clear information to drivers and could condition motorists to make a left turn without considering pedestrians.

In addition with the existence of peak bus lanes, parallel walk phases would adversely affect bus movements.

While there are obvious ‘traffic flow’ benefits to introducing parallel pedestrian walks as there would be fewer delays for through traffic, it is considered that the vibrancy of the area lends itself more to allowing pedestrian the freedom to cross diagonally rather than restricting them to only north south and east west movements.

CONSULTATION/ADVERTISING:

Administration will liaise with both the City of Stirling and Main Roads WA regarding implementing the trial, including lowering the posted speed on Walcott Street between Field Street and Roy Street, from 60kph to 40kph and will provide information to potentially affected stakeholders on the reasons for the trial and seeks their feedback during the trial.

LEGAL/POLICY:

Beaufort and Walcott Streets are District Distributor A, roads in accordance with the Metropolitan Functional Road Hierarchy and are under the care, control and management of both the Cities of Vincent and Stirling. However any significant changes to the road network are bound by the Road Traffic Code 2000, *Main Roads WA Act 1930* and require the approval of the Managing Director, Main Roads WA.

RISK MANAGEMENT IMPLICATIONS:

High: The intersection of Walcott Street and Beaufort Street is classified as a ‘Black Spot’.

STRATEGIC IMPLICATIONS:

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

“Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The cost of implementing the trial will need to be determined in liaison with both the City of Stirling and Main Roads WA. The City's contribution can be funded from the 2016/17 miscellaneous traffic management budget. If the estimated cost of the proposal is greater than what remains in the Miscellaneous Traffic Management Budget Allocation, at the time, a further report will be submitted to Council.

COMMENTS:

The Beaufort and Walcott Streets intersection has for many years been the subject of debate regarding what can be done to improve safety at the intersection.

The installation of permanent right turn bans, whilst supported by Main Roads WA and the City of Stirling, was not supported by the City of Vincent as at the time it was considered that banning right turns would encourage more 'rat running' along the adjoining residential streets, i.e. Roy, Gerard, Curtis Streets in Vincent and Queens Crescent, Field and Clifton Streets in Stirling.

However as mentioned in the report, detailed analysis of the intersection undertaken over a 24 hour period in February 2012 showed that out of the 9,288 vehicles travelling east bound on Walcott Street only 626, or 6.7% of vehicles turned right into Beaufort Street.

This relatively small number of motorists would obviously find alternative routes, should the right turn bans be implemented, however the actual traffic redistribution would only be determined should the right turn bans actually be implemented and the before and during traffic on potentially affected streets, measures.

Given the large number of accidents at the intersection, caused predominantly by right turning vehicles and vehicle speeds, it is recommended that a 12 month trial right turn ban, at all times' be implemented at the intersection of Beaufort and Walcott Streets following a traffic assessment on potentially affected streets. These same streets would also be measured during the trial.

It is further recommended that Administration liaises with both the City of Stirling and Main Roads WA prior to implementing the trial, including requesting Main Roads WA to consider lowering the posted speed on Walcott Street between Field Street and Roy Street, from 60kph to 40kph to further enhance safety at the Beaufort and Walcott Streets intersection.

Potentially affected stakeholders will be provided with information on the reasons for the trial and their feedback would be sought during the trial period.

9.2.2 Traffic Related Matters Anzac Road, Mount Hawthorn - Proposed Installation of Traffic Calming Measures Oxford Street to Sasse Avenue

Ward:	North	Date:	29 September 2016
Precinct:	Precinct 1 – Mount Hawthorn	File Ref:	SC673, SC446
Attachments:	<u>1</u> - Consultation Summary <u>2</u> - Plan No 3338-CP-01 Stage 1 <u>3</u> - Plan No 3338-CP-02 Stage 2		
Tabled Items:	Nil		
Reporting Officers:	A Brown, Engineering Technical Officer R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council:

1. **NOTES** the comments received regarding the implementation of traffic calming measure in Anzac Road, Mount Hawthorn as shown in Attachment 1;
2. **APPROVES** Stage 1 comprising the removal of existing speed cushions and installation of 'low profile' speed humps, and formalised parking, as shown on Plan No 3338-CP-01 (Attachment 2), at an estimated cost of \$50,000;
3. **MONITORS** the street following the implementation of the Stage 1 works to determine whether the works have been effective in reducing vehicle speeds;
4. **RECEIVES** a further report should the additional Stage 2 works, as indicated on Plan No 3338-CP-02 (Attachment 3) are justified; and
5. **ADVISES** the respondents of its decision.

PURPOSE OF REPORT:

To consider the outcome of the recent community consultation regarding the proposal to implement traffic calming measures and formalise parking on Anzac Road, Mount Hawthorn between Oxford Street and Sasse Avenue.

BACKGROUND:

A public meeting to discuss Anzac Road traffic matters was held at the City's Administration and Civic Centre on 25 May 2016. Residents who attended the meeting raised concerns regarding the speed of vehicles on Anzac road and discussion centred on what improvements could be implemented to address this issue while not adversely affecting the amenity of residents.

DETAILS:

Anzac Road is classified as a District Distributor road B from Powis Street to Oxford Street, in accordance with the Metropolitan Functional Road Hierarchy. It comprises a 10m wide road with a posted speed of 50kph and is classified to carry above 6,000 vehicles per day.

As shown in the following table the recorded 85% speeds in Anzac Road are consistently in the order of 6kph above the posted speed limit. This indicates that the speed environment needs to be changed to lower speeds to an acceptable level and improve the safety and amenity of residents.

Start	Finish	Section	Volume (vpd)	Average Speed	85% Speed
27-May-15	03-Jun-15	Fairfield St- Flinders St	5010	49.2	56.2
24-May-12	31-May-12	Matlock - Seabrook St	5709	50.4	56.5
24-May-12	31-May-12	Fairfield St-Flinders St	5519	48.9	56.2
24-May-11	31-May-11	Kalgoorlie St-The Boulevarde	5751	49.8	56.2

Administration proposed to reduce the speed environment of the street with the wider street treatment shown on Plan No 3338-CP-01 (**Attachment 2**) with possible Stage 2 works Plan No 3338-CP-02 (**Attachment 3**):

Stage 1-‘Wider Street Treatment’:

Initially Stage 1 would be to undertake a ‘Wider Street Treatment’. This comprises the installation of strategically placed low profile speed humps and delineating 2.1m parking bays by way of line marking as shown on Plan No 3338-CP-01 (**Attachment 2**).

Stage 2:

Stage 2 would involve nib outs at intersections and the installation of a raised red asphalt plateau on the intersection of Anzac Road and Fairfield Street, as shown on Plan No 3338-CP-02 (**Attachment 3**).

As an overall part of these works it was proposed to have the line marking delineating the centre of Anzac Road from Oxford Street to Coogee Street removed. Administration approached Main Roads Western Australia (MRWA) to discuss the potential of this occurring and were informed that given the classification of Anzac Road, as a District Distributor B that they would not support the removal of the centre line, however, they supported the City formalising parking and the installation of the low profile speed humps.

CONSULTATION/ADVERTISING:

Consultation was undertaken in accordance with the City’s Community Consultation policy.

Required by legislation	No	Required by City of Vincent Policy	Yes
Consultation period	1 September 2016 – 16 September 2016		
Comments Received	142 consultation packs were distributed. At the close of consultation 28 responses were received with 17 in favour, and 11 against the proposal. (Refer Attachment 1).		

LEGAL/POLICY:

Anzac Road is classified as a District Distributor Road B from Powis Street to Oxford Street and is under the care, control and management of the City.

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.

1.1.4 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 2016/2017 budget comprises the following:

- Miscellaneous Traffic Management \$112,000
- Expenditure to date = \$12,500

The initial Stage 1 Works (as shown on **Attachment 2**, Plan No. 3338-CP-01) estimated to cost \$50,000 to be undertaken along Anzac Road from Oxford Street to Sasse Avenue to improve safety and amenities for residents will be funded from this budget.

COMMENTS:

As can be seen from the results of the consultation, while the majority of respondents were in favour of the proposal, a number of those against the proposal considered that the road should be widened and that trees be planted down the centre of the road. This would require extensive road widening works, a drainage upgrade and possible service relocations and is beyond the scope of the project budget.

A number of respondents also considered that speed humps were not necessary (noise/vibration) and were concerned at the additional signage, line marking etc. The speed humps will be low profile and cannot be implemented without the regulatory signs and lines being implemented.

The implementation of a 'Wider Street Treatment', on other 10m wide roads within the City, such as the adjoining Flinders Street, has been successful in changing the speed environment, and in this case the majority of respondents are in favor of this proceeding as speed of vehicles is their main concern.

Further deployment of vehicle classifiers, after the Stage 1 works have been implemented will be undertaken to assess the motorists behavior and inform a further decision on whether Stage 2 works, as shown on Plan No 3338-CP-02 (**Attachment 3**) are necessary.

While the traffic volumes on Anzac Road have been relatively stable for a number of years, the majority of traffic is still continuing to travel in a speed in excess of the posted limit for this section of Anzac Road. It is therefore requested that the officer recommendation be supported.

9.2.3 Proposed Parking Restriction Trial – Chelmsford Road, Fitzgerald Street to Ethel Street, North Perth

Ward:	South	Date:	3 October 2016
Precinct:	Precinct 6 – Smith’s Lake	File Ref:	SC738, SC1201
Attachments:	1 – Plan No 3311-PP-01B 2 – Plan No 3311-PP-01C		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council:

- APPROVES** the introduction of a 12 month parking restriction ‘trial’ as shown on Plan 3311-PP-01C, Attachment 2, as summarised below;

Location	Proposal
Chelmsford Road, between Fitzgerald and Ethel Street	TRIAL – 2P 8.00am to 6.00pm Monday to Friday on both the North and South side of the street

- ADVISES** residents/business in Chelmsford Road between Fitzgerald and Ethel Street, of its decision;
- CONSULTS** with residents/business in Chelmsford Road between Fitzgerald and Ethel Street in October 2017 seeking further comments regarding the outcomes of the trial prior to the matter being further considered; and
- RECEIVES** a further report at the conclusion of the trial period.

PURPOSE OF REPORT:

To consider approving a parking restriction trial in Chelmsford Road, between Fitzgerald and Ethel Streets, North Perth.

BACKGROUND:

Ordinary Meeting of Council 23 August 2016:

Council considered a report on the outcome of community consultation to trial parking restrictions in Chelmsford Road, Leake Street, Grosvenor Road and Fitzgerald Street, North Perth, as shown on attached Plan No 3311-PP-01B (**Attachment 1**).

The recommended proposal as was approved however the following clause was added to Council’s decision.

“That Council...

- Defers consideration of further parking restrictions on Chelmsford Road, east of Fitzgerald Street until a further report is provided to the Council no later than October 2016...”*

DETAILS:

The approved ‘trial’ parking restrictions in Chelmsford and Grosvenor Roads (west of Fitzgerald Street), Leake Street, south of Grosvenor Road and Fitzgerald Street, between Raglan Road and Vincent Street, are currently being implemented.

Chelmsford Road – between Fitzgerald and Ethel Street:

This section of road currently has 2P restrictions 8am to 6pm Monday to Friday and 8am to 12noon Saturday on the north side of the street and no restrictions on the south side of the street as shown on attached Plan No 3311-PP-01B (**Attachment 1**).

Residents from the street were invited to attend a public meeting, held on Saturday 1 October 2016 at the City of Vincent Administration and Civic Centre.

Present at the meeting were 10 residents including the Mayor and Director Technical Services.

Following much discussion it was unanimously agreed that restrictions should be imposed on the south side of the street and the restriction on the north side of the street amended as follows and as shown on attached Plan No 3311-PP-01C (**Attachment 2**):

North Side of the Street	Restrictions
Current:	2P 8am to 6pm Monday to Friday and 8am to 12noon Saturday
Proposed	2P 8am to 6pm Monday to Friday
South Side of the Street	Restrictions
Current:	Unrestricted
Proposed	2P 8am to 6pm Monday to Friday

Attendees were advised that should the trial proceed, they would be issued with 'residents' permits, and visitor permits, where appropriate, in accordance with the City's Policy.

CONSULTATION/ADVERTISING:

Residents/businesses in Chelmsford Road between Fitzgerald and Ethel Streets, will be advised of Council's decision.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

Low: This proposal is intended to improve the level of service and the amenity 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.

1.1.3 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 proposal is approximately \$600 and will be funded from the 'Parking Signage' Operating Budget.

COMMENTS:

As previously reported to Council, residents in the vicinity of Power Yoga, previously Bikram Yoga, located on the north-west corner of Vincent and Fitzgerald Streets have, for some time, been complaining about the adverse impact this establishment has been having on their amenity in particular with regards to street parking and associated anti-social behaviour.

In August 2016 Council decided to trial parking restriction in a number of street, in the vicinity of the Yoga business, to improve the amenity of residents living in these streets.

This report also recommends trialling parking restrictions in Chelmsford Road, between Fitzgerald and Ethel Streets which has the support of residents in the streets.

9.2.4 Urgent Works: Ceiling Panel Renewal and Lighting Upgrade

Ward:	South	Date:	3 October 2016
Precinct:	Precinct 4 - Oxford Centre	File Ref:	SC377
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	J Hopper, Property Maintenance Officer		
Responsible Officers:	R Lotznicker, Director Technical Services J Paton, Director Corporate Services		

RECOMMENDATION:

That Council:

- NOTES** that urgent works are required to renew 455 square metres of ceiling panels and upgrade 78 light fittings to the group fitness room located within Loftus Recreation Centre;
- In accordance with Section 6.8(1) of the *Local Government Act 1995*, **APPROVES BY AN ABSOLUTE MAJORITY** the unbudgeted expenditure of \$50,000, with \$25,000 to be funded from the 'Loftus Recreation Centre Reserve Fund' to undertake the urgent works as stated in (1) above;
- NOTES** the following budget adjustment to facilitate (2) above:

	From	To
New Budget Item: 'Loftus Centre Group Fitness Room Ceiling and Lighting Renewal'		\$50,000
Miscellaneous Renewal Across All Assets (Lycopodium) Budget	\$25,000	
Loftus Recreation Centre Reserve Fund	\$25,000	
Total	\$50,000	\$50,000

;and

- ADVISES** Belgravia Leisure Group Pty Ltd that the City will be arranging for the works to be undertaken immediately.

PURPOSE OF REPORT:

To consider approving a budget adjustment to enable urgent ceiling renewal and lighting upgrade works at Loftus Recreation Centre, Belgravia Leisure Group Pty Ltd tenancy.

BACKGROUND:

Following on from the Lycopodium asset component element condition reporting conducted earlier this year, Technical Services had all air conditioning and cooling plant assessed in detail by Australian HVAC Services Pty Ltd. The resulting report based on the IPEWA rating scale identified that 91% of the cooling plant within the City was reaching end of useful life.

An amount of \$30,000 for miscellaneous plant renewal contingency, has been allocated in the 2016/17 Capital Budget for the purposes of urgent renewal on plant failure.

On Saturday 27 August 2016, Belgravia Leisure Group Pty Ltd (Belgravia), reported that, during a group fitness session, the evaporative cooler within the group fitness room had critically failed resulting in partial collapse of the metal ceiling panel fabric.

Following an investigation, it was found that the critical failure could not have been forecast, despite regular preventative maintenance. The resulting harmonic imbalance shook metal ducting and dislodged multiple metal ceiling strip panels. The evaporative coolers will be replaced using the Miscellaneous Plant Renewal Contingency Fund.

Prior to this event, over the past 12 months Belgravia reported to the City, on two occasions, that metal ceiling panels in the group fitness room had become dislodged, once striking a user and on the second occasion a near miss. The ceiling panels and their custom fixings are a product that are no longer available.

Following a detailed inspection the ceiling panels were deemed to have a high enough instance of critical defect for the requirement of renewal over repair.

The Lease between the City and Belgravia, dated 9 July 2010, (Lease), provides that Belgravia must contribute \$50,645 plus GST per annum (indexed by CPI) into a bank account to be called the 'Loftus Recreation Centre Reserve Fund' (Reserve Fund). The current balance of the Reserve Fund is \$26,000.

DETAILS:

Proposal:

The work will require the removal by crane of two rooftop mounted failed evaporative cooling units and replacement with new. All internal duct work, plumbing and electrical fixtures for the coolers will remain unchanged as they are deemed satisfactory and fit for purpose.

The metal ceiling panels, supporting structures and fluorescent light fittings will be terminated and removed from site. Push in ceiling panels with the appropriate supporting structure, and LED flat panel lights will be reinstated.

All works will occur outside of class times to avoid financial displacement to Belgravia Leisure Pty Ltd.

No funding for this 'urgent' work has been included in the 2016/17 budget and therefore it is recommended that a budget adjustment be undertaken to allow the works to proceed.

Administration proposes to fund 50% of the cost of the ceiling and light fitting installation from the 'Loftus Recreation Reserve Fund', and the balance from the 'Miscellaneous Renewal Across All Assets (Lycopodium)' budget.

CONSULTATION/ADVERTISING:

Belgravia Leisure Group Pty will be advised of Council's decision.

LEGAL/POLICY:

Clause 3.1(d) of the Lease provides that the Reserve Fund must only be spent by the City on capital improvements for the recreation centre and the premises. Capital improvements are defined in the Lease as:

"improvements of a fixed, permanent and substantial character with respect to the land and building or parts of it (whether existing or proposed and whether structural or not) which comprise items of a capital nature and which do not comprise repairs and maintenance."

The installation of a new gridlock ceiling system to replace the partially collapsed metal ceiling system and the upgrade of flush mounted LED lights within the ceiling falls within the scope of a capital improvement. Therefore funds from the Reserve Fund can be used to cover the City's costs in installing the new ceiling system.

Clause 6.18(b) of the Lease provides that the City has unfettered discretion as to what capital improvements it will undertake and when. Therefore, it is necessary for Council to approve the City's installation of the new ceiling and light fittings, with funding of the work (partially) from the Reserve Fund.

RISK MANAGEMENT IMPLICATIONS:

High: Significant public liability implications and potential financial disruption to the operation should the works not proceed.

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:

To maintain the City's assets to an acceptable level of service.

FINANCIAL/BUDGET IMPLICATIONS:

The Lease between the City and Belgravia Leisure Group Pty Ltd (Belgravia), dated 9 July 2010 (Lease), provides that Belgravia must contribute \$50,645 plus GST per annum (indexed by CPI) into a bank account to be called the 'Loftus Recreation Centre Reserve Fund' (Reserve Fund). The current balance of the Reserve Fund is \$26,000.

Administration recommends to fund 50% of the cost of the ceiling and light fitting installation from the Reserve Fund, and the balance from 'Miscellaneous Renewal across all assets (Lycopodium)'.

COMMENTS:

There is a significant public liability and occupational health and safety risk should the urgent works not proceed.

As there is no specific allocation for the urgent ceiling works in the 2016/17 annual budget, it is recommended that a new budget item titled 'Loftus Centre Group Fitness Room Ceiling and Lighting Renewal' to the value of \$50,000 be approved with \$25,000 to be funded from the 'Loftus Recreation Centre Reserve Fund' and the balance from 'Miscellaneous Renewal across all assets (Lycopodium)'.

9.2.5 Deed of Variation to the Constitution Agreement of the Mindarie Regional Council – Further Report

Ward:	Both	Date:	10 October 2016
Precinct:	All	File Ref:	SC1161
Attachments:	1 – Proposed Deed of Variation by Mindarie Regional Council		
Tabled Items:	-		
Reporting Officers:	R Lotznicker, Director Technical Services J Paton, Director Corporate Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council:

1. NOTES:

1.1 that at its Ordinary Meeting held on 28 June 2016 it approved a variation to clauses 5.1(a) and 5.1(b) of the Mindarie Regional Council Constitution Agreement to enable the Mindarie Regional Council to pursue more sustainable waste treatment options; and

1.2 not all member Councils supported the proposed changes as recommended by the Mindarie Regional Council Administration;

2. APPROVES the ‘revised’ Deed of Variation Constitution Agreement of the Mindarie Regional Council between participants incorporating the following variation to the current Constitution Agreement (refer Attachment 1):

2.1 Clause 5.1(a) - At the end of clause 5.1(a), insert the words ‘or such other building or place as agreed from time to time between the regional council and all municipalities’; and

2.2 Clause 5.1(b) - At the end of clause 5.1(b), insert the words ‘or such other building or place as agreed from time to time by the parties to the contract’; and

3. AUTHORISES the Mayor and the Chief Executive Officer to sign and seal the Deed of Variation Constitution Agreement of the Mindarie Regional Council as per Attachment 1.

PURPOSE OF REPORT:

To consider proposed amendments to the Mindarie Regional Council Constitution Agreement, refer **Attachment 1** for the current constitution.

BACKGROUND:

MRC Constitution Agreement (CA):

As previously reported to Council in June 2016, the current Mindarie Regional Council (MRC) CA was originally made between the Cities of Perth, Stirling and Wanneroo (constituent municipalities) and over time, has been amended to include the Cities of Joondalup and Vincent and the Towns of Victoria Park and Cambridge as constituent municipalities along with other operational amendments.

The MRC is currently considering future plans to maximise recycling/recovery alternatives for its member councils.

Since the CA (referred to in the *Local Government Act 1995* as an 'Establishment Agreement') was created, the provision of waste management services, and the broader waste management industry has changed in complexity requiring a broader range of services to accommodate the varying needs of the constituent municipalities, and to meet State Government led targets for diversion from landfill. MRC has developed a strategic action plan to ensure it maintains pace with the developing waste industry whilst striving to meet these targets.

Mindarie Regional Council Meeting of 14 April 2016:

As previously reported to Council, the MRC endorsed a report by Hyder Consulting which included the recommendation to create a Waste Precinct at, or in close proximity to the existing Resource Recovery Facility (RRF) in the Neerabup Industrial Estate in the City of Wanneroo.

A dedicated Waste Precinct would enable the MRC to undertake the following:

- develop a Bulk Waste Sorting Shed (to cater for bulk verge waste),
- a Recycling Facility (yellow top bin); and
- potentially a Waste to Energy Facility (for the green and/or red top bins).

To this end, the MRC has included funding in its 2016/17 draft budget for the preliminary planning of the aforementioned proposed projects.

The MRC intends to fully test the market by openly tendering each of the projects. The tender will be flexible so as to obtain the strongest responses possible from the market. The MRC will require the facilities to be either constructed on land that it owns or alternatively allow the tenderer to nominate a preferred facility at another location. It is possible that the locations of facilities that are nominated by a tenderer could be outside the immediate region.

MRC Correspondence to Member Councils - 29 April 2016:

The MRC received legal advice stating that the current CA prohibits the provision of a number of critical future services currently being considered by MRC, namely the outsourcing of waste treatment and processing of waste on properties owned and operated by parties external to MRC.

The current restriction prevents the MRC from considering more sustainable waste treatment options that are, or will, become available in the private sector when MRC's current landfill and processing facilities at Tamala Park and Neerabup have reached their operational capacities.

Clauses 5.1 (a) and 5.1 (b) in the current CA are worded as follows:

5.1(a) – The orderly and efficient treatment and/or disposal of waste delivered to a building or place provided, managed or controlled for those purposes by the regional council;

5.1(b) – The entry into contracts with a municipality or municipalities for the treatment and/or disposal of their waste which is delivered to a building or place provided, managed or controlled for those purposes by the regional council;

Proposed 'Deed of Variation':

Included in the correspondence was a proposed 'Deed of Variation' to the CA to amend clauses 5.1(a) and 5.1(b) as follows (*shown in strikethrough*)

- In clause 5.1(a) *The orderly and efficient treatment and/or disposal of waste delivered to a building or place provided, managed or controlled for those purposes by the regional council;* and
-

In clause 5.1(b) *The entry into contracts with a municipality or municipalities for the treatment and/or disposal of their waste ~~which is delivered to a building or place provided, managed or controlled for those purposes by the regional council;~~*

The correspondence requested that each of the member Councils support the minor amendment.

Ordinary Meeting of Council 28 June 2016:

Council considered the request for the Deed of Variation by Mindarie Regional Council (MRC) where the following decision was made:

That Council:

1. *NOTES the Mindarie Regional Council's request for the City of Vincent to approve the Deed of Variation to the Constitution as outlined in the report;*
2. *APPROVES the Deed of Variation to the Constitution Agreement of the Mindarie Regional Council as shown in Attachment 1; and*
3. *ADVISES the Mindarie Regional Council of its decision.*

Note: MRC's Constitution Agreement can only be amended if all seven member Councils are in agreement. Administration subsequently notified the MRC of Council's decision on the 29 June 2016.

DETAILS:

MRC Strategic Working Group Meeting 24 August 2016:

This group consists of directors and/or executives from each of the constituent municipalities and has for a number of years been developing a new Establishment Agreement (EA) to address the shortfalls of the existing CA, however further negotiations and modifications are required before it can be finalised.

At this meeting, it was advised that the Cities of Joondalup and Wanneroo had raised concerns that the proposed changes to the Constitution were too broad and that further changes were needed before they would seek approval for a Deed of Variation to the CA, from their respective Councils.

Following the request from the Cities of Joondalup and Wanneroo, the MRC requested its solicitors to make further changes to the amendments previously drafted to address the issues raised by both the Cities of Joondalup and Wanneroo

The amendment sought is noted below (*underlined*):

- Clause 5.1(a) – The orderly and efficient treatment and/or disposal of waste delivered to a building or place provided, managed or controlled for those purposes by the regional council or such other building or place as agreed from time to time between the regional council and all municipalities.
 - Clause 5.1(b) – The entry into contracts with a municipality or municipalities for the treatment and/or disposal of their waste which is delivered to a building or place provided, managed or controlled for those purposes by the regional council or such other building or place as agreed from time to time by the parties to the contract.
-

CONSULTATION/ADVERTISING:

Administration is represented on the MRC Strategic Working Group, where all MRC member Councils and MRC have been party to discussions surrounding the development of the proposed amendments.

LEGAL/POLICY:

An amendment to MRC's constitution entitled "*Regional District and Regional Council Constitution Agreement*" requires agreement of all seven constituent municipalities to agree to the changes before being sent on to the Minister for Local Government for approval. The seven constituent municipalities are the Cities of Wanneroo, Joondalup, Stirling, Perth and Vincent and the Towns of Victoria Park and Cambridge.

RISK MANAGEMENT IMPLICATIONS:

High: Reducing the quantity of waste to landfill is of paramount importance and mandated by State legislation. The Deed of Variation to the Constitution is necessary to evaluate the MRC to progress with further planning to establish a dedicated waste precinct, for the benefit of the City of Vincent and the six other member Councils.

STRATEGIC IMPLICATIONS:

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

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

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications directly associated with the endorsement of these amendments at this time; given the need for a unanimous decision by all MRC member councils prior to involvement in any future applicable project/processing option. Any financial implication would be reviewed and subject to endorsement of any particular project proposals at that time.

COMMENTS:

Council previously approved a requested Deed of Variation to the MRC CA however endorsement of the amendments by all seven Member Councils is required to allow the MRC to formally seek the Minister's approval to amend the CA.

As mentioned in the report both the Cities of Joondalup and Wanneroo raised some concerns that the proposed changes to the Constitution were too broad and that further changes were required before they would seek approval for a Deed of Variation to the CA from their respective Councils. In effect, the amendment seeks to increase flexibility in the management of waste to include facilities not owned or managed by the MRC, but only if all participant Councils have formally approved each proposal.

All member Council officers have indicated that they support the Cities of Joondalup and Wanneroo changes and the changes are supported by the MRC Administration.

It is therefore recommended that the proposed changes be supported in lieu of what was previously approved by Council on 28 June 2016 as they more clearly define the intent of the amendment.

9.3 CORPORATE SERVICES

9.3.1 Investment Report as at 30 September 2016

Ward:	Both	Date:	5 October 2016
Precinct:	All	File Ref:	SC1530
Attachments:	1 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	S Teoh, Accounting Officer G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

RECOMMENDATION:

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

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

DETAILS:

Total funds held for the period ended 30 September 2016 including on call in the City's operating account were \$36,754,571 as compared to \$33,331,757 for the corresponding period ended 30 September 2015.

Total Investments for the period ended 30 September 2016 were \$34,302,896 as compared to \$22,573,297 at 31 August 2016 and \$31,361,000 for the period ended 30 September 2015.

Investment comparison table:

	2015/16		2016/17	
	Total Funds Held	Total Investments	Total Funds Held	Total Investments
July	\$17,885,002	\$14,961,000	\$19,683,412	\$18,420,252
August	\$32,600,029	\$26,961,000	\$26,167,645	\$22,573,297
September	\$33,331,757	\$31,361,000	\$36,754,571	\$34,302,896
October	\$32,212,324	\$30,701,564		
November	\$32,694,298	\$31,206,505		
December	\$29,737,925	\$27,239,542		
January	\$30,282,430	\$29,229,172		
February	\$31,529,914	\$29,221,565		
March	\$28,785,278	\$27,983,289		
April	\$27,011,580	\$26,587,166		
May	\$24,348,546	\$23,486,917		
June	\$23,024,830	\$21,005,952		

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

	Original Budget	Budget YTD	Actual YTD	% of FY Budget
Municipal	\$390,000	\$106,000	\$86,271	22.12%
Reserve	\$206,000	\$42,000	\$50,467	24.50%
Leederville Gardens Inc Surplus Trust*	\$0	\$0	\$33,630	0.00%
Total	\$596,000	\$148,000	\$170,368	28.59%

*Interest estimates for Leederville Gardens Inc Surplus Trust was not included in 2016-17 City of Vincent's budget; actual interest earned is restricted.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

City of Vincent Investment Report Grouping*	Long Term Rating (Standard & Poor's) or Equivalent	Short Term Rating (Standard & Poor's) or Equivalent	Direct Investments Maximum % with any one institution		Managed Funds Maximum % with any one institution		Maximum % of Total Portfolio	
			Policy	Actual	Policy	Actual	Policy	Actual
	AAA Category	A1+	30%	Nil	45%	Nil	100%	Nil
Group A	AA Category	A1+	30%	30.3%	30%	Nil	90%	52.7%
Group B	A Category	A1	20%	19.3%	30%	Nil	80%	37.4%
Group C	BBB Category	A2	10%	9.9%	n/a	Nil	20%	9.9%

*As per subtotals on Attachment1

RISK MANAGEMENT IMPLICATIONS:

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

Section 6.14 of the *Local Government Act 1995*, section 1, states, Subject to the regulations:

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

STRATEGIC IMPLICATIONS:

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

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

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

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

The funds for investment have increased from the previous period due to excess funds available from receipt of rates revenue after creditors and other payments.

Funds invested with the Westpac Banking Corporation exceeded 30% by 0.3% at the end of September 2016. This is due to reduction in operating funds held between the time of the last investment with Westpac and the end of the month.

The City has obtained a weighted average interest rate of 2.65% for current investments including the operating account, and 2.83% excluding the operating account respectively. The Reserve Bank 90 days Accepted Bill rate for September 2016 is 1.73%.

As at 30 September 2016, the City's total investment earnings exceed the budget estimate by \$22,368 (15%). However, of this, \$33,630 was earned by the Leederville Gardens Inc Surplus Trust and funds in this trust are restricted. Investment earnings from this trust were excluded from the 2016-17 budget calculations. If the earnings from this Trust are excluded, the year to date earnings of the City are under budget by \$11,262 (7%), which is due mainly to lower earnings from Municipal funds of \$19,729 (13%) resulting from the budget being adopted three weeks later than originally planned, causing follow-on delays in the issue of rates notices and cash collections. It is anticipated that the impact of the reduced earnings will be diluted as the year progresses.

In response to the recent amendment to the City's Investment Policy that provided for preference "to be given to investments with institutions that have been assessed as to have a higher rating of demonstrated social and environmental responsibility, providing that doing so will secure a rate of return that is at least equal to alternatives offered by other institutions", administration has actively sought investment offerings from relevant institutions. As a result, at 30 September 2016, 38.6% of the City's investments were held in non-fossil fuel lending institutions

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

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

9.3.2 Authorisation of Expenditure for the Period 1 September to 21 September 2016

Ward:	Both	Date:	30 September 2016
Precinct:	All	File Ref:	SC347
Attachments:	<u>1</u> – Creditors Report – Payments by EFT <u>2</u> – Creditors Report – Payments by Cheque <u>3</u> – Credit Card Transactions		
Tabled Items:	-		
Reporting Officers:	O Dedic, Accounts Payable Officer; G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

RECOMMENDATION:

That Council **RECEIVES** the list of accounts paid under Delegated Authority for the period 01 September 2016 to 21 September 2016 as detailed in Attachment 1, 2 and 3 as summarised below:

Cheque numbers 80259 - 80348	\$547,299.94
Cancelled Cheques	- \$870.00
EFT Documents 1980 - 1992	\$4,646,221.85
Payroll	\$1,116,155.27

- **Lease Fees** **\$2,664.86**
- **Infringement Lodgement Fees** **\$54,424.00**
- **Loan Repayment** **\$145,737.94**
- **Bank Fees and Charges** **\$27,390.95**
- **Credit Cards** **\$4,530.01**

Total Direct Debit	\$234,747.76
Total Accounts Paid	\$6,543,554.82

PURPOSE OF REPORT:

To present to Council the expenditure and list of accounts paid for the period 01 September 2016 to 21 September 2016.

BACKGROUND:

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

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

DETAILS:

The Schedule of Accounts paid, covers the following:

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account (Attachment 1 and 2)		
Cheques	80259 - 80348	\$547,299.94
Cancelled Cheques	80302, 80318	-870.00
EFT Payments	1980 - 1992	\$4,646,221.85
Sub Total		\$5,192,651.79
Transfer of Payroll by EFT	06/09/16	\$570,251.77
	20/09/16	\$543,927.65
	21/09/16	1,975.85
	September 2016	\$1,116,155.27
Corporate Credit Cards (Attachment 3)		\$4,530.01
Bank Charges and Other Direct Debits		
Lease Fees		\$2,664.86
Infringement Lodgement Fees		\$54,424.00
Loan Repayment		\$145,737.94
Bank Charges – CBA		\$27,390.95
Total Bank Charges and Other Direct Debits (Sub Total)		\$230,217.75
Less GST effect on Advance Account		0.00
Total Payments		\$6,543,554.82

LEGAL/POLICY:

Regulation 12(1) & (2) of the Local Government (Financial Management) Regulations 1996 refers, i.e.-

12. *Payments from municipal fund or trust fund, restrictions on making*

- (1) *A payment may only be made from the municipal fund or the trust fund —*
 - *if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*
 - *otherwise, if the payment is authorised in advance by a resolution of the council.*
- (2) *The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.*

Regulation 13(1), (3) of the Local Government (Financial Management) Regulations 1996 refers, i.e.-

13. *Lists of Accounts*

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared -*
- the payee's name;
 - the amount of the payment;
 - the date of the payment; and
 - sufficient information to identify the transaction.
- (3) *A list prepared under sub regulation (1) is to be —*
- presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - recorded in the minutes of that meeting.

RISK MANAGEMENT IMPLICATIONS:

Low: Management systems are in place to establish satisfactory controls, supported by internal and external audit function.

STRATEGIC IMPLICATIONS:

Strategic Plan 2013-2023:

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

ADVERTISING/CONSULTATION:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

All Municipal Fund expenditure included in the list of payments is in accordance with Council's adopted Annual Budget.

COMMENT:

If Councillors require further information on any of the payments, please contact the Manager Financial Services.

9.3.3 Financial Statements as at 31 August 2016

Ward:	Both	Date:	30 September 2016
Precinct:	All	File Ref:	SC357
Attachments:	1 – Financial Reports		
Reporting Officers:	N Makwana, Accounting Officer G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

RECOMMENDATION:

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

PURPOSE OF REPORT:

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

BACKGROUND:

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

Financial reports as presented are an estimate of the August month end position. There are still a number of transactions and adjustments that need to be prepared before the accounts can be finalised for the 2015-16 financial year. Some of these adjustments will have a follow-on impact on 2016-17 results.

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

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

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

DETAILS:

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

Note	Description	Page
1.	Statement of Financial Activity by Programme Report and Graph	1-3
2.	Statement of Comprehensive Income by Nature and Type Report	4
3.	Net Current Funding Position	5
4.	Summary of Income and Expenditure by Service Areas	6-52
5.	Capital Works Schedule and Funding and Graph	53-63
6.	Cash Backed Reserves	64
7.	Rating Information and Graph	65-66
8.	Receivables	67
9.	Beatty Park Leisure Centre Report – Financial Position	68

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

Summary of Financial Activity By Programme as at 31 August 2016

	Adopted Budget 2016/17 \$	YTD Budget 2016/17 \$	YTD Actual 2016/17 \$	Variance 2016/17 \$	Variance 2016/17 %
Operating Revenue	27,515,406	5,212,159	4,480,581	(731,578)	-14%
Operating Expenditure	(56,304,295)	(9,524,333)	(5,916,209)	3,608,124	-38%
Add Deferred Rates Adjustment	0	0	20,526	20,526	0%
Add Back Depreciation	10,087,180	1,681,172	0	(1,681,172)	-100%
(Profit)/Loss on Asset Disposals	(1,020,686)	(470)	0	470	-100%
	9,066,494	1,680,702	20,526	(1,660,176)	-99%
"Percent for Art" and "Cash in Lieu" Funds Adjustment	1,544,740	0	0	0	0%
Net Operating (excluding Rates and Non-cash Items)	(18,177,655)	(2,631,472)	(1,415,102)	1,216,370	-46%
CAPITAL REVENUE					
Proceeds from Disposal of assets	1,450,166	45,000	0	(45,000)	-100%
Transfers from Reserves	1,310,020	218,334	47,706	(170,628)	-78%
	2,760,186	263,334	47,706	(215,628)	-82%
Capital Expenditure	(13,761,598)	(1,503,197)	(840,928)	662,269	-44%
Repayments Loan Capital	(818,840)	(132,079)	(132,078)	1	0%
Transfers to Reserves	(5,337,045)	(480,257)	(438,846)	41,411	-9%
	(19,917,483)	(2,115,533)	(1,411,852)	703,681	-33%
NET CAPITAL	(17,157,297)	(1,852,199)	(1,364,146)	488,053	-26%
TOTAL NET OPERATING AND CAPITAL	(35,334,952)	(4,483,671)	(2,779,248)	1,704,422	-38%
Rates	31,075,530	30,725,530	30,764,034	38,503	0%
Opening Funding Surplus/(Deficit)	4,259,422	4,259,422	4,583,066	323,644	8%
CLOSING SURPLUS/(DEFICIT)	0	30,501,281	32,567,851	2,066,570	7%

Note: Totals and sub-totals may include rounding differences.

Comments on Summary of Financial Activity by Programme:

Operating Revenue

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

Revenue by programme is showing a negative variance of 14% (\$730k). This is due to reduced revenue in Recreation and Culture (\$120k) and Transport (\$435k) of which \$200k relates to lower parking revenue; and \$235k relates to timing on receipt of grants.

Operating Revenue as presented on the 'Nature and Type' report (Page 4 of **Attachment 1**) is showing a negative variance of 1%.

Operating Expenditure

The favourable variance is currently at 38%. Depreciation of \$1,681,172 has not yet been charged for July and August 2016, this will be processed once end of year processes are completed, including asset revaluation. The favourable variance would be 20% if the depreciation was charged.

The underspend was mainly due to lower expenditure in building maintenance, ground maintenance, reversal of accrued salary for 2015-16 financial year. \$465k was underspent in Inspectorial Control area for parking licences, equipment maintenance. Lower expenditure including no depreciation also resulted in lower allocation expense.

Transfer from Reserves

This is on budget for the month of August 2016. Transfer from Reserves is aligned to the timing of commencement for Capital Works projects that are Reserves funded.

Capital Expenditure

The variance is attributed to the timing on receipt of invoices for the projects. For further detail, refer to Note 5 on **Attachment 1**.

Transfer to Reserves

Monthly transfer to reserves commenced in July 2016, based on budget phasing. This will be reviewed quarterly and transfers based on actuals will be adjusted after the review.

Opening Funding Surplus/(Deficit)

The surplus Opening Balance brought forward from 2015-16 is \$4,583,066, as compared to adopted budget opening surplus balance of \$4,259,422. The actual balance will change once the end of year process is completed and the accounts are audited.

Closing Surplus/(Deficit)

There is currently a surplus of \$32,567,851, compared to year to date budget surplus of \$30,501,281. This is substantially attributed to the positive variance in operating expenditure and the current level of Capital Expenditure.

It should be noted that the August 2016 closing balance does not represent cash on hand (please see the Net Current Funding Position on page 5 of the attachment).

Comments on the financial performance as set out in the Statement of Financial Activity (**Attachment 1**) and an explanation of each report is detailed below:

1. Statement of Financial Activity by Programme (Note 1 Page 1)

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

2. Statement of Comprehensive Income by Nature and Type (Note 2 Page 4)

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

3. Net Current Funding Position (Note 3 Page 5)

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

The net current funding position as at 31 August 2016 is \$32,567,851.

4. Summary of Income and Expenditure by Service Areas (Note 4 Page 6 – 52)

This statement shows a summary of Operating Revenue and Expenditure by Service Unit, with variance commentary.

5. Capital Expenditure and Funding Summary (Note 5 Page 53 - 63)

The following table is a Summary of the 2016/2017 Capital Expenditure Budget by programme, which compares Year to date Budget with actual expenditure to date. The full Capital Works Programme is listed in detail in Note 5 of Attachment 1.

	Original Budget \$	Year to date Budget \$	Year to date Actual \$	Full Year Budget Remaining %
Furniture & Equipment	737,070	55,600	9,375	99%
Plant & Equipment	3,537,050	159,000	82,540	98%
Land & Building	1,597,398	65,000	163,958	90%
Infrastructure	7,890,080	1,223,597	585,055	93%
Total	13,761,598	1,503,197	840,928	94%

	Original Budget \$	Year to date Budget \$	Year to date Actual \$	Full Year Budget Remaining %
Capital Grants and Contributions	2,551,355	812,794	633,530	75%
Cash Backed Reserves	1,287,534	50,000	47,706	96%
Other (Disposal/Trade In)	533,500	0	0	100%
Own Source Funding – Municipal	9,389,209	640,403	159,692	98%
Total	13,761,598	1,503,197	840,928	94%

Note: Detailed analysis are included on page 53 – 63 of Attachment 1.

6. Cash Backed Reserves (Note 6 Page 64)

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

The balance as at 31 August 2016 is \$6,833,756. The balance as at 31 July 2016 was \$6,651,318.

The actual balance of Reserves may change once the end of year process is completed and the accounts are audited.

7. Rating Information (Note 7 Page 65 - 66)

The notices for rates and charges levied for 2016/17 were issued on 08 August 2016.

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

First Instalment	14 September 2016
Second Instalment	14 November 2016
Third Instalment	16 January 2017
Fourth Instalment	20 March 2017

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

Instalment Administration Charge (to apply to second, third, and fourth instalment)	\$13.00 per instalment
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

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

The Rates debtors balance as at 31 August 2016 is \$24,266,820 (this includes deferred rates of \$132,426). This represents 76.20% of the collectable income compared to 48.03% at the same time last year. It should be noted that the rates notices were issued on 8th August 2016, which is three weeks later than the previous year due to the delayed budget adoption.

8. Receivables (Note 8 Page 67)

Receivables of \$3,098,496 are outstanding at the end of August 2016, of which \$2,791,141 has been outstanding over 90 days. This is comprised of:

\$440,915 (15.8%) relates to Cash in Lieu of Parking. The Cash in Lieu of Parking debtors have special payment arrangements for more than one year.

\$163,429 (5.9%) relates to Other Receivables, including recoverable works and property.

\$2,186,796 (78.3%) relates to unpaid infringements (plus costs) over 90 days. Infringements that remain unpaid for more than two months are sent to Fines Enforcement Registry (FER), who then collect the outstanding balance and return the funds to the City for a fee.

Council resolved at its 26 July 2016 Council meeting to write off \$253,660.89 that have been withdrawn by the Fines Enforcement Registry. The write-off is not reflected in this report, but will be processed in the 2015-16 financial year.

Administration has been following up outstanding items which relate to Other Receivables by issuing reminders when they are overdue and formal debt collection when payments remain outstanding.

9. Beatty Park Leisure Centre – Financial Position Report (Note 9 Page 68)

As at 31 August 2016 the operating surplus for the Centre was \$31,244 in comparison to the year to date budgeted deficit of \$162,633. However it is noted that the actual does not include depreciation, which has not been processed year to date pending finalisation of the 2015/16 accounts. If depreciation was charged the Centre would have operating deficit of \$88,502 in comparison to the year to date budgeted deficit of \$162,633.

The cash position showed a current cash surplus of \$31,244 in comparison to year to date budget estimate of a cash deficit of \$42,887. (Depreciation if charged would have no impact on this comparison).

All material variance as at 31 August 2016 has been detailed in the variance comments report in **Attachment 1**.

10. Explanation of Material Variances

The materiality thresholds used for reporting variances are 10% and \$10,000. This means that variances will be analysed and separately reported when they are more than 10% (+/-) of the YTD budget, where that variance exceeds \$10,000. This threshold was adopted by Council as part of the Budget adoption for 2016-17 and is used in the preparation of the statements of financial activity when highlighting material variance in accordance with *Financial Management Regulation 34(1) (d)*.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

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

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

RISK MANAGEMENT IMPLICATIONS:

Low: In accordance with *Section 6.8 of the Local Government Act 1995*, a local government is not to incur expenditure from its Municipal Fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority decision of Council.

STRATEGIC IMPLICATIONS:

Strategic Plan 2013-2023:

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENT:

All expenditure included in the Financial Statements is incurred in accordance with Council's adopted budget.

9.3.4 Review of Policy 4.2.7 – Council Members - Allowances, Fees and Reimbursement of Expenses

Ward:	Both	Date:	30 September 2016
Precinct:	All	File Ref:	SC2639
Attachments:	<u>1</u> – Amended Policy 4.2.7 – Council Members - Allowances, Fees and Reimbursement of Expenses <u>2</u> – Current Policy 4.2.6 - Council Members – Purchase Of Items and Equipment Upon Retirement <u>3</u> – Current Policy 4.2.7 – Council Members - Allowances, Fees and Re-imburement of Expenses –Marked Up <u>4</u> – Current Policy 4.2.8 - Council Members – Acknowledgement of Service and Purchase of Retirement Gift		
Tabled Items:	Nil.		
Reporting Officer:	T Evans, Manager Governance and Risk		
Responsible Officer:	J Paton, Director Corporate Services		

RECOMMENDATION:

That Council:

1. **REVOKES Policy 4.2.6 – Council Members – Purchase Of Items and Equipment Upon Retirement;**
2. **REVOKES Policy 4.2.8 – Council Members – Acknowledgement of Service and Purchase of Retirement Gift;**
3. **ADOPTS the amended Policy 4.2.7 – Council Members - Allowances, Fees and Re-imburement of Expenses, as shown on Attachment 1, and agrees that public advertising and community consultation is not required due to the minor nature of the amendments; and**
4. **NOTES that the payment of the ICT allowance for the 12 months commencing October 2016 will be at the reduced rate of \$1500 and have a positive impact on the 2016/17 budget.**

PURPOSE OF REPORT:

To consider amending *Policy 4.2.7 – Council Members - Allowances, Fees and Re-imburement of Expenses* and incorporating the provisions of *Policy 4.2.6 – Council Members – Purchase Of Items and Equipment Upon Retirement* and *Policy 4.2.8 – Acknowledgement of Service and Purchase of Retirement Gift* into Policy 4.2.7.

BACKGROUND:

Council Policies 4.2.6, 4.2.7 and 4.2.8 are due for periodic review. Administration has examined the three policies and proposed minor amendments to ensure that the policies align with current regulations, the values of the current Council and with good practice in the Local Government sector.

DETAILS:

1. Policy Structure

Administration noted that the provisions of policies 4.2.6 and 4.2.8 could be easily incorporated into Policy 4.2.7 and that doing so would be beneficial to the reader by providing for a single point of reference for similar types of provisions.

Accordingly, the provisions of Policy 4.2.6 have been included as clause 3.2 in Policy 4.2.7. The provisions of Policy 4.2.8 have been included as clause 9.

2. Minor Variations

A number of minor amendments are proposed to 4.2.7:

Timeframe for reimbursement of claims - Section 4.2 has been deleted because it conflicted with a similar clause in Section 9.2 (amended to 10.2). This has the effect of making a standard 3 month timeframe for claiming reimbursements.

Child Care Costs - Section 5 was inconsistent with the State Allowances Tribunal (SAT) determination to cap child care expenses at \$25 per hour. The proposed policy aligns the allowable amount of child care costs with the maximum determined by SAT.

Fax Machines - As fax machines are essentially now obsolete, it is proposed to remove references to faxes in the policy.

Removal of indexation of particular items – It is proposed to remove CPI indexing for the maximum allowable training and education expenses and stationary expenses. This will provide greater clarity and ease of administration. As the Policy is reviewed every 2 years, the value of a CPI increase over this period is considered to be insignificant.

Reimbursement Verification – The expense claim forms that form part of the Policy have been amended so that the new position of Manager Governance and Risk is responsible for verifying claims prior to the sign off of the CEO or his delegate.

3. Information and Communications Technology (ICT) Allowance

Recent SAT determinations made it clear that the SAT has a preference for the reimbursement of actual expenses wherever possible and accordingly, have maintained the maximum annual ICT allowance at \$3500. The City's current policy position is to pay Council Members the maximum allowance set by the SAT, i.e. \$3500.

Research into the practices of other West Australian Local Governments in relation to the provision of an ICT allowance is summarised in the table below:

ICT Allowance	No. of Local Governments
Maximum allowed (\$3500)	13
Set amount less than the maximum	5
Reimbursement	5

It shows that, of the 22 Metropolitan Local Governments where data was readily available, 13 paid an allowance equal to the maximum set by SAT, 5 set a lower amount and 5 operated a system of reimbursements.

Of those Local Governments that set an ICT allowance lower than the maximum, the amounts set were: \$1000 (East Fremantle), \$1500 (Mosman Park) and \$1600 (Cottesloe), \$2100 (Melville) and \$3400 (Bayswater).

Administration notes that there is an administrative cost involved in assessing and reimbursing expense reimbursement claims. It is particularly noted that the process of apportioning out phone calls and mobile phone usage etc can be time consuming. Accordingly, it is proposed that a reduced ICT allowance of \$1500 be provided. The amount of \$1500 is intended to cover the cost of a Council Member's mobile phone plan, home phone and internet plans. Council Members would still be entitled to claim reimbursement of other ICT costs over and above this amount upon the usual provision of evidence of purchase etc.

4. Motor Vehicle Allowances and Insurances

The current Policy states that the *Public Service Award 1992* will be used for the calculation of motor vehicle allowances. This is inconsistent with the SAT determination which states that Local Governments should use the rates set out in the *Local Government Industry Award 2010*. The Policy has been updated to reflect this.

It is proposed to amend the wording of Section 7.4 in relation to motor vehicle insurance to more accurately reflect what is covered in the City's motor vehicle insurance policy. In particular it highlights that the insurance provided cover in excess of any amount for which Council Members are otherwise covered.

5. Retirement Gifts

Following discussion at Council Workshop there appears to be a prevailing view that, despite the provisions of *Local Government (Administration) Regulation 1996*, Regulation 34AC setting an allowable amount for Elected Member retirement gifts, City of Vincent Council Members believe that the purchase of a retirement gift is an unnecessary use of public money. As such it is proposed that the Policy be amended so that retirement gifts will not be given by the City in future.

CONSULTATION/ADVERTISING:

Policy no. 4.1.5 Community Consultation in Appendix 2 of the Guidelines (Item 10), states that community consultation is required for new policies, or significant amendments to existing policies. Administration assess the current proposed amendments not to be significant and therefore deem that community consultation is not required.

LEGAL/POLICY:

Part 5, Division 8 of the *Local Government Act 1995* deals with Local Government payments and gifts to its members, while Regulations 30 – 34AD of the *Local Government (Administration) Regulations 1996* also set out provisions in relation to payments and gifts.

Maximum limits on the allowances provided to Council Members are set by Determination of the *Salaries and Allowances Tribunal for Local Government Chief Executive Officers and Elected Members* under the *Salaries and Allowances Act 1975*.

Section 5.63 of the *Local Government Act 1995* relates to financial interests that need not be disclosed and states:

- (1) *Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —*
 - (a)
 - (b)
 - (c) *an interest relating to a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers; or.....*

RISK MANAGEMENT IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

This matter is in keeping with the City's Strategic Plan 2013-2023:

"4.1 Provide good strategic decision-making, governance, leadership and professional management;" and in particular;

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Adopting the amendment to this policy would be likely to result in a financial saving to the City in the order of \$18,000 due to reduced outgoings in payments of ICT allowances. The exact quantum of financial savings will depend on the extent of reimbursement claims made by Council Members.

The proposed Policy amendments will also eliminate any costs resulting from the purchase of gifts to retiring Council Members.

COMMENTS:

The review of these Policies has shown that the current Policy has largely been operating effectively. However, Administration the amendments proposed bring the Policy into alignment with SAT determinations and the views of the current Council.

9.3.5 Arrangements for an Extraordinary Election

Ward:	-	Date:	04 October 2016
Precinct:	-	File Ref:	SC2639
Attachments:	<u>1</u> – Proposed extraordinary election timeline from WA Electoral Commission. <u>2</u> – Letter and cost estimate from the Western Australian Electoral Commission		
Tabled Items:	Nil		
Reporting Officers:	T Evans, Manager Governance and Risk		
Responsible Officer:	J Paton, Director Corporate Services		

RECOMMENDATION:

That Council:

1. **FIXES** in accordance with Section 4.9(1) of the *Local Government Act 1995* the date of the extraordinary election for the vacant South Ward Councillor to be on Friday 6 January 2017; and
2. **RESOLVES BY ABSOLUTE MAJORITY** to:
 - a) **DECLARE** in accordance with Section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner be responsible for the conduct of the extraordinary election;
 - b) **DECIDE** in accordance with Section 4.61(2) of the *Local Government Act 1995*, the method of conducting the election will be as a postal election;
 - c) **APPROVE** in accordance with section 6.8(1) of the *Local Government Act 1995* the unbudgeted expenditure of \$36000 for the carrying out of the extraordinary election.

PURPOSE OF REPORT:

To consider Council's options in relation to the extraordinary vacancy for a South Ward Councillor.

BACKGROUND:

Following the resignation of Cr Laine McDonald on 21 September 2016, it is necessary for the City to make arrangements to hold an extraordinary election, pursuant to s4.8(1) of the *Local Government Act 1995* (the Act). The resignation has occurred before the third Saturday in January of an election year, which means that there is no avenue for the City to postpone or consolidate the election (s4.16) or to leave the vacancy unfilled.

DETAILS:

Setting an Election Date

In order to hold an extraordinary election, the City must first set a date for the election, and it must do so within one month of the vacancy occurring (s.4.9(1)). The City is obliged to hold an extraordinary election within 4 months of a vacancy occurring (s.4.9 (2)). However, the election must take place a minimum of 80 days after the appointment of a returning officer. Consequently, the extraordinary election must be held between 6 January and 20 January 2017 unless an extension is granted by the Electoral Commissioner.

An election timeline has been developed by the WA Electoral Commission and included as **Attachment 2**. The timeline shows that 6th January 2017 may be the best date to hold the election on. Holding it on this date will ensure that the closure of the electoral roll (17/11/2016) and the closure date for nominations (23/11/2016) will occur prior to the Christmas period. Furthermore, it will ensure that election packages will be mailed out on 9/12/2016, a week prior to schools breaking up for the holidays.

Returning Officer

The City must also decide who to appoint as the returning officer for the election. Under section 4.20 of the Act, the CEO is to be the returning office unless other arrangements are made and Administration strongly recommend that other arrangements are made so as to not place undue burden on the CEO.

Council has the option of appointing any suitably qualified person as returning officer (s4.20(2)). Otherwise, the Council can declare the Electoral Commissioner be responsible for the conduct of the election. In either case, prior written approval from the Electoral Commissioner is required before such a decision can be made.

Following a request to the WA Electoral Commission for a quotation to conduct this extraordinary election, they have responded with a cost estimate for conducting the election of \$36000, shown in **Attachment 2**. The WA Electoral Commission operate a full cost recovery model and have based this estimate on:

- 12,000 electors;
- Use of Australia Post's priority mail service;
- Response rate of approximately 30%;
- Appointment of a local Returning Officer; and
- The Count being conducted at Vincent.

The letter notes that this is an estimate only and the actual cost of the election will be charged.

Method of Conducting the Election

Pursuant to section 4.61 of the Act, The City is required to choose whether to conduct the election as a postal election or a "voting in person election". Postal elections are the norm and are generally more cost effective. Furthermore an in person election held in close proximity to the Christmas period is likely to result in a low turnout. Finally, it is a condition of the Electoral Commission that, if they are running the election, it must be held as a postal election.

CONSULTATION/ADVERTISING:

Administration have consulted with the Electoral Commission on the timeline and requirements to run the extraordinary election.

The necessary consultation and advertising required to run the election is set out in Part 4 of the Act and will be the responsibility of the returning officer.

LEGAL/POLICY:

Local Government Act 1995, Part 4, Division 4;

- Section 4.9 (1) - Council must fix a date for an extraordinary election at a meeting held within one month of the vacancy occurring. That is to say, no later than 20 October 2016.
 - Section 4.9 (2) - The election day fixed for an extraordinary election cannot be later than 4 months after the vacancy occurs, unless the Electoral Commissioner approves or section 4.10(b) applies. That is to say, no later than 20 January 2017.
 - Section 4.20 (4) - A local government may, having first obtained the written agreement of the Electoral Commissioner, declare* the Electoral Commissioner to be responsible for the conduct of an election.
-

- Section 4.61 (2) - The local government may decide* to conduct the election as a postal election.

*(absolute majority required)

RISK MANAGEMENT IMPLICATIONS:

Low: The holding of elections is highly regulated by the *Local Government Act 1995*, consequently, there is a risk of the City being non-compliant if it does not act expediently to arrange the extraordinary election.

STRATEGIC IMPLICATIONS:

Not applicable.

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The WA Electoral Commission have provided a cost estimate of \$36,000 to run the election, which has not been budgeted for 2016/17. It is requested that Council approve this as unbudgeted expenditure, pursuant to section 6.8(1)(b) of the Act.

COMMENTS:

Council can seek approval from the WA Electoral Commission to extend the timeframe for holding the extraordinary election beyond the 4 months' timeframe allowed. However, extensions are only granted in exceptional circumstances. In the absence of specific grounds, it would be unlikely that the Commission would grant such an extension.

9.3.6 Assignment of Lease – Portion of Beatty Park Leisure Centre – NBP Holdings Pty Ltd to Beatty Park Physiotherapy Pty Ltd

Ward:	South	Date:	30 September 2016
Precinct:	Smith's Lake (6)	File Ref:	SC1968
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	M Bancroft, Property Leasing Officer / D Morrissy, Manager BPLC		
Responsible Officer:	J Paton, Director Corporate Services		

RECOMMENDATION:

1. That Council **APPROVES** the assignment of the lease of a portion of the Beatty Park Leisure Centre from NBP Holdings Pty Ltd to Beatty Park Physiotherapy Pty Ltd subject to:
 - (a) the directors of Beatty Park Physiotherapy Pty Ltd providing personal guarantees that they will comply with the Lessee's covenants as set out in the Lease; and
 - (b) the Deed of Assignment of Lease providing for the release of NBP Holdings Pty Ltd from any lease obligations which arise and are a result of occupation of the premises from the date of the assignment of the Lease.
2. Subject to final satisfactory negotiations being carried out by the Chief Executive Officer, **AUTHORISES** the Mayor and Director Corporate Services to affix the common seal and execute the Deed of Assignment of Lease in 1 above.

PURPOSE OF REPORT:

To consider NBP Holdings Pty Ltd's (T/A Beatty Park Physiotherapy) request to assign its lease of a portion of the Beatty Park Leisure Centre to Beatty Park Physiotherapy Pty Ltd.

BACKGROUND:

At the Ordinary Meeting of Council held 5 November 2013 Council adopted the following resolution:

That Council;

1. *ACCEPTS* the tender submitted by NBP Holdings as being the most acceptable to the City for the Gymnasium Area lease space at Beatty Park Leisure Centre in accordance with the specifications as detailed in Tender No. 465/13, subject to a reduction in the rate incentive rent free period, to be a maximum of six (6) months;
2. *APPROVES* a lease for that area of Gymnasium to NBP Holdings for a period of five (5) years with a five (5) year option for \$81,400 per annum plus \$20,000 per annum for outgoings, with a fixed annual rent review to be included;
 - 2.1 *SUBJECT* to the satisfactory lease negotiations to be conducted by the Chief Executive Officer; and
 - 2.2 *REQUESTS* the Chief Executive Officer report on the outcome of the negotiations of the lease to the next Council meeting following the conclusion of the lease negotiations; and
3. *DOES NOT ACCEPT* either of the tenders submitted for the Crèche Area lease space at Beatty Park Leisure Centre in accordance with the specifications as detailed in Tender No. 465/13.

Following Council's decision Administration met with representatives of NBP Holdings Pty Ltd to discuss the rent free period not exceeding 6 months. NBP Holdings Pty Ltd agreed to a 6 month rent free period and the following resolution was adopted by Council at the Ordinary Meeting of Council of 19 November 2013 (Item 14.5).

"That Council;

1. *NOTES that the preferred tenderer NBP Holdings has agreed to a rent free period of six (6) months;*
2. *APPROVES the rent free period of six (6) months in the lease document for NBP Holdings; and*
3. *AUTHORISES;*
 - 3.1 *the Chief Executive Officer to prepare the lease document to his satisfaction; and*
 - 3.2 *the Mayor and Chief Executive Officer to sign the Lease and affix the Council's Common Seal."*

The Lease was signed on 7 May 2014 on the following key terms:

Term:	5 years, commencing 1 June 2014;
Further Term:	5 years, commencing 1 June 2019;
Lease fee:	\$81,400 plus GST per annum (indexed by CPI);
Outgoings:	\$20,000 plus GST per annum (indexed by CPI) contribution to outgoings (includes rates, taxes and utility charges);
Permitted Purpose:	Recreation;
Maintenance:	Lessee responsible to keep premises in good, substantial and functional repair, order and condition; and
Lessor's responsibility:	Provide quiet enjoyment for the term.

NBP Holdings Pty Ltd have been a good tenant over the past two years, paying all monies owing in a timely manner and working with Beatty Park Leisure Centre staff in a positive and collaborative way.

DETAILS:

On 15 September 2016 Gadens, on behalf of NBP Holdings Pty Ltd, wrote to the City requesting the City's consent to the assignment of NBP Holdings Pty Ltd's lease of a portion of the Beatty Park Leisure Centre to Beatty Park Physiotherapy Pty Ltd, to enable the sale of NBP Holdings Pty Ltd's physio business to Beatty Park Physiotherapy Pty Ltd.

It is important to note that the director of both NBP Holdings Pty Ltd and Beatty Park Physiotherapy Pty Ltd is John Dudley Annear. John is also the senior sports physiotherapist at NBP Holdings Pty Ltd (T/A Beatty Park Physiotherapy). Beatty Park Physiotherapy Pty Ltd is currently in the process of appointing Katie Holtham, currently also a senior sports physiotherapist at NBP Holdings Pty Ltd (T/A Beatty Park Physiotherapy), as the second company director and shareholder.

Pursuant to clause 9.1 of the Lease the Lessee may assign the Lease subject to the approval of the assignment by the Lessor. In considering whether to approve the assignment the Lessor must consider whether, as set out in clause 9.2 of the Lease:

- The Lessee has shown that the proposed assignee is a respectable and solvent person capable of adequately carrying on the use permitted to be carried on in the premises and capable of complying with the Lessee's covenant;
 - All rent and other monies due and payable by the Lessee under the Lease have been paid;
 - There is no subsisting breach of any of the Lessee's covenants;
-

- The Lessee will arrange execution of the Assignment of Lease by the assignee and guarantor and will pay any legal or administrative costs incurred by the Lessor in preparing the Assignment of Lease; and
- The director of the assignee's company must provide a guarantee and indemnity.

If the above conditions are satisfied by the Lessee and Assignee the City cannot unreasonably withhold consent to the proposed assignment.

Administration confirms the following:

- Beatty Park Physiotherapy Pty Ltd is a sole director / secretary proprietary company limited by shares and was registered on 9 September 2016. The director is John Dudley Annear of 10A Lentara Crescent, City Beach. The only shareholder is J & K Investments Pty Ltd of 10A Lentara Crescent, City Beach. Katie Holtham will be appointed as the second director by 13 October 2016.
- There is no outstanding rent or other payments.
- There is no subsisting breach of any of the Lessee's covenants.
- NBP Holdings Pty Ltd has confirmed that it will arrange execution of the Assignment of Lease by Beatty Park Physiotherapy Pty Ltd, John Dudley Annear and Katie Holtham and will pay the reasonable legal costs associated with its preparation.
- John Dudley Annear and Katie Holtham both confirmed by separate emails dated 3 October 2016 that they will each provide a personal guarantee to pay any monies owing in accordance with the Lease and observe and perform the Lessee's covenants as set out in the Lease.
- Beatty Park Physiotherapy Pty Ltd will be operated under the same managers / senior physiotherapists as NBP Holdings Pty Ltd was operated under - John Dudley Annear and Katie Holtham. Therefore the proposed assignment of Lease will have a limited impact on the physio's management structures, practices and clients.

These factors all indicate that the conditions set out in clause 9.2 of the Lease have been satisfied and therefore the City can not unreasonably withhold its consent to the assignment.

Clause 9.3 also provides that despite an assignment by the Lessee of the benefit of the Lease, the Lessee will remain liable to observe and perform all of the Lessee's covenants throughout the balance of the term of the Lease. This entails that if Beatty Park Physiotherapy Pty Ltd fails to observe or perform any of the Lessee's covenants following the assignment of the Lease, NBP Holdings Pty Ltd will be liable. NBP Holdings Pty Ltd and Beatty Park Physiotherapy Pty Ltd have requested that the Assignment of Lease specifically exclude the operation of this clause as personal guarantees will be provided by the directors of Beatty Park Physiotherapy Pty Ltd, John Annear and Katie Holtham. Administration confirms that the Deed of Assignment of Lease can be drafted to provide the following:

- (a) NBP Holdings Pty Ltd is liable for any breach of the Lessee's covenants which occurs prior to the assignment of the Lease, and this liability will continue following the assignment of the Lease, provided that liability arises prior to the assignment; and
- (b) NBP Holdings Pty Ltd will not be liable for any breach of the Lessee's covenants which occurs after the assignment of the Lease to Beatty Park Physiotherapy Pty Ltd.

Administration recommends that due to the personal guarantees provided by the directors of Beatty Park Physiotherapy Pty Ltd it is not necessary for NBP Holdings Pty Ltd to remain liable for a breach of the Lessee's covenants which occurs after the assignment. Furthermore, personal guarantees were not originally provided by NBP Holdings Pty Ltd, and therefore by requiring personal guarantees in the Deed of Assignment of Lease the City has greater security in the event that Beatty Park Physiotherapy Pty Ltd defaults in its compliance with the Lessee's covenants, than under the original Lease.

In light of the above Administration recommends that the assignment of the Lease to Beatty Park Physiotherapy Pty Ltd be approved.

CONSULTATION/ADVERTISING:

The Lease was entered into in accordance with the Local Government Act Tender Regulation, Local Government Act 1995 section 3.58, City's Policy 1.2.2 and Purchasing Policy 1.2.3 and therefore there is no requirement for the assignment of the Lease to be advertised.

LEGAL/POLICY:

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

City of Vincent Policy 1.2.1 – Policy Statement:

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

RISK MANAGEMENT IMPLICATIONS:

Low Administration will require the director of Beatty Park Physiotherapy Pty Ltd to provide a guarantee to observe and perform the covenants set out in the Lease, and in any event, NBP Holdings Pty Ltd as the Lessee will be liable for any failure to observe or perform the lessee's covenants by Beatty Park Physiotherapy Pty Ltd.

STRATEGIC IMPLICATIONS:

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The assignment of the lease will not have any adverse financial implications for the City, as all costs associated with the assignment will be paid by NBP Holdings Pty Ltd.

The Beatty Park Leisure Centre Budget 2016/17 includes a figure of \$100,000 to be received from rental/lease income for this space and this will be met if the lease is assigned.

COMMENTS:

The Lease provides that the City can not unreasonably withhold consent to the assignment of the Lease if the factors set out in clause 9.2 are satisfied. As discussed above, these factors have all been satisfied. Furthermore, the company being assigned the Lease is comprised of two well-known figures in the Western Australian sporting and physiotherapy community and who are currently working well with staff and patrons at the Beatty Park Leisure Centre. The director and operator, John Dudley Annear, was also the director of NBP Holdings Pty Ltd and has worked at Beatty Park Leisure Centre for at least two years, collaborating well with staff and clients. The proposed assignment of the Lease is therefore not expected to impact the operations of the physio practice at Beatty Park Leisure Centre.

NBP Holdings Pty Ltd has requested that it be released from future liability arising following the assignment of the Lease, which is reasonable as the personal guarantees provided by the directors of Beatty Park Physiotherapy Pty Ltd provide sufficient security for the City.

Therefore Administration recommends that Council approve NBP Holdings Pty Ltd's request to assign the Lease to Beatty Park Physiotherapy Pty Ltd in accordance with clause 9 of the Lease.

9.4 COMMUNITY ENGAGEMENT

9.4.1 Review of Local Law Provisions Relating to Storage of Items on Verge

Ward:	Both	Date:	30 September 2016
Precinct:	All	File Ref:	SC1991
Attachments:	Confidential Attachment– Advice from City’s Solicitors		
Tabled Items:	Nil		
Reporting Officer(s):	R Hall, A/Director Community Engagement		
Responsible Officer:	R Hall, A/Director Community Engagement		

RECOMMENDATION:

That Council RECEIVES Administration’s report that considers introducing discretion in respect of clauses 4.8(c) and 4.11(1)(b) of the City of Vincent Parking and Parking Facilities Local Law 2007.

PURPOSE OF REPORT:

To consider a report in response to a Notice of Motion to consider introducing discretion in respect of clauses 4.8(c) and 4.11(1)(b) of the City of Vincent’s Parking and Parking Facilities Local Law 2007.

BACKGROUND:

The objective of the Parking and Parking Facilities Local Law 2007 (Local Law) is to regulate the parking or standing of vehicles in all or specified thoroughfares and reserves under the care, control and management of the City of Vincent. The Local Law was originally adopted in July 2008 and last reviewed in November 2012.

The Local Law currently prohibits the parking of a commercial vehicle, a bus, trailer or caravan on any part of a thoroughfare when unattached to a motor vehicle.

At the Ordinary Meeting of Council held on 8 March 2016 at Item 10.1, a Notice of Motion was resolved to request the Chief Executive Officer to provide a report to Council by October 2016 to consider introducing discretion in respect of clauses 4.8(c) and 4.11(1)(b) of the City of Vincent Parking and Parking Facilities Local Law 2007, for the following reason:

‘Clause 4.8(c) of the City’s Parking and Parking Facilities Local Law prohibits the parking of a trailer or caravan in a thoroughfare when unattached to a motor vehicle, while clause 4.11(1)(b) prohibits the parking of a commercial vehicle or bus, or a trailer or caravan on a verge, when unattached to a motor vehicle.

It is considered reasonable to allow a trailer or caravan to be parked in a thoroughfare or on a verge without having to be hitched to a vehicle, in some circumstances and subject to certain conditions and limitations. These circumstances might include when moving house, unloading soil, mulch or other materials, during approved construction activities, or when friends and family come to visit. Conditions might include restrictions on size, prevention of obstruction to pedestrians and other vehicles and the duration of parking.’

DETAILS:

Administration first reviewed the City’s Local Law to confirm that no discretion currently exists to allow a trailer or caravan to be parked in a thoroughfare or verge when unattached to a motor vehicle within the City of Vincent, which is the case. Before looking at whether or not the City’s Local Law should be amended to introduce discretion, Administration has considered three public interest elements that are likely to influence the decision whether or not to amend the Local Law, being:

1. The impact on public safety and the risk it would expose to the City;
2. The impact this may have on the streetscape and amenity of the locality; and
3. The appropriate circumstances that could apply.

Public Safety and Risk

Administration sought legal advice to determine whether there was a public liability risk to the City if a trailer, caravan, boat and other vehicle were to park on a road verge and were to cause personal injury or damage to property. Further advice was sought on whether the same would apply to a trampoline.

A copy of the legal advice provided by the City's solicitors has been attached. The legal advice has been provided as confidential to maintain legal professional privilege.

The legal advice identifies that there is a foreseeable risk to allow caravans and trailers to park on the verge since the verge is required to be open to the general public to access, albeit that it is considered low. The risk is consistent with owner/occupiers who park their personal motor vehicles on the verge adjacent to their premises which is currently permitted under the Local Law. Consideration of the width of the verge, and maintaining lines of sight and avoiding any obstruction would further reduce the risk to public safety and the City's public liability.

Streetscape and Amenity

The City's "Greening Plan" has a primary objective to increase tree canopy cover across the municipality. Administration endeavours to ensure that every street verge has a tree and that the overall condition of street trees is improved. To allow items such as trailers and caravans to be stored on the verge may encourage residents to pave verge areas for this purpose, which will result in less urban greening.

In addition, the parking and storage of any vehicle on a verge where there is already a street tree causes added soil compaction. This reduces the ability of a soil to breathe and for water to move through it, particularly in winter where water moving through the soil provides valuable oxygen to the roots. Even in Perth's sandy conditions, compacted soils become hard, reduce root growth which in turns effects the overall health and growth of any tree. Therefore the long-term effects will ultimately be detrimental to the overall health of street trees where parking or storage of equipment on verges is permitted.

Appropriate Circumstances

Administration has considered the instances where the storage of an unattached trailer or caravan may be appropriate. The Notice of Motion identifies circumstances, conditions and limitations including moving house, unloading soil/mulch/materials, during approved construction activities or when friends and family visit.

In all of the circumstances listed, the length of stay is temporary. Upon review of the history of parking of trailers and caravans, it was revealed that temporary parking of unattached trailers has not been a matter of complaint. Rather, the matters of complaint have been about the long term nature of storage of some trailers, boats and caravans on verges. Long term storage of trailers and caravans is not considered by Administration to be an appropriate use of public space, and is not mentioned in any of the circumstances in the Notice of Motion.

Therefore the only change worth exploring would be whether or not to allow short term parking of an unattached trailer or caravan. Short term would mean whilst the trailer was being unloaded or loaded and in use. Caravans are more complex as they are a portable habitation vehicle, Administration considers it would be inappropriate to promote the ability for caravans to be parked which could enable squatting and transient style accommodation which would negatively impact on the amenity of local streets.

CONSULTATION/ADVERTISING:

There has not been any community consultation and there is no requirement for consultation or notice of this report. Any amendment to a Local Law would be conducted in accordance with Policy No. 4.1.5 – Community Consultation and the *Local Government Act 1995*.

LEGAL/POLICY:

If discretion was to be introduced to allow unattached trailers and caravans, then an amendment to the Parking and Parking Facilities Local Law 2007 would be required.

RISK MANAGEMENT IMPLICATIONS:

Medium: The City of Vincent is the responsible authority for the local road reserves within the municipality. If discretion was to be introduced into the Local Law to park and store unattached trailers and caravans on road reserves there would be an increased exposure to public liability risk.

STRATEGIC IMPLICATIONS:

In keeping with the City of Vincent *Strategic Community Plan 2013-2023*, the following Objective states:

'Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Administration has considered the implications of introducing discretion into the City's Parking and Parking Facilities Local Law to allow unattached trailers and caravans, and the like to be parked on road reserve areas (verge and road pavement). This is because Council's Notice of Motion asked Administration to consider the matter as there is currently no discretion to allow these to be parked unless attached to a motorised vehicle.

Administration has concluded that it would not be appropriate for longer term parking of trailers and caravans in the City of Vincent as it represents an unacceptable streetscape and amenity impact, which is inconsistent with the City's Greening Plan to allow additional verge parking. It also unnecessarily exposes the City to public liability risk and also denies the use of public space for private purposes. In review of the City's records, it was found that complaints have been received for longer term parking and storage of trailers, boats and caravans, and not temporary parking of trailers whilst in use.

It is considered that there is limited merit to further explore whether or not to allow short term parking of an unattached trailer or caravan. Caravans would need to be limited or prohibited so to not attract transient living. Administration considers that an appropriate timeframe for a trailer to be parked would be whilst it is being unloaded or loaded and in use. It is likely that if a trailer or caravan is genuinely being used for a short term, that it would ordinarily be attached to a motorised vehicle, and therefore no change to the Local Law would be required. Administration has not received complaints from residents requesting this type of short term parking.

The other consideration would be whether or not trailers and caravans could be parked on the verge or limited to the road pavement. To maintain and improve the amenity of Vincent, the City's Greening Plan which specifies that verges be maintained as part of the greening of Vincent, and it's important that verge areas not become private storage areas for residents. Verge areas should be maintained as green spaces and this only leaves the road pavement as a suitable area for short term parking of unattached trailers.

It is anticipated the demand for on-street parking will continue to grow, particularly where residential density is planned to increase. Increased demand for on-street car parking in close

proximity to mixed-use developments, grouped and multiple dwellings, mixed-use developments and Town Centres is also expected to grow. To allow unattached trailers and caravans to park and be stored on street will add to this growing pressure.

Administration considers the introduction of discretion to allow unattached trailers and caravans to park on road reserves may suit a limited number of individuals, however it could have a detrimental impact on the broader community to allow verges and road reserves to be used as a de facto storage area for trailers, caravans and boats. There is an existing process where owners can apply for a permit to temporarily store items on the verge for a bona fide purpose. As there is a sufficient process in place, and with the aforementioned matters considered, it is not recommended to amend the City of Vincent Parking and Parking Facilities Local Law 2007 to introduce discretion to park unattached trailers and caravans in the road reserves.

9.5 CHIEF EXECUTIVE OFFICER

9.5.1 Review of Policy 4.2.15 - Council Member Contact with Developers

Ward:	-	Date:	30 September 2016
Precinct:	-	File Ref:	SC2639
Attachments:	<u>1</u> - Amended Policy 4.2.15 – Council Member contact with Developers <u>2</u> - Current Policy 4.2.15 – Council Member contact with Developers – Marked Up		
Tabled Items:	Nil		
Reporting Officers:	Tim Evans, Manager Governance and Risk		
Responsible Officer:	Len Kosova, Chief Executive Officer		

RECOMMENDATION:

That Council:

5. **NOTES** the review of amended Policy 4.2.15 - Council Member Contact with Developers; and
6. **ADOPTS** the amended Policy 4.2.15 - Council Member Contact with Developers, as shown in Attachment 1, and agrees that public advertising and community consultation is not required.

PURPOSE OF REPORT:

To consider amending Draft Policy 4.2.15 – Council Member contact with Developers following a review of its effectiveness.

BACKGROUND:

Council at its meeting on 5 June 2015 resolved:

“That Council ADOPTS the Revised Draft Policy 4.2.15 – Council Member contact with Developers as tabled and included as Attachment 2, subject to the following:

1. *The Policy coming into operation from 1 July 2015;*
2. *Introduction of a review of the Policy after six months operation to consider effectiveness, efficiency and any necessary refinements; and*
3. *The Policy definition for Planning or development proposal being amended in (iii) to include the words “or the Metropolitan Region Scheme” after the words “Town Planning Scheme” and adding the words “or the Joint Development Assessment Panel” after the words “determination by Council.”*

The purpose of this report is to address recommendation 2 and report back to Council on the effectiveness and efficiency of this Policy which Administration has only now had the opportunity to review.

DETAILS:

Following discussions with Council Members and staff, the feedback indicates that the Policy and the register is working well and continues to align with both the City’s code of conduct and Council’s position on transparency and accountability.

Administration has considered feedback in relation to the definition of a “developer”. In particular, the Policy does require Council Members to register contact from any planning consultant that might be working on behalf of a property owner who is not classified as a developer by virtue of the fact that the planning consultant may also be associated with a

person or company that is classified as a “developer”. It is understood that this was never Council’s intent when adopting this definition.

As a result of this feedback, Administration propose that the Policy be amended by adding the following wording under the Clause (b) of the definitions of “Developer”:

“, except when they are representing someone who is not regularly involved in the making of relevant planning applications or the development of land.”

CONSULTATION/ADVERTISING:

The Community Consultation Policy No. 4.1.5 specifies that new policies will be advertised by way of a 21 day Local Public Notice, together with letters to local business and community groups.

LEGAL/POLICY:

Policy no. 4.1.5 - Community Consultation, Appendix 2 of the Guidelines (Item 10), states that community consultation is required for new policies, or significant amendments to existing policies. Administration assess the current proposed amendments not to be significant and therefore deem that community consultation is not required.

RISK MANAGEMENT IMPLICATIONS:

Low: Administration considers that there are no risks with adopting the proposed Policy amendment. The policy supports existing provisions in the City’s code of conduct.

STRATEGIC IMPLICATIONS:

The City’s Strategic Plan 2013 – 2023 states:

“4.1: provide good strategic decision-making, governance, leadership and professional management

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

While the Policy relates to contact with developers, it is noted that in the case of planning proposals, Council Members will often receive contact from persons who are opposed to or supportive of those planning proposals but who do not themselves constitute a proponent or a developer. In those instances, Council may wish to provide the option for the Register to also include discretionary disclosures from Council Members relating to any contact they receive in respect of a planning proposal. This is not currently reflected in either the current or the amended draft Policy.

9.5.2 Information Bulletin

Ward:	-	Date:	30 September 2016
Precinct:	-	File Ref:	-
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	P Rasal, Governance & Council Support Officer		
Responsible Officer:	L Kosova, Chief Executive Officer		

RECOMMENDATION:

That Council **RECEIVES** the Information Bulletin dated 18 October 2016 as distributed with the Agenda.

DETAILS:

ITEM	DESCRIPTION
<u>IB01</u>	Unconfirmed Confidential Minutes of the Design Advisory Committee Meetings held on 24 August 2016 and 14 September 2016 (Confidential – Council Members Only)
<u>IB02</u>	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 14 September 2016
<u>IB03</u>	WALGA State Council Meeting Summary Minutes – September 2016
<u>IB04</u>	Minutes of Mindarie Regional Council Meeting held on 1 September 2016
<u>IB05</u>	Unconfirmed Minutes of the Arts Advisory Group Meeting held on 1 September 2016
<u>IB06</u>	Register of Legal Action (Confidential – Council Members Only) – Monthly Report as at 29 September 2016
<u>IB07</u>	Register of Orders and Notices Issued Under the <i>Building Act 2011</i> and <i>Health Act 1911</i> (Confidential – Council Members Only) – Quarterly Report as at 29 September 2016
<u>IB08</u>	Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 29 September 2016
<u>IB09</u>	Register of Applications Referred to the MetroWest Development Assessment Panel – Current
<u>IB10</u>	Register of Applications Referred to the Design Advisory Committee – Current
<u>IB11</u>	Register of Petitions – Progress Report – October 2016
<u>IB12</u>	Register of Notices of Motion – Progress Report – October 2016
<u>IB13</u>	Register of Reports to be Actioned – Progress Report – October 2016

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

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

Nil.

15. CLOSURE
