



CITY OF VINCENT

COUNCIL BRIEFING

Notice of Meeting and Agenda

19 JULY 2016

Notice is hereby given that a Council Briefing will be held at the City of Vincent Administration and Civic Centre, at 244 Vincent Street (corner Loftus Street), Leederville, on **Tuesday 19 July 2016** at 6:00pm.

John Paton
ACTING CHIEF EXECUTIVE OFFICER

13 July 2016

ENHANCING AND CELEBRATING OUR DIVERSE COMMUNITY

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COUNCIL BRIEFING PRINCIPLES:

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

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

PROCEDURE FOR PUBLIC SPEAKING TIME

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

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

RECORDING OF COUNCIL MEETINGS

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

ORDER OF BUSINESS

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

(b) **Acknowledgement of Country Statement**

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

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

Nil.

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

4. **Declarations of Interest**

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5.1 DEVELOPMENT SERVICES

5.1.1 No. 399 (Lot: 1; STR: 44491) William Street, Perth – Proposed Alfresco Area Addition to Existing Small Bar

TO BE CIRCULATED SEPARATELY PRIOR TO THE MEETING

5.1.2 No. 114 (Lot: 5; D/P: 2251) Lincoln Street, Highgate – Retrospective Change of Use from Single House to Short Term Dwelling (Unlisted Use)

Ward:	South	Date:	8 July 2016
Precinct:	Precinct 14 – Forrest	File Ref:	PR23082; 5.2016.177.1
Attachments:	<u>1</u> – Consultation Map <u>2</u> – Development Application Plans <u>3</u> – Management Plan and House Rules dated 7 July 2016		
Tabled Items:	Nil		
Reporting Officer:	T Wright, Senior Statutory Planning Officer		
Responsible Officer:	G Poczyn, Director Development Services		

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES BY ABSOLUTE MAJORITY**, the application for the retrospective change of use from single house to short term dwelling (Unlisted Use) at No. 114 (Lot: 5; D/P: 2251) Lincoln Street, Highgate in accordance with plans date stamped 9 May 2016, as shown on Attachment 2, subject to the following conditions:

1. Limitation on Use

1.1. Maximum Lease

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

1.2 Maximum Number of Tenants – Short Term Dwelling

The short term dwelling shall accommodate a maximum of six persons at any one time;

1.3 Management Plan – Short Term Dwelling

1.3.1 The short term dwelling shall continue to operate in accordance with the Management Plan dated 7 July 2016; and

1.3.2 The terms and conditions outlined in the Management Plan shall be provided to occupants of the short term accommodation at the time of check-in and displayed in a prominent location within the entrance area of the short term accommodation; and

2. External Fixtures

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

ADVICE NOTE:

- 1. All signage that does not comply with the City’s Policy No. 7.5.2 – Signs and Advertising shall be subject to a separate Planning Application, and all signage**

shall be subject to a separate Sign Permit application, being submitted to and approved by the City prior to the erection of the signage.

PURPOSE OF REPORT:

To consider a retrospective application for a change of use from single house to short term dwelling (Unlisted Use).

BACKGROUND:

A temporary accommodation business operator within the City of Vincent advised the City of a number of short term accommodation businesses that are operating without approval.

The City is investigating these complaints and has invited the operator of this short term dwelling to submit an application for retrospective approval.

DETAILS:

Application Details:

Landowner:	C M Arnott
Applicant:	C M Arnott
Date of Application:	9 May 2016

Principal Statutory Provisions

Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): R80 Draft Town Planning Scheme No. 2 (TPS2): R80
Existing Land Use:	Single House
Use Class:	Short Term Accommodation
Use Classification:	Unlisted Use
Lot Area:	309 square metres
Right of Way (ROW):	Not Applicable
Heritage List:	Yes

The existing single house is currently used as a self-contained, two bedroom short term dwelling which can accommodate four persons. Two tandem car bays are also provided on site.

No physical changes to the building are proposed as part of this application and therefore this proposal has no implications on the heritage value of this property. The applicant has also provided a Management Plan which includes the House Rules that prospective users of the short term dwelling are required to comply with.

The site is located on Lincoln Street and has convenient access to a variety of services located on Beaufort Street, including retail, food and beverage and public transport.

This matter is referred to Council for determination as the proposal is for an Unlisted Use which requires an Absolute Majority Decision.

The short term dwelling has been operating since January 2016 with no complaints received from surrounding property owners.

ASSESSMENT:

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1, the Residential Design Codes and the

City's policies. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the section of the report following from this table both in relation to the deemed-to-comply provisions and the design principles.

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

Detailed Assessment

The assessment is as follows:

Land Use		
Requirement	Proposal	Aspect for Consideration
Town Planning Scheme No. 1		
Zone – Residential	Short Term Accommodation (Unlisted Use)	Unlisted Use

The assessment against the-principles is as follows:

Land Use
Applicable Principles
Policy No. 7.4.5 – Temporary Accommodation
Objectives: <ul style="list-style-type: none"> • Ensure a high standard of amenity for long-term residents and the occupants of temporary accommodation through management controls; • Provide guidance to the operators of temporary accommodation as to their responsibilities and obligations; and • Ensure properties used for temporary accommodation purposes do not have an undue impact on the residential amenity of the area.
Applicant's Justification
<i>"As it has been difficult to acquire a good tenant in the area (being a former "street walkers precinct") I decided to short term rent it so it gets regularly cleaned and I have access to it in order to keep it and the gardens well maintained."</i>
Officer Technical Comment
Located on Lincoln Street with easy access to a range of services situated on Beaufort Street, including shops and cafes and frequent bus services, the site is suitable for short term accommodation.
The applicant has submitted a Management Plan that details how noise and disturbance will be dealt with and includes a Complaints Management procedure to ensure the proposed Short Term Dwelling will have a minimal detrimental impact to the amenity for the long-term residents and occupants of the temporary accommodation.
The Management Plan also includes provisions that seek to control any anti-social behaviour of the proposed short term dwelling guests to ensure the guests do not have an undue impact on the residential amenity of the area.
Due to the above, the proposed short term dwelling is acceptable.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period:	20 May 2016 to 10 June 2016
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Comments Received:	Two submissions one in support, and one objection.
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A total of 36 letters were sent to neighbouring owners and occupiers. Community Consultation resulted in a response rate of 5.5%.

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

Comments Received in Support:	Officer Technical Comment:
<u>Tenancy</u> While a long term tenant is preferred, this is an appealing alternative.	Noted.

Comments Received in Objection:	Officer Technical Comment:
<u>Precedent</u> The short term dwelling will set a precedent for Air BnB properties in the area. <i>"Please don't let our street become a motel".</i>	Each short term accommodation use application is determined on a case by case basis. It is considered that this proposal together with the Management Plan will ensure that the residential amenity of the area is maintained.
<u>Applicant's Reasons</u> <i>"Their arguments are self-serving, and not compelling to me, as a neighbour. I don't accept the suggestion of the neighbourhood being dodgy and not attractive to tenants. There are many rentals in the area, but long term rentals are obviously not as lucrative. The rental market is depressed right now, but we all have to ride it."</i>	The financial reasons put forward by the applicant for wanting the change of use are not valid planning consideration. The City is required to consider any potential amenity impacts to the local area and neighbouring properties and in this instance the proposal is considered acceptable.

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. 7.1.14 – Forrest Precinct;
- Policy No. 7.4.5 – Temporary Accommodation; and
- Policy No. 7.7.1 – Parking and Access.

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL
The alternative use of this building as temporary accommodation maximises the use of existing resources.
SOCIAL
The development contributes positively to the social sustainability of the area by increasing tourist accommodation within the local area.
ECONOMIC
Supports locally owned businesses and the tourism industry.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Located in Lincoln Street with easy access to a range of services situated on Beaufort Street, including shops and cafes and frequent bus services, the site is suitable to be used as a short term dwelling.

It is recommended that a condition is imposed that limits the property to be occupied by no more than six people at any one time so that the use does not fall into the category of Lodging House under the Health legislation.

The short term dwelling use has been operating since January 2016 and no complaints have been received from surrounding properties. Given the minor scale of the proposal and that there have been no complaints since it started operating, it is considered in this instance not to be necessary to apply a time limitation.

Guests are provided with House Rules, which relate to noise, parties and gatherings, cleaning and cooking, rubbish disposal, and smoking. Guests are required to agree to the rules prior to being permitted to stay.

The Management Plan addresses car parking, noise, disturbances and anti-social behaviour. In May 2016 the neighbouring property owners and occupiers were provided with a list of contact numbers of the operators of the short term dwelling should the neighbours have any issues.

The Plan complies with the City's Policy No. 7.4.5 – Temporary Accommodation and the car parking provided on-site complies with the minimum requirements. To ensure the orderly operation it is recommended that a condition is imposed requiring the use to operate in accordance with the Management Plan.

CONCLUSION:

It is recommended that Council approves this proposal.

5.1.3 No. 459 (Lot: 8; D/P 1647) Fitzgerald Street, North Perth – Amendment to Existing Approval: Alterations and Additions to Existing Hotel

Ward:	North	Date:	8 July 2016
Precinct:	Precinct 8 – North Perth Centre	File Ref:	PR13473; 5.2016.117.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification		
Tabled Items:	Nil		
Reporting Officer:	R Narroo, Senior Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

RECOMMENDATION:

That Council, in accordance with Schedule 2, Part 9, Clause 77(4)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVES the application to amend the existing planning approval granted on 13 March 2012 numbered 5.2011.614.1 for the proposed alterations and additions to an existing hotel at No. 459 (Lot: 8; D/P: 1647) Fitzgerald Street, North Perth in accordance with plans date stamped 1 April 2016 and 1 June 2016, as shown on Attachment 2, subject to the following conditions:

1. **External Fixtures**

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

2. **Interactive Front**

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

3. **Management Statement**

Deliveries to the scissor lift via the public footpath are to be in accordance with the Management Statement submitted by FJM Property on 7 June 2016.

ADVICE NOTES:

1. The movement of all path users, with or without disabilities, within the public footpath shall not be impeded in any way during the course of deliveries; and
2. All signage that does not comply with the City’s Policy No. 7.5.2 – Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a separate Planning Application, and all signage shall be subject to a separate Building Permit application, being submitted and approved prior to the erection of the signage.

PURPOSE OF REPORT:

To consider an amendment to an existing planning approval for the existing Rosemount Hotel to obtain approval for proposed alterations and additions to the Hotel.

BACKGROUND:

History:

Date	Comment
4 October 1991	Council approved the establishment of a café/restaurant within an existing building.
22 August 2003	The City approved alterations and additions to the existing hotel under Delegated Authority.
19 December 2006	Council approved alterations and additions to the existing hotel.
4 February 2008	The City refused an application for the removal of existing signage and signage additions to the existing hotel (application for retrospective approval) under Delegated Authority.
10 June 2010	The City approved an application for two signs to the existing hotel under Delegated Authority.
27 July 2010	Council approved an increase in patronage of the existing hotel from 853 persons to 979 persons.
13 March 2012	Council approved additions and alterations to the existing hotel including an increase in patron numbers to 993 persons.
14 May 2013 and 3 December 2013	Council considered and subsequently approved the amalgamation of Rosemount Hotel car park with City of Vincent View Street car park, which did not proceed.

Previous Reports to Council:

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

DETAILS:

Application Details:

Landowner:	Argyle Holdings Pty Ltd and Others
Applicant:	Resolve Group Pty Ltd
Date of Application:	4 April 2015

Principal Statutory Provisions

Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): District Centre and Commercial Draft Town Planning Scheme No. 2 (TPS2): District Centre
Existing Land Use:	Hotel
Use Class:	Hotel
Use Classification:	"SA"
Lot Area:	3195 square metres
Right of Way (ROW):	Southern side, sealed, 5 metres in width, Council owned
Heritage List:	Yes

The following work requires approval:

- (a) External modification of a window for a new roller door that provides access to the basement, and will be used for deliveries. The door will be white in colour to match in with the existing exterior wall.

Under Clause 61(1)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the following proposed works shown on the plan do not require planning approval as they are internal to the building, and the building is listed as a category 'B' on the City's Heritage Inventory:

- (a) A new scissor lift to the basement.
- (b) Reconfiguration of the basement layout to provide a new access staircase on the western elevation of the building.
- (c) Construction of a roof platform for the provision of plant racks which will be used for the storage of the cool room condenser equipment.
- (d) Internal modifications and reconfigurations of toilets, kitchen and new labyrinth booth seating on the ground floor.

The above changes will not result in any changes to the manner in which the Hotel operates.

The applicant provided the following Management Statement which specifies how the roller door will be used in order not to impact on the pedestrian and traffic movement along Angove Street:

"Alcohol – Delivered every Thursday morning and dropped off at the bottle shop then transferred across by pallet trolley.

Food – Delivered every second day subject to requirements which is then transferred directly into the kitchen by trolley.

All delivery trucks either park in the private car park owned by the applicant or in the bottle shop owned by the applicant.

Either the venue manager or assistant venue manager will be on hand to accept receipt of the goods and control the roller door/scissor lift. Either person will be responsible to man the roller door from the street level at all times during deliveries."

This matter is presented to Council for consideration as it is an amendment to a previous approval granted by Council and the proposal is for a hotel which is an 'SA' use.

ASSESSMENT:

Not applicable.

CONSULTATION/ADVERTISING:

Required by Legislation:	No	Required by City of Vincent Policy:	Yes
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Consultation Period:	2 May 2016 to 15 May 2016.
Comments Received:	No submissions were received.

A total of 27 letters were sent to owners and occupiers of the adjoining properties subject of this application. Signs were also placed on site and a notice placed in the local newspaper.

Community Consultation resulted in a 'nil' response.

External Consultation

Given Fitzgerald Street is classified as Other Regional Road under the Metropolitan Region Scheme, the proposal was referred to Department of Planning (DOP) for comments. DOP advised that there is no objection to the proposal subject to the applicant acquiring a Clause 42 Certificate under the Metropolitan Region Scheme. Clause 42 document certifies that the plan shows the road widening along Fitzgerald Street and acknowledges it in the application.

The applicant has complied with DOP's requirements.

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. 7.1.9 – North Perth Centre;
- Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Developments: and
- Policy No. 7.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties.

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL
The proposed changes to the building will have no environmental impact.

SOCIAL
The hotel is a social meeting place.

ECONOMIC
The hotel provides employment opportunities.

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

The Rosemount Hotel is listed on the City's Municipal Heritage Inventory as Management Category B - Conservation Recommended.

With the exception of the proposed installation of a roller shutter door to an existing opening along the Angove Street elevation, all proposed works are internal and exempt from planning approval. The proposed roller door will match the colour scheme of the existing exterior walls, and therefore will not detract from the heritage value of the hotel.

The proposed works are considered minor and will not result in any impact on the amenity of the area.

This proposal does not result in any change to any other elements of the hotel operation, (e.g. hours of operation, maximum permitted number of persons), and the management statement demonstrates that the hotel is mindful not to interfere with the pedestrian movement and traffic along Angove Street given the new delivery point.

Overall it is considered that the proposal will not have any negative impact on the surrounding area.

CONCLUSION:

It is recommended that Council approves this proposal.

5.1.4 No. 62 (Lot: 1; D/P: 44480) Cheriton Street, Perth – Proposed Demolition of Existing Grouped Dwelling

Ward:	South	Date:	8 July 2016
Precinct:	Precinct 15 - EPRA	File Ref:	PR50888; 5.2015.552.1
Attachments:	1 – Consultation Map 2 – Development Application Plans		
Tabled Items:	Nil		
Reporting Officer:	S Laming, Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

RECOMMENDATION:

That Council, pursuant to its powers under the Local Government (Change of District Boundaries) Order 2007 and the *Local Government (Constitution) Regulations 1998*, Regulation 5(4)(c), allowing the City of Vincent to, in effect, administer the City of Perth Town Planning Scheme as if it were its own Scheme, and in accordance with the provisions of the Metropolitan Region Scheme, the Council APPROVES the application for a demolition of an Existing Grouped Dwelling at No. 62 (Lot: 1; D/P: 44480) Cheriton Street, Perth in accordance with plans date stamped 7 December 2015, as shown on Attachment 2, subject to the following conditions:

1. This approval is only valid for the period of the validity of the planning approval for the redevelopment of the site dated 1 April 2015 numbered 5.2014.706.1;
2. Prior to the issue of a Demolition Permit, the following shall be submitted to and approved by the City:
 - 2.1 The design and wording of an interpretative plaque or another appropriate form of interpretation that recognises the heritage significance of No. 62 (Lot: 1; D/P: 44480) Cheriton Street, Perth, which is prepared in accordance with the City’s Policy No. 7.6.4 relating to Heritage Management – Interpretive Signage;
 - 2.2 An Archival Record prepared in accordance with the State Heritage Office “Guide to Preparing an Archival Record”;
 - 2.3 A Demolition Management Plan, detailing how the demolition of the development will be managed to minimise the impact on the surrounding area; and
 - 2.4 The owner entering into a written agreement with the City that provides that the approved interpretative plaque or another appropriate form of interpretation that recognises the heritage significance of No. 62 (Lot: 1; D/P: 44480) Cheriton Street, Perth shall be installed at the owner(s)/occupier(s) expense in a location that is to the satisfaction of the City and thereafter maintained by the owner(s)/occupier(s).
3. **Street Verge Trees**
The verge tree shall be retained and protected from any damage including unauthorised pruning and no verge tree shall be removed.

ADVICE NOTES:

1. With reference to Condition 1 above, the planning approval for the redevelopment of the site granted on 1 April 2015 numbered 5.2014.706.1 currently lapses on 1 April 2017; and
2. A Demolition Permit for the subject site shall be obtained from the City prior to commencement of any demolition works on the site.

PURPOSE OF REPORT:

To consider an application to demolish an existing grouped dwelling.

BACKGROUND:

On 26 August 2014 Council approved an application to demolish the existing structures at Nos. 60, 62 and 62A Cheriton Street, Perth (5.2013.438.1). This approval will lapse on 26 August 2016.

On 7 December 2015 the City received three separate development applications for the extension of the previous approval to demolish the structures at Nos. 60, 62 and 62A Cheriton Street, Perth which were advertised for public comment.

The *Planning and Development (Local Planning Schemes) Regulations 2015*, were introduced recently which changed the planning framework. In accordance with Clause 61(e) of the Regulations demolition approval is not required for Nos. 60 and 62A Cheriton Street, Perth, as No. 60 is a single house and No. 62A involves the demolition of an outbuilding. The applications for these properties have since been cancelled.

No 62 Cheriton Street is a grouped dwelling because it is a survey strata lot that includes common property

History

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

Date	Comment
11 February 2014	Council granted conditional approval for the demolition of an outbuilding (shed) at No. 62A Cheriton Street, Perth
26 August 2014	Council resolved to approve an application for the demolition of all structures at Nos. 60, 62 and 62A Cheriton Street, Perth.
1 April 2015	Development Assessment Panel (DAP) approved the construction of an 8 storey mixed used development at Nos. 60, 62 and 62A Cheriton Street, Perth.

Previous Reports to Council

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

DETAILS:

Application Details:

Landowner:	Eshwar Holdings Pty Ltd
Applicant:	Meyer Shircore & Associates Architects
Date of Application:	7 December 2015

Principal Statutory Provisions

Zoning:	Metropolitan Region Scheme: Urban City of Perth Town Planning Scheme No. 2 - East Perth Redevelopment Authority Scheme (EPRA): Draft Town Planning Scheme No. 2 (TPS2): R/C100
Existing Land Use:	Grouped Dwelling
Use Class:	Not applicable
Use Classification:	Not applicable
Lot Area:	216 square metres
Right of Way (ROW):	Not applicable
Heritage List:	No

The proposal is for the demolition of an existing grouped dwelling, and has the same intent as the approval granted in August 2014, although the August approval also includes demolition works for No's. 60 and 62A Cheriton Street, Perth.

ASSESSMENT:

This application remains unchanged from the original approval except that it only applies to 62 Cheriton Street and not the other two properties (60 and 62A).

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	8 January 2016 – 22 January 2016		
Comments Received:	22 submissions of objection		

A total of 41 letters were sent to owners and occupiers within a 40 metre radius of the property subject of this application. Two objections were received from residents/property owners that were consulted and the remaining 20 submissions were received from persons that the City had not directly contacted.

Community Consultation resulted in a response rate of 4.87% and 20 unsolicited submissions.

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

Comments Received in Objection:	Officer Technical Comment:
<p>Cultural Heritage Value</p> <p>The place has cultural heritage value and should be included in the Heritage List and protected from demolition.</p>	<p>The subject property is located within the area of the EPRA Scheme. As a result there is no opportunity to place this property on the City's Municipal Heritage Inventory (MHI) which exists under the City's Town Planning Scheme No. 1.</p> <p>The City has investigated this matter as part of previous proceedings and has not been able to find any evidence that the properties were on a draft or current heritage list under the EPRA Scheme.</p> <p>Given that the subject property is not on a Heritage List that has been endorsed by the former East Perth Redevelopment Authority, the subject property is not afforded any protection under Clause 2.2.1 of the East Perth Redevelopment Scheme in relation to Heritage Preservation. This is a view upheld by the State Administrative Tribunal (SAT) as part of a previous proceeding.</p>
<p>The cultural heritage value of the building is not identified and protected.</p>	<p>Although the Draft East Perth Redevelopment Authority Heritage Inventory identified a number of properties in the subject area including the subject places at Nos. 60-62 Cheriton Street as having heritage significance, the Draft Heritage Inventory (MHI) has not been formally adopted and therefore no protection of this property from demolition is available.</p>

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

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- *City of Perth Town Planning Scheme No. 2 - East Perth Redevelopment Scheme; and*
- *Policy No. 4.1.5 – Community Consultation.*

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

RISK MANAGEMENT IMPLICATIONS:

The risk of not approving this proposal is, that it is likely to result in further SAT proceedings which the City will not be able to defend successfully and may result in a potential claim for costs against the City.

In the case of Hanson Construction Materials Pty Ltd and Town of Vincent [2008] WASAT 71 (Hanson), the Tribunal determined at [54] that:

"In circumstances where the planning framework is the same and the circumstances have not changed in any substantial way, it is in the interests of orderly and proper planning that planning decisions in relation to a site are made in a consistent way."

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;*

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL
N/A

SOCIAL
N/A

ECONOMIC
N/A

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Approval for demolition of the subject property was granted as part of Planning Approval numbered 5.2013.438.1, which also included the demolition of the adjoining properties at Nos. 60 and 62A Cheriton Street, Perth.

While this proposal has not changed since it was granted as part of the approval in 2014, the planning framework has changed in regards to demolition, whereby demolition of the adjoining single houses at Nos. 60 and 62A Cheriton Street, Perth are now exempt from requiring planning approval.

Under clause 2.20 of the EPRA scheme it is a prerequisite to have planning approval for the redevelopment of a site before planning approval for demolition is granted. Approval to develop the land at Nos. 60, 62 and 62A Cheriton Street was granted in April 2015 and remains valid to 1 April 2017. Given the requirements of the EPRA scheme, it is recommended that a condition is imposed on this approval, which ties the validity of this approval to the approval for the redevelopment of the site.

Despite its historic appearance the property is not listed on an adopted MHI and therefore cannot be afforded protection on heritage grounds.

The City has already once approved demolition of the dwelling at 62 Cheriton Street.

Given the above the application for the demolition of No. 62 Cheriton Street is supported.

CONCLUSION:

It is recommended that Council approves this proposal.

5.1.5 No. 14 (Lot: 70; D/P 6049) Brady Street, Mount Hawthorn – Proposed Construction of Six Multiple Dwellings

Ward:	North	Date:	8 July 2016
Precinct:	Precinct 1 – Mount Hawthorn	File Ref:	PR50066; 5.2016.153.1
Attachments:	<ul style="list-style-type: none"> 1 – Consultation Map 2 – Development Application Plans 3 – Applicant's Justification 4 – Car Parking and Bicycle Tables 5 – Marked up plans showing proposed versus required setbacks 6 – Extract of Design Advisory Committee Minutes and Comments 		
Tabled Items:	Nil		
Reporting Officer:	T Wright, Senior Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application for the proposed construction of six multiple dwellings at No. 14 (Lot: 70; D/P: 6049) Brady Street, Mount Hawthorn on plans date stamped 13 June 2016, as shown on Attachment 2, subject to the following conditions:

1. **Boundary Wall**

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 16 Brady Street and No. 267 Scarborough Beach Road in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork to the satisfaction of the City;

2. **Car Parking and Access**

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

3. **External Fixtures**

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

4. **Verge Trees**

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

5. **Car Parking Permits**

The applicant is to agree in writing that a notice is placed on the Sales Contract to advise prospective purchasers that the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential dwellings under Policy No. 3.9.3 – Parking Permits;

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

6.1 **Acoustic Report**

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

6.2 **Landscape and Reticulation Plan**

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

- 6.2.1 The location and type of existing and proposed trees and plants;
- 6.2.2 A minimum of five mature canopy trees (minimum 500 litres);
- 6.2.3 Areas to be irrigated or reticulated; and
- 6.2.4 The removal of any redundant portions of crossover;

6.3 **Schedule of External Finishes**

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

6.4 **Construction Management Plan**

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

6.5 **Waste Management**

- 6.5.1 A Waste Management Plan prepared to the satisfaction of the City detailing a bin store to accommodate the City's specified bin requirement; and
- 6.5.2 Waste management for the development shall thereafter comply with the approved Waste Management Plan; and

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

7.1 **Clothes Drying Facility**

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

7.2 Car Parking

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

7.3 Stormwater

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

7.4 Acoustic Report Certification

With reference to Condition 6.1, certification from an acoustic consultant that the recommended measures have been undertaken shall be provided to the City;

7.5 Landscape Plan and Verge Upgrade Plan

With reference to Condition 6.2, all works shown in the plans approved with the Building Permit shall be undertaken in accordance with the approved plans and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers; and

7.6 Bicycle Bays

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

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

ADVICE NOTES:

1. With reference to Condition 1, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
 2. With reference to Condition 2.5, the portion of the existing footpath traversing the proposed crossover must be retained. The proposed crossover levels shall match into the existing footpath levels. Should the footpath not be deemed to be in satisfactory condition, it must be replaced with in-situ concrete panels in accordance with the City's specification for reinstatement of concrete paths;
 3. With reference to Condition 2.6, all new crossovers to the development site are subject to a separate application to be approved by the City;
 4. A Road and Verge security bond for the sum of \$2,500 shall be lodged with the City by the applicant, prior to the issue of a building permit, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the security bond shall be made in writing. The bond is non-transferable;
-

5. With reference to Condition 6.2, the City encourages landscaping methods and species selection which do not rely on reticulation;
6. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5 metres) shall be maintained for all users at all times during construction works. If the safety of the path is compromised resulting from either construction damage or as a result of a temporary obstruction appropriate warning signs (in accordance with AS1742.3) shall be erected. Should a continuous path not be able to be maintained, an 'approved' temporary pedestrian facility suitable for all path users shall be put in place. If there is a request to erect scaffolding, site fencing etc. or if building materials are required to be stored within the road reserve, once a formal request has been received, the matter will be assessed by the City and if considered appropriate a permit shall be issued by the City. No permit will be issued if the proposed encroachment into the road reserve is deemed to be inappropriate;
7. With reference to Condition 7.3, no further consideration shall be given to the disposal of stormwater 'offsite' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'offsite' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings;
8. Any additional property numbering to the abovementioned address which results from this application will be allocated by the City of Vincent. The applicant is requested to liaise with the City in this regard during the building permit process; and
9. Any new street/front wall, fence and gate within the Brady Street setback areas, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences.

PURPOSE OF REPORT:

To consider an application to construct six multiple dwellings.

DETAILS:

Application Details:

Landowner:	Alpha Projects (WA) Pty Ltd
Applicant:	Alpha Projects (WA) Pty Ltd
Date of Application:	28 April 2016

Principal Statutory Provisions

Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): R60 Draft Town Planning Scheme No. 2 (TPS2): R60
Existing Land Use:	Vacant
Use Class:	Multiple Dwelling
Use Classification:	"P"
Lot Area:	753 square metres
Right of Way (ROW):	N/A
Heritage List:	No

The proposed development is for the construction of a two storey multiple dwelling development comprising six two-bedroom multiple dwellings.

The site is vacant and falls from the east to the west by approximately two metres.

The development comprises of a driveway that runs along the northern boundary and the built form in the area between the driveway and the southern and eastern boundary. The site planning enables north orientated dwellings.

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

The proposal was revised once as follows:

Date	Comment
28 April 2016	Initial application received.
13 June 2016	Amended plans received.

ASSESSMENT:

Summary Assessment

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

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

Detailed Assessment

The assessment is as follows:

Street Setback		
Requirement	Proposal	Variation
Policy No. 7.2.1 – Residential Design Elements Ground Floor – 7.4 metres	2 to 3.2 metres	4.2 to 5.4 metres
Upper Floor – 2 metre behind each portion of the ground floor setback equates to 9.4 metres from the street.	The upper floor is set forward 0.1 metres from the ground floor setback.	2.1 metres from the ground floor 4.1 to 5.3 metres from the street

The assessment against the principles is as follows:

Street Setback
Applicable Principles Policy No. 7.2.1 – Residential Design Elements SPC5 (i) Development is to be appropriately located on site to: <ul style="list-style-type: none"> • Maintain streetscape character • Ensure the amenity of neighbouring properties is maintained; • Allow for the provision of landscaping and space for additional tree plantings to grow to maturity; • Facilitate solar access for the development site and adjoining properties; • Protect significant vegetation; and • Facilitate efficient use of the site. (ii) Variations to the Deemed-to-Comply Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback
Applicant’s Justification <ul style="list-style-type: none"> • <i>“The proposed development has been designed with a variable setback along its Brady Street frontage to help provide an interesting and articulated front facade.</i> • <i>The proposed development will not have an adverse impact on the Brady Street streetscape in terms of its overall bulk and scale and is generally consistent with other similar residential developments approved by the City in the immediate locality, specifically the recently approved multiple dwelling development on adjoining No.18 Brady Street.</i> • <i>The variation to the upper floor front setback for the proposed development will not have an adverse impact on any major openings to habitable rooms or any outdoor living areas associated with any dwellings on the adjoining properties.</i> • <i>Sufficient space is available within the front setback area on the ground floor to accommodate gardens and landscaping, all of which will be designed and constructed to ensure that the development is visually attractive and makes a positive contribution to the local streetscape.”</i>

Street Setback

The site abuts a large car park zoned commercial to the north and serves as a bookend to the residential character of Brady Street to the south.

The front lot boundary is angled and as a result only small portions and wall edges of the building protrude into the front setback area, This has less impact on the amenity of the streetscape than if the full façade of the wall encroached into the front setback area.

The wide driveway reduces the impact of the built form and minimises the bulk of the building on the streetscape.

The street setbacks in the locality are inconsistent due to the transitioning nature of the street due to ongoing infill development. The proposed street setback is generally consistent with other approved medium density developments on Brady Street, such as developments at No. 18 Brady Street (4 metre front setback) and No. 28 Brady Street (3 metre front setback).

The amenity of neighbouring properties and the streetscape will be maintained as soft landscaping within the street setback area and the street setback together with the side boundary setbacks facilitate solar access to the development and neighbouring properties.

The proposed setback is acceptable as it will contribute to establish the new streetscape for Brady Street, as development along this section of the street intensifies.

Due to the above, the proposed street setback meets the relevant design principles and is acceptable.

The assessment is as follows:

Building Setbacks/Boundary Wall		
Requirement	Proposal	Variation
Residential Design Codes Clause 6.1.4		
Boundary walls to one side boundary.	Boundary walls to two side boundaries.	One additional Boundary wall.
Unit 2's ensuite southern boundary wall average height: 3 metres	Unit 2's ensuite southern boundary wall average height: 3.3 metres	0.3 metres

The assessment against the principles is as follows:

Building Setbacks/Boundary Wall	
Applicable Principles	
Residential Design Codes Clause 6.1.4	
P4.1	Buildings set back from boundaries or adjacent buildings so as to: <ul style="list-style-type: none"> ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; moderate the visual impact of building bulk on a neighbouring property; ensure access to daylight and direct sun for adjoining properties; and assist with the protection of privacy between adjoining properties.

Applicant's Justification

- *"The proposed variation to the average wall height (i.e. 300mm) is considered minor and will not have an adverse impact on the streetscape of the adjoining properties.*
- *The proposed development meets the 'deemed to comply requirements' of Element 6.4.2 C2.1 ('Solar access for adjoining sites') of the R-Codes and will not detrimentally impact access to light and ventilation for the existing dwellings on any adjoining properties.*
- *The proposed development makes effective use of all available space and provides for the creation of adequate internal and external living areas of each unit which will benefit all future occupants.*
- *With respect to any potential impacts on the amenity of adjoining No.267 Scarborough Beach Road, the following points are submitted in support of the proposal:*
 - (i) Those portions of the proposed development to be built up to the northern side boundary abuts the car parking and vehicle access area for the existing commercial development on the adjoining northern property and will therefore not have any adverse impacts on that property (see Figure 1 of the cover letter); and*
 - (ii) The proposed development will provide improved surveillance of the existing car parking area for the commercial development on the adjoining northern property."*

Officer Technical Comment

The R-Codes allows for a boundary wall up to two thirds the length of the boundary behind the front setback area, which in this instance would equate to approximately 28.8 metres in length.

Four portions of wall are proposed along the southern boundary (total length of 23.5 metres) and one 3.6 metres portion is proposed along the northern boundary.

It must be noted that any one of these could be deemed to be the as of right boundary wall permitted by the R-codes for this density coding.

All the walls are single storey.

It is not expected that the walls on the boundary have a negative impact on the neighbouring properties for the following reasons:

- Northern boundary wall:
The wall on the northern boundary affects a carparking area on the adjoining property which has a commercial zone.
- Southern boundary walls:
The four walls on the southern boundary affect a single house on the neighbouring property which is set back 4 metres from the common boundary with the development site. The remaining proposed boundary walls affect a rear garden and the rear most part of the wall abuts an already existing boundary wall on the neighbouring property.

A portion of the parapet wall to the ensuite of unit 2 also exceeds the permitted average height of 3 metres by 0.3 metres due to the level differences across the development site for a distance of 3.1 metres. The variation from the permitted average wall height is considered to be minimal.

The boundary walls on the southern side are not expected to have a negative impact on the neighbouring property and the streetscape for the following reasons:

- The neighbouring single house to the south is well setback from the lot boundary and the proposed boundary walls will not impede access to direct sun, natural light and ventilation into the neighbouring property's main living and open space areas;

- Visual bulk is moderated as the maximum heights of the boundary walls fully comply with the requirements and only a short length (3.1 metres) of one of the boundary walls is higher than the required average height; and
- The development complies with the visual privacy and overshadowing requirements.

This aspect of the proposal can therefore be supported.

The assessment is as follows:

Roof Form		
Requirement	Proposal	Variation
Policy No. 7.2.1 – Residential Design Elements Roof Roof pitch between 30 – 45 degrees	Skillion and Flat roofs	30 degrees

The assessment against the principles is as follows:

Roof Form
Applicable Principles
Policy No. 7.2.1 – Residential Design Elements BDPC 3 (i) The roof of a building is to be designed so that: <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
Applicant's Justification
<ul style="list-style-type: none"> • <i>The roof form of the proposed development (i.e. skillion & concealed roofs) is consistent with other residential developments recently approved by the City within the immediate locality - specifically the new development at No.18 Brady Street.</i> • <i>The proposed development meets the 'deemed to comply requirements' of Element 6.4.2 C2.1 ('Solar access for adjoining sites') of the R-Codes as it does not detrimentally impact access to light and ventilation for any existing dwellings on the adjoining properties.</i> • <i>The proposed roof form of the new development on Lot 70 will not have an adverse impact on the Brady Street streetscape in terms of its overall bulk and scale.</i>
Officer Technical Comment
The area is not subject to any character requirements that dictate a specific roof form or building style. As the existing streetscape has a mix of roof forms and styles, the proposed development is considered to complement the streetscape. The proposed flat and skillion roof designs reduce the overall height of the building which will reduce the impact of height and bulk on the adjoining properties.

The assessment is as follows:

Landscaping		
Requirement	Proposal	Variation
<p>Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings – Clause 4.2</p> <p>10% or 75.3 square metres of the site area is to be provided with communal soft landscaping.</p>	<p>7.62% or 61.15 square metres of the site area is provided with communal soft landscaping.</p>	<p>2.38% or 14.15 square metres.</p>

The assessment against the principles is as follows:

Landscaping
Applicable Principles
<p>Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings – Clause 4.2</p> <p>P2:</p> <ul style="list-style-type: none"> Assists in contributing to the amenity of the locality. Assists in providing a landscaped setting for the building. Assists in the protection of mature trees. Maintains a sense of open space between buildings. Assists in increasing tree and vegetation coverage.
Applicant's Justification
<ul style="list-style-type: none"> <i>"The Brady Street verge area adjoining the subject land comprises a width of approximately six (6) metres which will be comprehensively landscaped and maintained to help soften any potential impact the development may have on the local streetscape.</i> <i>The proposed development has been designed to incorporate a number of large trees within the landscaping area to assist with improving the overall appearance and amenity of the development for its future occupants."</i>
Officer Technical Comment
<p>While the proposed amount of communal soft landscaping is less than the requirement, the proposed amount of private soft landscaping compensates for the shortfall. The total amount of communal and private soft landscaping combined is 15.74% or 118.5 square metres, which is greater than the 15% required.</p> <p>In addition, five mature canopy trees are proposed to further compensate for the shortfall in communal soft landscaping. The trees will provide a landscaped outlook for the occupants of the upper level units and will increase the tree and vegetation coverage of the site to Enhance the amenity of the area.</p> <p>The soft landscaping and the five mature canopy trees proposed will contribute to the sense of open space on the site by enhancing the amenity of the driveway and parking areas and the street setback area.</p> <p>Due to the above, the proposed soft landscaping meets the relevant design principles and is acceptable.</p>

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period:	9 May 2016 to 22 May 2016
Comments Received:	One submission objecting to the development.

A total of 78 letters were sent to owners and occupiers within a 75 metre radius of the property subject of this application.

Community Consultation resulted in a response rate of 1.3%.

The plans advertised were those received on 28 April 2016. This version of the proposal varies from the advertised plans as follows:

- Additional soft landscaping, including the five large canopy trees;
- The removal of permeable fencing around the courtyard of Unit 1;
- The further setting back of the living room and balcony of Unit 5 from the northern boundary from 2.1 metres to 2.2 metres;
- The reduction in the height of the store room boundary wall for Unit 2 from 3.5 metres to 3 metres; and
- The relocation of the store rooms of Units 4 and 6 from below the stair wells to the upper storey.

As the changes made to the proposal do not involve further variation to the development requirements, the amended proposal was not re-advertised.

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

Comments Received in Objection:	Officer Technical Comment:
<p><u>Impact to Rear Property</u></p> <p><i>"The building is too close to my property, will overlook my garden and block sun light to my main bedroom, kitchen, dining and living areas."</i></p>	<p>The proposal fully complies with the rear setback and building height.</p> <p>The overshadowing requirements only relate to properties located to the south of the subject site. The proposal fully complies with the overshadowing requirements.</p> <p>The upper floor windows fronting the rear neighbouring property are all highlight windows, which comply with the privacy requirements.</p>

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: Yes

The proposal was considered by the City's DAC on two occasions on 10 February 2016 and 23 March 2016. Refer to **Attachment 6** for an extract of the Minutes of the meetings and subsequent correspondence.

The applicant engaged with the DAC process to resolve the concerns of the DAC.

Design Excellence is not required.

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. 7.2.1 – Residential Design Elements; and
- Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings.

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL
The design of the building allows for adequate light and ventilation to all affected properties.
SOCIAL
The proposal allows for an increase in housing diversity and provides dwellings for smaller households within the City.
ECONOMIC
New residents will contribute to the local workforce and economy.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposal complies with the plot ratio, building height and car parking requirements.

Although the proposal requires discretion to the roof form, front setback and lot boundary setbacks requirements, these variations meet the design aspects in each instance and will have no adverse impact on the streetscape or neighbouring properties.

Although the percentage of communal soft landscaping proposed is less than required, the amount of soft private landscaping more than makes up for the shortfall in communal landscaping. The total amount of landscaping provided complies.

Five mature canopy trees are proposed to further compensate for the shortfall in communal soft landscaping, which will enhance the amenity of the area.

Overall this development is considered to add to the quality of the locality.

CONCLUSION:

It is recommended that Council approves this proposal.

5.1.6 No. 14 (Lot: 51 D/P: 1106) Harley Street, Highgate - Proposed Two Storey Single House

Ward:	South	Date:	8 July 2016
Precinct:	Precinct 12 – Hyde Park	File Ref:	PR22071; 5.2016.144.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Marked up plans showing proposed versus required setbacks		
Tabled Items:	Nil		
Reporting Officer:	C Sullivan, Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application for the construction of a Two Storey Single House at No. 14 (Lot: 51; D/P: 1106) Harley Street, Highgate on plans date stamped 5 May 2016, as shown on Attachment 2, subject to the following conditions:

1. **Boundary Wall**

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 10 and 16 Harley Street in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork to the satisfaction of the City;

2. **Car Parking and Access**

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

3. **External Fixtures**

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

4. **Verge Trees**

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

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

5.1 **Revised Plans**

To show, to the satisfaction of the City, a raised level within the paved driveway area located parallel to the Right of Way, to prevent potential flooding of the driveway and garage from the Right of Way.

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

6.1 **Stormwater**

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

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

ADVICE NOTES:

1. With reference to Condition 1, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
 2. A security bond for the sum of \$2000, shall be lodged with the City by the applicant, prior to the issue of a building permit. This bond will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure in the Right of Way and the Verge along Bulwer Street, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the security bond shall be made in writing. The bond is non-transferable.
 3. Standard 'Visual Truncations', in accordance with the City's Policy 2.2.6 and/or to the satisfaction of the City's Technical Services Directorate are to be provided at the intersection of the road reserve or Right of Way boundary, and all internal vehicle access points to ensure that the safety of pedestrians and other road users is not compromised. Details of all required visual truncations shall be included on the building permit application working drawings;
 4. The Right of Way shall remain open at all times and must not be used to store any building or other material or be obstructed in any way. The Right of Way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the Right of Way condition has deteriorated, or become impassable as a consequence of the works the applicant/developer shall make good the surface to the full satisfaction of the City's Technical Services Directorate;
 5. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5 metres) shall be maintained for all users at all times during construction works. If the safety of the path is compromised resulting from either construction damage or as a result of a temporary obstruction appropriate warning signs (in accordance with AS1742.3) shall be erected. Should a continuous path not be able to be maintained, an 'approved' temporary pedestrian facility suitable for all path users shall be put in place. If there is a request to erect scaffolding, site fencing etc. or if building materials are required to be stored within the road reserve, once a formal request has been received, the matter will be assessed by the City and if considered appropriate a permit shall be issued by the City. No permit will be issued if the proposed encroachment into the road reserve is deemed to be inappropriate; and
 6. With reference to Condition 5.1, no further consideration shall be given to the disposal of stormwater 'offsite' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'offsite' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings.
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PURPOSE OF REPORT:

To consider the construction of a two storey single house.

BACKGROUND:

Nil.

History:

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

Date	Comment
16 May 2016	A Demolition Permit was approved under delegated authority

DETAILS:

Application Details:

Landowner:	GM & RK O'Brien
Applicant:	Antonelli Investments Pty Ltd T/As Novus Homes
Date of Application:	20 April 2016

Principal Statutory Provisions

Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R50 Draft Town Planning Scheme No. 2 (TPS2): Residential R50
Existing Land Use:	Single House
Use Class:	'P'
Use Classification:	Single House
Lot Area:	347 square metres
Right of Way (ROW):	At rear 2.7 metres
Heritage List:	No

The proposal is to demolish the existing single house and construct a double storey single house. The proposed dwelling will comprise of an open plan living/dining/kitchen area, master suite and study on the ground floor, and two additional bedrooms and activity/study area on the first floor. A double garage is proposed with access from the Right of Way to the rear.

Discretion is sought in relation to the number of walls on the boundary, street setback and roof form.

The proposal was revised as follows:

Date	Comment
5 May 2016	Amended Plans to resolve queries relating to the provision of a visual truncation and drainage, and to address visual privacy issues

The application requires Council determination due to the number of objections received.

ASSESSMENT:

Summary Assessment

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

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

Detailed Assessment

The assessment is as follows:

Street Setback		
Requirement	Proposal	Variation
Policy No. 7.2.1 – Residential Design Elements Clause SADC5 and SPC5 – Street Setback Ground Floor – 3.8 metres Upper Floor – 2 metres behind each portion of the ground floor setback	2.92 – 5.1 metre 1.5 metres behind one portion of ground floor	0.88 metres. 0.5 metres from the ground floor.

The assessment against the principles is as follows:

Street Setback
Applicable Principles Policy No. 7.2.1 – Residential Design Elements – Street Setback SPC 5 (i) Development is to be appropriately located on site to: <ul style="list-style-type: none"> • Maintain streetscape character; • Ensure the amenity of neighbouring properties is maintained; • Allow for the provision of landscaping and space for additional tree plantings to grow to maturity; • Facilitate solar access for the development site and adjoining properties; • Protect significant vegetation; and • Facilitate efficient use of the site. (ii) Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.

Summary of Applicant's Justification
The ground floor component (bedroom 1) sits in line with the adjoining dwelling to the south and the upper floor is setback a further 3.7 metres behind the ground floor, the variations are considered minor.
Officer Technical Comment
<p>The proposal has a staggered ground floor setback, which varies between 2.92 metres and 5.1 metres, giving an average setback of 4.01 metres. The average of the five properties on either side of the application site equates to approximately 3.8 metres. The proposal is broadly in line with the established setback line of the street, with the additional setback of the 5.1 metre section offsetting the closer portion of building. The articulation of the ground floor and the proposed verandah assist to create a more aesthetically pleasing building and reduce the impact of having the whole building closer to the street.</p> <p>The upper floor is positioned between 1.5 metres and 3.7 metres behind the ground floor. The 1.5 metre portion is the measurement behind the actual ground floor wall, however it should be noted that the verandah roof projects forward of this, which gives the appearance of a larger setback.</p> <p>The proposed design of the front elevation provides for varying setbacks to add interest to the elevation, and provides some features that reflect the older properties in the area such as the front ground floor gable feature and colorbond roof.</p> <p>The proposed variations to the front setback are considered minor and are acceptable in this instance.</p>

The assessment is as follows:

Building Setbacks/Boundary Wall		
Requirement	Proposal	Variation
Residential Design Codes Clause 5.1.3 – Lot Boundary Setback <u>Boundary Wall</u> One boundary wall Maximum average boundary wall height of 3.0 metres	Two boundary walls Maximum average boundary wall height of 3.1 metres	One additional boundary wall. 0.1 metre.

The assessment against the principles is as follows:

Building Setbacks/Boundary Wall	
Applicable Principles	
Policy No. 7.2.1 – Residential Design Elements – Lot Boundary Setback	
<p>P3.1 Buildings set back from lot boundaries so as to:</p> <ul style="list-style-type: none"> • reduce impacts of building bulk on adjoining properties; • provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • minimise the extent of overlooking and resultant loss of privacy on adjoining properties. <p>P3.2 Buildings built up to boundaries (other than the street boundary) where this:</p> <ul style="list-style-type: none"> • makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas; • does not compromise the design principle contained in clause 5.1.3 P3.1; • does not have any adverse impact on the amenity of the adjoining property; • ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and • positively contributes to the prevailing development context and streetscape. 	
Summary of Applicant’s Justification	
Boundary walls on two lot boundaries have been proposed in order to facilitate the most functional layout and use of the dwelling without comprising the useability of the rear north facing open space/outdoor living area, particularly given the restrictions of the relatively narrow lot.	
Officer Technical Comment	
<p>The R-Codes allows for a boundary wall up to two thirds the length of the boundary behind the front setback area, which in this instance would equate to approximately 20 metres in length.</p> <p>Three individual portions of wall are proposed, with a combined length of 17.98 metres, split across two boundaries.</p> <p>It must be noted that any one of these could be deemed to be the as of right boundary wall permitted by the R-codes for this density coding.</p> <p>All the walls are single storey, and their distribution over more than one boundary assists to reduce bulk and impact to adjoining properties.</p> <p>It is not expected that the walls on the boundary have a negative impact on the neighbouring properties for the following reasons:</p> <ul style="list-style-type: none"> • South-western wall: The wall on the south western boundary is in relation to the proposed garage and partially replaces an existing wall on the boundary from the existing garage. The impact from this wall is on a rear garden of the adjoining property. As this wall is not visible from the street it does not impact on the streetscape of Harley Street. • North-eastern walls: The two walls on the north east boundary are to the south of No. 16 Harley Street, and therefore do not have any overshadowing implications, and face a blank wall of Bedroom 1, and two smaller secondary windows to the dining area of No. 16 Harley Street. The space between the two proposed boundary wall portions aligns with the location of the two lounge windows of No. 16 Harley Street, therefore there is minimal impact to the amenity of this dwelling. Only the wall located closest to Harley Street can be seen from the street. 	

Building Setbacks/Boundary Wall
The portion of boundary wall closest to Harley Street has a maximum wall height of 3.3 metres for a small 0.6 metre section to facilitate a concealed gutter and the front ground floor roof section. This complies with the maximum wall heights allowed, although it exceeds the average permitted wall height by 0.1 metre and is considered to be a minor variation that has no impact on amenity of the adjoining property or the streetscape.
The proposed variations can be supported.

The assessment is as follows:

Roof Form		
Requirement	Proposal	Variation
Policy No. 7.2.1 – Residential Design Elements Clause BDADC3 and BDPC3 – Roof Form		
Roof Pitch between 30 and 45 degrees	Roof pitch of 25 - 34 degrees	5 degrees

The assessment against the principles is as follows:

Roof Form
Applicable Principles
Policy No. 7.2.1 – Residential Design Elements – Roof Form
BDPC 3 (i) The roof of a building is to be designed so that: <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space
Summary of Applicant's Justification
The design features a reduced roof pitch of the main dwelling as the proposal seeks lower overall heights and design features that complement the existing character of the street. The proposed front gable feature has a roof pitch of 34 degrees which complies with the policy requirements.
Officer Technical Comment
The proposed roof form varies with some sections with a roof pitch of 25 to 28 degrees which is lower than that required in the City's Policy. The proposed roof material is colorbond/metal sheeting which reflects the materials on many of the surrounding older properties. The lower roof pitch assists to reduce the overall bulk and height of the proposed building, and the amount of overshadowing of the adjoining property. The proposed materials are considered to complement the existing streetscape character overall and therefore the reduced roof pitch is supported.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period:	5 May – 18 May 2016
Comments Received:	11 submissions including ten objections and one neither support nor objecting

A total of 19 letters were sent to owners and occupiers of adjoining properties.

Community Consultation resulted in a response rate of 52%.

The applicant provided amended plans to address visual privacy non-compliance on the northern elevation which was a drafting error, and to ensure compliance with visual truncations for the garage.

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

Comments Received in Objection:	Officer Technical Comment:
<p><u>Front Setback</u> Does not reflect the setback of existing houses in the street.</p>	<p>There is already a significant difference between the setbacks of existing properties along this section of street, varying between approximately 1.5 metres, to as much as 5.5 metres. The design of the proposal has a staggered front setback at ground floor level, with half of the dwelling at a reduced setback of 2.92 metres, and half setback further at 5.1 metres and a verandah incorporated into the design (at an average setback of 4.01 metres)</p>
<p><u>Height</u> The proposal is two storey and much larger than the existing single storey dwellings immediately adjacent to the property and along the street.</p>	<p>Two storey dwellings can be considered in this location. The proposal complies with the maximum height requirements of the R-Codes.</p>
<p><u>Roof Pitch</u> Lower roof pitch does not reflect the character of the steeper roof pitches of the character properties in the area.</p>	<p>The proposed roof pitch at 24 degrees is lower than the policy requirements, but a lower roof pitch reduces the overall height and bulk of the building. The proposed roof material is of colorbond instead of the red tiles of the existing house and reflects the character of the adjacent dwellings.</p>
<p><u>Design</u> The design is not sympathetic to the existing character properties in the area. The mix of sizes of windows/lack of windows on some elevations results in a design that is not visually pleasing. Does not maintain the character of the existing streetscape with front gardens a key design feature. The eaves do not reflect the character of the older properties in the vicinity.</p>	<p>There is no requirement for the design to match that of existing dwellings in the area. The proposal seeks three minor variations (street setback, roof form and buildings on the boundary) which are discretionary.</p>
<p><u>Bulk</u> The house is much larger than those</p>	<p>The proposal aligns with the applicable planning</p>

Comments Received in Objection:	Officer Technical Comment:
existing houses in the streetscape which is out of character.	framework. The Two storey houses can be supported in this location.
<p><u>Overlooking</u> The proposed house is much larger than the existing dwelling and surrounding properties and being two storey will overlook adjacent properties</p>	The proposal has been amended and now complies with visual privacy requirements to adjoining properties.
<p><u>Character</u> Harley Street is a street that should be protected under the City's Character Retention Policy. The proposed two storey modern house (project home) which is out of keeping with this character area.</p>	<p>An application for Harley Street to be included under the City's Policy No. 7.5.15 - Character Retention Area was lodged with the City on 30 May 2016. This process will involve further workshops with residents, formal public consultation and Council approval prior to the street being included as a character retention area.</p> <p>The process has not yet been concluded. The City is obliged to determine this planning application in accordance with the current planning framework.</p>
<p><u>Overshadowing</u> Overshadowing will affect solar panels on adjacent properties roof.</p>	<p>The amount of overshadowing from the proposed dwelling complies with the deemed to comply provisions of the R-Codes.</p> <p>It is noted that the solar panels on the adjoining property are located on a carport roof at the side of the main dwelling very close to the northern property boundary. As a result of their location, any addition at No. 14 would overshadow the panels to some extent. The upper floor of the proposed dwelling has been set back from the ground floor by an additional 3.6 metres (total 6.6 metres setback) which allows for a large proportion of the existing solar panels to be unaffected by the shadowing of the proposed new dwelling. It is also noted that there is an alternative north facing roof slope of the main dwelling on the neighbouring property.</p>
<p><u>Boundary Walls</u> The house is too large if it is required to take up the whole width of the lot and have two boundary walls. Over height boundary walls would result in an imposing impact to adjoining property.</p>	Three small portions of boundary wall are proposed at single storey only, with only one exceed the average height limitation by 0.1 metres, which is minimal, and does not have any overshadowing or streetscape implications.
<p><u>Open Space</u> The proposed house design is not appropriate for this area where large modern houses take up the entire lot leaving little space around it for green landscaping.</p>	The open space requirement complies with the R-Codes requirement. The proposal indicates a porch and footpath to be paved within the front setback area, and a paved alfresco area to the rear. The remainder can be landscaped as per the requirements of the owner/occupier.

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

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

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

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

- 1.1 *Improve and maintain the natural and built environment and infrastructure;*
 - 1.1.1 *Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision."*

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL
The design of the building allows for adequate light and ventilation.

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

ECONOMIC
The construction will also provide short term employment opportunities.

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

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

The proposal seeks the exercise of discretion relating to the roof form, front setback and buildings on boundary. The extent of discretion required in each instance is minor and acceptable as each aspect will not have a negative impact on the amenity of the area.

It is noted that the majority of objections received during the advertising period relate to the historical character of the street, and that some residents have sought to have the Harley Street character protected through the City's Character Retention Area process.

As the property is not within a Character Retention Area the planning provisions of the Residential Design Codes and Policy No. 7.2.1 - Residential Design Elements apply.

The proposal complies with the above planning framework either as it aligns with the deemed to comply provision or the relevant design principles.

CONCLUSION:

It is recommended that Council approves this proposal.

5.1.7 No. 216 (Lot: 16; D/P 2440) Loftus Street, North Perth – Amendment to Existing Approval: Proposed increased height of fence in front setback area and dividing fence for multiple dwelling development

Ward:	North	Date:	8 July 2016
Precinct:	Precinct 6 – Smith’s Lake	File Ref:	PR14666; 5.2016.131.1
Attachments:	<u>1</u> – Consultation Map <u>2</u> – Development Application Plans		
Tabled Items:	Nil		
Reporting Officer:	R Narroo, Senior Statutory Planning Officer		
Responsible Officer:	G Poczyn, Director Development Services		

RECOMMENDATION:

That Council, in accordance with Schedule 2, Part 9, Clause 77(4)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVES the application to amend the existing planning approval granted on 7 October 2014 numbered 5.2014.347.1 for the proposed increased height of a portion of the fence within the front setback area and a dividing fence, at No. 216 (Lot: 16; D/P: 2440) Loftus Street, North Perth in accordance with plans date stamped 7 April 2016, as shown on Attachment 2, subject to the following conditions:

1. The planning approval relates only to the portions of fencing denoted along the northern boundary; and
2. Compliance with the conditions of the previous approval dated 7 October 2014 numbered 5.2014.347.1.

PURPOSE OF REPORT:

To consider an amendment to a previous planning approval to allow for modifications to the height of fencing in the front setback area and the dividing fence.

BACKGROUND:

History:

Date	Comment
7 October 2014	Council granted planning approval for the construction of a three storey multiple dwelling development comprising of four (4) multiple dwellings.

This application was triggered by a need for fire separation, which was identified as part of the Building Permit process. The current approved building permit does not allow for the increased height of the boundary fences.

Previous Reports to Council:

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

DETAILS:

Application Details:

Landowner:	Smallbear Investments Pty Ltd
Applicant:	Ryan Hayward
Date of Application:	7 April 2015

Principal Statutory Provisions

Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R60 Draft Town Planning Scheme No. 2 (TPS2): Residential R60
Existing Land Use:	Multiple Dwelling development under construction
Use Class:	Multiple Dwelling
Use Classification:	"P"
Lot Area:	386.22 square metres
Right of Way (ROW):	Eastern side, sealed, 5 metres in width
Heritage List:	No

The proposal is to amend the previous approval in relation to a portion of:

- the northern boundary dividing fence; and
- the front fence along the northern boundary in the front setback area.

The portion of the front fence is in front of apartment 1, and is located 3.8 metres from the front boundary with Loftus Street. Once the road widening has occurred, this portion of front fence will be set back 1.8 metres from the new street boundary. This fence is assessed under the City's Policy 7.2.1 - Residential Design Elements.

The portion of the dividing fence required to have a greater height is located along the northern boundary facing apartment 1 and is 3 metres in length, and not visible from Loftus Street. Dividing fences are assessed under the City's Fencing Local Law.

The matter is presented to Council, as Council had determined the original multiple dwelling development. The development is currently under construction.

ASSESSMENT:

Summary Assessment

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

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

Detailed Assessment

The assessment is as follows:

Front Fence		
Requirement	Proposal	Variation
<p>Policy No. 7.2.1 – Residential Design Elements Walls and Fences- SADC 13</p> <p>Maximum Height = 1.8 metres above the footpath level- Northern Boundary</p>	<p>2.9 metres above the footpath level</p>	<p>1.1 metres</p>

The assessment against the principles is as follows:

Front Fence
Applicable Principles
<p>Policy No. 7.2.1 – Residential Design Elements</p> <p>SPC 13</p> <p>(i) Street walls and fences are to be designed so that:</p> <ul style="list-style-type: none"> • Buildings, especially their entrances, are clearly visible from the primary street; • A clear line of demarcation is provided between the street and development; • They are in keeping with the desired streetscape; and • Provide adequate sightlines at vehicle access points.
Summary of Applicant's Justification
<ul style="list-style-type: none"> • The fence is located along the northern boundary and there will be no impact in terms of overshadowing; • Under the October approval this portion of the front fence has been earmarked to be a grow wall. The wall will be covered with vegetation and any additional height will have a minor impact on the streetscape; • The increase in height of the fence is a better outcome for the streetscape than a fire shutter within the front elevation facing Loftus Street would be, which is an alternative under the Building Code of Australia to meet the fire requirements; and • The neighbour along the northern boundary viewed the proposed amendment to the fence and did not have any objection.
Officer Technical Comment
<p>The fence that is proposed to have a greater height is located along a side boundary 3.804 metres from the front boundary. It does not affect any potential front fence facing Loftus Street.</p> <p>This wall is not expected to have a negative impact on the streetscape of Loftus Street now, or in the future, once the road widening has been taken for the following reasons:</p> <ul style="list-style-type: none"> • The previous planning approval requires this portion of the wall to be a grow wall; • The proposed building entrance is clearly visible from the primary street (Loftus Street) and a clear line of demarcation is provided between Loftus Street and the development; • Future development of Loftus Street may result in the built form being located forward of the portion of front fence subject to the increased height; • There are existing 1.8 metre high solid front fences facing Loftus Street which will obscure the view of the increased fence from the Loftus Street; and • The proposed fence increase has no impact on sight lines or vehicle access points.

Front Fence
There have been no objections from surrounding property owners to this aspect of the proposal and it is acceptable.

The assessment is as follows:

Dividing Fence		
Requirement	Proposal	Variation
Local Law- Dividing Fence- Maximum height of 1.8 metres above the natural ground level.	2.25 metres in height above natural ground level.	0.45 metres.

The assessment against the principles is as follows:

Dividing Fence
Applicable Principles
Local Law
To consider whether the erection or retention of the fence would have an adverse effect on-
(a) the safe or convenient use of any land;
(b) the safety or convenience of any person; or
(c) the visual amenity of the locality
Summary of Applicant's Justification
<ul style="list-style-type: none"> • The purpose for the increased in height of the dividing fence is to negate the need for fire shutters for the sliding door accessing the rear courtyard of apartment 1. • The dividing fence is located along the northern boundary and there will be no impact in terms of overshadowing. • The increase in height to the dividing fence will not be visible from the street and therefore there will be no impact on the streetscape. • The increase in height is minimal and there will be no impact on the adjoining northern property. • The neighbour along the northern boundary viewed the proposed amendment to the dividing fence and did not have any objection.

Officer Technical Comment
The increased height of the dividing wall is minimal at 0.45 metres and relates only to a small portion (14.5 per cent) of the total length of the dividing fence along the northern boundary. The portion of the dividing fence under consideration faces a wall without openings on the adjoining northern house and does not abut the outdoor living area of the northern property.
As the fence does not have any overshadowing implications and the adjoining neighbour has not objected to the proposal, the impact of bulk on the adjoining northern property is minimal and is acceptable.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	4 May 2016 to 17 May 2016		
Comments Received:	No submissions were received.		

A total of six letters were sent to owners and occupiers of the adjoining properties subject of this application.

Community Consultation resulted in a nil response rate.

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. 7.1.6 – Smith’s Lake Precinct; and
- Policy No. 7.2.1 – Residential Design Elements.
- Fencing Local Law 2008

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City’s Strategic Plan 2013-2023 states:

“Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City’s Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL
Nil.

SOCIAL
Nil

NI
Nil

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

The proposed increased heights of the fencing along the northern boundary are minor in the context of the overall development and are not expected to have any negative impact on the streetscape of Loftus Street or the general locality.

No objections to the proposal have been received and the proposal is supported.

CONCLUSION:

It is recommended that Council approves this proposal.

5.1.8 No. 2 (Lot: 1; STR: 66931) Edward Street, Perth – Reconsideration of Condition of Planning Approval to Proposed Roof Signage Addition to Existing Mixed Use Development

Ward:	South	Date:	8 July 2016
Precinct:	East Perth Redevelopment Authority	File Ref:	PR54506; 5.2016.229.1
Attachments:	1 - Location Map 2 - Development Application Plans 3 - Applicant's Submission 4 - Planning Approval numbered 5.2015.493.1		
Tabled Items:	Nil		
Reporting Officer:	R Narroo, Senior Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

RECOMMENDATION:

That Council, in accordance with Schedule 2, Part 9 Clause 77(4)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, REFUSES the application for Reconsideration of Condition 1 of Planning Approval numbered 5.2015.493.1 granted on 16 March 2016 for the proposed Roof Signage Addition to an existing Mixed Use Development at No.2 (Lot: 38; D/P: 28) Edward Street, Perth in accordance with plans date stamped 9 June 2016, as shown on Attachment 2, for the following reasons:

1. The proposal is contrary to the orderly and proper planning of the area for the following reasons:
 - 1.1 The scale of the proposed signage will have a negative visual impact and detract from the amenity of the surrounding area; and
 - 1.2 The LED signage has the potential to endanger safety of the public using Graham Farmer Freeway;
2. The non-compliance with the requirements of East Perth Redevelopment Authority Scheme No .1 and its Planning Policy 1.13-Advertising Signs; and
3. The sign constitutes a Large Format Digital Sign (LFDS) which Main Roads WA does not support.

PURPOSE OF REPORT:

To consider a proposal for a sign that is 3 metres high and 9 metres wide to be located on the roof of the existing building.

BACKGROUND:

The existing building on the site is a mixed use development. It is located at the corner of Edward Street and Claisebrook Street.

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

The applicable Planning Framework is the City of Perth Town Planning Scheme No. 2 into which the EPRA provisions have been embedded (EPRA Scheme).

In 2015, the City received an application for permission to erect two types of signs on top of the existing building, with Sign 1 being 3 metres high and 9 metres long and Sign 2 being 1.2 metres high and 30 metres long. The City approved the application under Delegated Authority on the condition that sign 1 is reduced in height to 1.8 metres (refer **Attachment 4** which reflects the address of the site at the time as No. 119 Claisebrook Road Perth)

History:

Date	Comment
26 February 2013	Council resolved to approve demolition of existing building and construction of three-storey mixed use development comprising three commercial tenancies, five multiple dwellings and associated car parking.
16 March 2016	The City under Delegated Authority conditionally approved proposed above roof signage addition to existing mixed use development.

Previous Reports to Council:

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

DETAILS:

Application Details:

Landowner:	B and Z Spaseski
Applicant:	B and Z Spaseski
Date of Application:	9 June 2016

Principal Statutory Provisions

Zoning:	Metropolitan Region Scheme: Urban City of Perth Town Planning Scheme No. 2 - East Perth Redevelopment Authority Scheme (EPRA): Residential R80 Draft Town Planning Scheme No. 2 (TPS2): Residential/Commercial R100
Existing Land Use:	Mixed Use Development
Use Class:	Offices and Multiple Dwellings
Use Classification:	"Preferred Uses"
Lot Area:	774 square metres
Right of Way (ROW):	Not applicable
Heritage List:	Not applicable

The proposal is for reconsideration of condition 1 of planning approval dated 16 March 2016 numbered 5.2015.493.1.

Condition 1 of the planning approval states that:

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

- 1.1 *Revised Plans showing:
Sign 1 shall be reduced to a maximum height of 1.8 metres:"*

This application is to reconsider the above condition for the signage to be approved with a maximum height of 3 metres.

Based on the information provided by the applicant:

- The signage will be 3 metres (height) by 9 metres (width) and will be located on top of the building.
- The sign will be LED digital.
- There will be mix of logo and text.
- The signs will rotate from every minute to every 5 minutes advertising for the offices within the subject property.
- The signs will not be flashing.

The applicant provided the justification shown in **Attachment 2** for the proposal, which is summarised as follows:

- The 3D picture submitted as part of the original application was not correct and shows the signage out of scale as compared to the building.
- The proposed signage will not be the same height of a floor. The top floor level to the top of the stairs wall is 5.5 metres in height and the proposed signage is 3 metres in height.
- This area allows for 4 storey buildings and the proposed signage will on top of a three storey building which is not out of scale.
- The proposed signage is setback approximately 4 to 5 metres from the perimeter of the building which will minimise its bulk on the surrounding area.
- The proposed signage is not visible from the road from the same side of the building.
- The proposed signage will blend in with the large area of the existing roof and the façade of the building.

ASSESSMENT:

Summary Assessment

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

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

Detailed Assessment

The assessment is as follows:

Signage		
Requirement	Proposal	Variation
EPRA Scheme Text – Clause 5.18 Precinct 15: Claisebrook Road North Planning Policy 1.13: Advertising Signs which permits	A sign increased in height from 1.8 metres to 3 metres and 9 metres in width.	Impact of a 3 metres high sign.

The assessment against the principles is as follows:

Signage
Applicable Principles
<p>EPRA Scheme Text – Clause 5.18 Precinct 15: Claisebrook Road North – Statement of Intent</p> <p>Within this Precinct, commercial, retail, service and light industrial uses compatible with residential uses will be supported, including uses providing services to the businesses and residents of the central and inner city. The authority intends that there should be an improvement in the general level of amenity in the Precinct, with the improved presentation and maintenance of private properties and the public domain, and a progressive reduction in the incidence of those industrial activities incompatible with other uses, including residential development.</p> <p>EPRA Scheme - Planning Policy 1.13 – Advertising Signs – Preamble</p> <p>The Authority recognises that advertising signs, including banners and flags, are an accepted feature of contemporary culture and in many instances should be regarded as an integral part of the urban fabric. It is the Authority's intention to encourage the provision of advertising signs which enhance and reinforce the chosen character of the particular locality, and equally, to discourage or prohibit signs which detract from that character.</p> <p>The appropriate form and extent of advertising signage will therefore depend upon:</p> <ul style="list-style-type: none"> • The general character of the locality, especially its primary use but also its architectural qualities, including the scale of buildings and places; • The individual character of the building or place, especially if heritage is involved; • The scale of signage in relation to its surrounding, building scale and design; • The relevance of the signage to the use or activity carried out on its sites; • The visual prominence of the site, coupled with its intended streetscape/townscape role; • The total amount of existing signage in a specific locality.
Applicant's Justification
<p>The applicant's justification is noted in the Details section.</p>
Officer Technical Comment
<p>While a sign at a maximum height of 1.8 metres is considered to be at a scale that relates to the area and the design of the building, any larger sign is considered to be excessive for the area. At 3 metres in height the sign will be equivalent to the height of a storey and will have the corresponding visual impact on the surrounding area.</p> <p>There are no other signs of this type and scale approved in this locality, and as an LED sign will impact on the adjoining properties in terms of light pollution and potentially affect users of the Graham Farmer Freeway.</p>

CONSULTATION/ADVERTISING:

The original application was advertised for 14 days from 6 November 2015 to 19 November 2015 to the surrounding properties. No submissions were received.

Given the proposed height of 3 metres for the signage was advertised previously it is considered there is no need to readvertise the same proposal again.

Main Roads

The proposal was referred to Main Roads for comments who has provided the preliminary advice that the sign constitutes a Large Format Digital Sign (LFDS) sign, which Main Roads is unlikely to support because it is likely to cause driver distraction.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005*; and
- City of Perth Town Planning Scheme No 2 - East Perth Redevelopment Authority Scheme;

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL
Nil

SOCIAL
Nil

ECONOMIC
While signs improve commercial exposure and help support the local economy excessive signage is not desirable.

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

The increase in the height of the signage is considered to impact on the skyline in terms of bulk and scale and does not enhance and reinforce the character of the locality, or improve its general amenity, particularly given that the future vision of the area is to transition to a residential/mixed use precinct.

At a height of 3 metres the proposed sign equates to an additional storey. It would be clearly visible from the Graham Farmer Freeway and adjacent residential/commercial properties, and potentially have an adverse impact due to its size and illumination.

There are no other signs of a similar scale, proportion and locational placement on the building in the immediate locality within the City of Vincent.

Main Roads has provided a preliminary comment indicating that a sign of this scale would not be supported.

With the approved 1.8 metres high sign the opportunity has been provided to allow for advertising of the activities in the building, and any increase in the height of the sign is considered to be inconsistent with the orderly and proper planning of the area.

CONCLUSION:

It is recommended that Council refuses this proposal.

5.1.9 Nos. 2 and 4 (Lots: 33 and 34; D/P 2861) Vincent Street, Mount Lawley – Proposed Construction of Eight Multiple Dwellings

Ward:	South	Date:	8 July 2016
Precinct:	Precinct 10 – Norfolk	File Ref:	PR26239; 5.2016.35.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Car Parking and Bicycle Tables 4 – Marked up plans showing proposed versus required setbacks 5 – Extract of Design Advisory Committee Minutes and Comments		
Tabled Items:	Nil		
Reporting Officer:	T Wright, Senior Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **REFUSES** the application for the proposed construction of eight multiple dwellings at Nos. 2 and 4 (Lots: 33 and 34; D/P: 2861) Vincent Street, Mount Lawley in accordance with plans date stamped 2 February 2016, as shown on Attachment 2, subject to the following reasons:

1. The proposal does not satisfy:
 - 1.1 The provisions of the City of Vincent Town Planning Scheme No. 1 relating to dwelling density;
 - 1.2 The provisions of the City’s Policy No. 7.4.8 Development Guidelines for Multiple Dwellings relating to building height, landscaping and building interface; and
 - 1.3 The Deemed to Comply provisions and Design Principles of the Residential Design Codes relating to plot ratio, car parking and outdoor living areas.
2. The height, bulk, scale and density of the proposal is incompatible with development on adjoining residentially zoned land and will impact the amenity and character of the locality; and
3. The proposal is contrary to the orderly and proper planning of the locality.

PURPOSE OF REPORT:

To consider a proposal to construct eight multiple dwellings.

DETAILS:

Application Details:

Landowner:	Bobjoy Pty Ltd
Applicant:	Mata Design Studio
Date of Application:	27 January 2016

Principal Statutory Provisions

Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): R40 Draft Town Planning Scheme No. 2 (TPS2): R40
Existing Land Use:	Single House

Use Class:	Multiple Dwelling
Use Classification:	"P"
Lot Area:	958 square metres
Right of Way (ROW):	5 metres to the north
Heritage List:	No

The proposed development is for the construction of a three storey multiple dwelling development comprising eight two-bedroom multiple dwellings. The site currently accommodates two single houses that will be demolished.

The site falls from the north to south by approximately 0.9 metres.

The development comprises of two east-west orientated buildings, separated by an area of open space. The buildings are set within areas of soft and hard landscaping that includes six trees, three centrally located within the site and three within the street setback area.

The development proposes one car bay per unit and one visitor bay within a communal car parking area situated to the rear of the site. Vehicles access the car parking area directly from a ROW running along the site's northern lot boundary.

Five of the dwellings in the development that front Vincent Street contain a plot ratio overlap and are therefore considered to be multiple dwellings. Although the remaining three dwellings situated at the rear of site do not contain a plot ratio overlap, they are located above a communal car parking area and none of the dwellings contain an exclusive building and land component. Therefore they are not considered to be grouped dwellings. In light of the above, the proposal is considered to be a multiple dwelling development as this best represents the nature of the proposal.

ASSESSMENT:

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1, the Residential Design Codes and the City's policies. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed, in categories of being acceptable and not acceptable, 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
Landuse	✓	
Density		✓
Plot Ratio		✓
Street Setback		✓
Front Fence	✓	
Building Setbacks/Boundary Wall		✓
Building Height/Storeys		✓
Roof Form		✓
Open Space	✓	
Privacy	✓	
Parking & Access		✓
Bicycles	✓	
Solar Access	✓	
Site Works	✓	
Essential Facilities	✓	
Surveillance	✓	
Landscaping		✓
Outdoor Living Areas		✓

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

Detailed Assessment

Acceptable Planning Elements:

The assessment is as follows:

Street Setback		
Requirement	Proposal	Variation
<p>Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings and Policy No. 7.2.1 – Residential Design Elements</p> <p>Ground Floor – 6 metres</p> <p>Upper Floor – 2 metre behind each portion of the ground floor setback, which equates to 8 metres from the street.</p> <p>Upper Floor (balconies) – 1 metre behind each portion of the ground floor setback, which equates to 7 metres from the street.</p>	<p>3.75 metres</p> <p>Walls directly above ground floor.</p> <p>Balconies directly above ground floor.</p>	<p>2.25 metres</p> <p>2 metres from the ground floor level and 6 metres from the street.</p> <p>1 metre from the ground floor level and 6 metres from the street.</p>

The assessment against the principles is as follows:

Street Setback
Applicable Principles
Applicant's Justification
<p><i>"The design of the proposal has been guided by a commitment to minimise the amenity impacts to other land uses whilst also providing a development that is in-line with the future intended character for the locality. The final product is considered to be one that enhances the streetscape through its design and commitment to achieve an appropriate human scale within its site context.</i></p> <p><i>It is noted that the various members of the design team have met and conversed with the relevant Officers of the City and the City's DAC prior to lodgement. The information/feedback received from the City's Officers and DAC have been incorporated into the final development application plans, which form part of this application.</i></p> <p><i>The proposed development also includes the proposed location for public artwork on the eastern elevation, which will be visible from both Vincent Street and Beaufort Street. The incorporation of public art into the proposal is in keeping with the existing development along Beaufort Street and the new developments which are currently under construction."</i></p>

Officer Technical Comment

The proposed street setback meets the relevant design principles and is acceptable for the following reasons:

- The proposed street setback provides an adequate transition between the neighbouring sites. If redeveloped the neighbouring site to the east on the corner of Vincent and Beaufort Street is likely to have a nil street setback to Vincent Street as it is zoned Commercial and the established dwellings to the west of the site have a consistent street setback pattern.
- The first two levels of the building are setback 3.75 metres from the street and the upper level is setback 5.85 metres from the street. The upper level setback together with the upper level being articulated with contrasting architectural forms, materials and colours, reduces the visual impact and scale of the building from the streetscape.
- Soft landscaping has been provided within the street setback area.
- The street setback facilitate solar access to the development and neighbouring properties.

The assessment is as follows:

Building Setbacks/Boundary Wall		
Requirement	Proposal	Variation
Residential Design Codes Clause 6.1.4		
First floor eastern side rear wall setback = 1.6 metres	First floor eastern side rear wall setback = 1.3 metres	0.3 metres
First floor eastern side front wall setback = 2 metres	First floor eastern side front wall setback = 0.9 metres	1.1 metres
Second floor eastern side rear wall setback = 1.8 metres	Second floor eastern side rear wall setback = 1.3 metres	0.5 metres
Second floor eastern side front wall setback = 1.5 metres	Second floor eastern side front wall setback = 0.9 metres	0.6 metres
Maximum height of boundary walls = 3.5 metres	Maximum height of boundary walls = 3.8 metres	0.3 metres
Average height of boundary walls = 3 metres	Average height of boundary walls = 3.5 metres	0.5 metres

The assessment against the principles is as follows:

Building Setbacks/Boundary Wall	
Applicable Principles	
Residential Design Codes Clause 6.1.4	
P4.1	Buildings set back from boundaries or adjacent buildings so as to: <ul style="list-style-type: none"> • ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; • moderate the visual impact of building bulk on a neighbouring property; • ensure access to daylight and direct sun for adjoining properties; and • assist with the protection of privacy between adjoining properties.
Applicant's Justification	
<p><i>"Of particular consideration is the impact that the proposal's bulk and scale will have against existing commercial development located to the east and the existing residential developments located to the north and west. The proposal has the core of its bulk and scale setback from all boundaries for the development, with a greater setback provided to the adjoining western property. This has been intentionally done to maximise side setbacks to the sensitive residential uses and thus, ameliorate impacts of bulk.</i></p> <p><i>The proposed built form is in keeping with the objective of the TPS1 and the R-Codes as the subject proposal has been designed to maintain a human scale to the street and incorporate architectural features that respect the traditional forms of development within the locality.</i></p> <p><i>In addition to the abovementioned site placement of the proposal, the building design has provided balconies on the second floor along the eastern, southern and western elevations which aids in lessening the extent of glazed facades as well as adding architectural interest, all of which assist in creating a pedestrian-scale building which is acceptable within the site context."</i></p>	
Officer Technical Comment	
<p>The proposed eastern side setbacks and boundary wall meet the relevant design principles and are acceptable for the following reasons:</p> <ul style="list-style-type: none"> • The neighbouring property to the east is a fast food drive-through restaurant, which is not a sensitive land-use and therefore there is no visual impact by way of building bulk; • The proposed setback distances are adequate to provide access to direct sun, natural light and ventilation to the neighbouring property; and • The development complies with the visual privacy and overshadowing requirements. 	

The assessment is as follows:

Roof Form		
Requirement	Proposal	Variation
Policy No. 7.2.1 – Residential Design Elements Roof pitch between 30 – 45 degrees	Irregular roof design	Roof pitch not between 30 – 45 degrees

The assessment against the principles is as follows:

Roof Form
Applicable Principles
Policy No. 7.2.1 – Residential Design Elements
<p>BDPC 3</p> <p>(i) The roof of a building is to be designed so that:</p> <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
Applicant's Justification
<p><i>"The roof has been redesigned with a more contemporary design presenting to Vincent Street, along with increased linkage between the balconies and habitable rooms fronting Vincent Street. This was in response to the DAC meeting August 19th 2015 in which it was commented the previously pitched roof was not in keeping with the overall aesthetic of the development and a recommendation of a flat or contemporary roof form was to be explored;</i></p> <p><i>'Consider redesigning the roof on the upper floor fronting Vincent Street with a more contemporary design.'</i></p> <p><i>The proposed development has had careful consideration given to its design, with development being separated into two (2) buildings, along with the use of the second floor balconies to apartments 7 and 8 wrapping around the development to aid in minimising any undue building bulk resulting from the building. The design of the balconies provides for the development to incorporate depth and interest in the design. It is through this careful design that the building ensures that the building maintains human scale for pedestrians, along with the perception of height being minimised through the contemporary roof design."</i></p>
Officer Technical Comment
<p>The area is not subject to any character requirements that dictate a specific roof form or building style.</p> <p>The roof form provides interest to the locality and compliments the nearby character of Beaufort Street, whereby buildings have a range of various roof forms.</p> <p>Compared to a pitched roof, the proposed roof design will reduce the impact of height and bulk on the adjoining properties.</p>

The assessment is as follows:

Retaining Walls		
Requirement	Proposal	Variation
<p>Residential Design Codes Clause 6.3.1</p> <p>Maximum height of 0.5 metres above natural ground level at the boundary.</p>	<p>Maximum height of 0.7 metres above natural ground level at the eastern boundary.</p>	<p>0.2 metres.</p>

The assessment against the principles is as follows:

Retaining Walls	
Applicable Principles	
Residential Design Codes Clause 6.3.1	
P7	Retaining walls that result in land which can be effectively used for the benefits of residents and do not detrimentally affect adjoining properties and are designed, engineered and adequately landscaped having regard to clauses 6.3.6 and 6.4.1.
Applicant's Justification	
<i>"Minimal retaining is required along the boundary of 6 Vincent St (approx 180mmH), with the proposed FFL slightly below the current level. The retaining to boundary of 581 Beaufort St at the highest point is approximately 740mmH due to the slope of the site, this level meets up to natural ground level in the right of way."</i>	
Officer Technical Comment	
The proposed retaining wall running along the eastern lot boundary meets the relevant design principles and is acceptable as it abuts a fast food drive-through restaurant, which is not a sensitive land-use and therefore will not detrimentally affect the adjoining property.	

Unacceptable Planning Elements:

The assessment is as follows:

Density		
Requirement	Proposal	Aspect for Consideration
Town Planning Scheme No. 1 – Clause 20 (4)(d)(ii)		
A maximum of two dwellings is permitted per lot.	Eight dwellings over two lots.	The development proposes four dwellings more than permitted.

The assessment against the-principles is as follows:

Density	
Applicable Principles	
Town Planning Scheme No. 1 - Clause 40 - Determination of non-complying applications	
(3) (b) The Council cannot grant planning approval for a non-complying application unless the Council is satisfied by an absolute majority that:	
(i)	if approval were granted, the development would be consistent with – (a) the orderly and proper planning of the locality; (b) the conservation of the amenities of the locality; and (c) the statement of intent set out in the relevant Scheme Map; and
(ii)	the non-compliance would not have any undue adverse effect on – (a) the occupiers or users of the development; (b) the property in, or the inhabitants of, the locality; or (c) the likely future development of the locality.

Applicant's Justification

"It is noted that the Hungry Jack's site located on the corner of Beaufort Street and Vincent Street, is one of the few remaining corner sites which are zoned 'District Centre', which have not been redeveloped to the sites full potential. As it is likely that the Hungry Jack's site will be redeveloped at some stage in the future, the subject site will aid in the transition of the form of development from the 'District Centre' through to the 'Residential' zoned land.

As the proposal relates to a three-storey residential development, it will assist in the transition from the commercial development east to the residential development to the west, as the scale is less than what can be considered on the adjoining 'District Centre' site.

When the Hungry Jack's site is redeveloped the proposal will reduce the potential impact of building bulk associated with the 'District Centre' site, as the buildings step down in height along Vincent Street. Due to the nature of the subject site the proposed development will not interrupt the existing residential amenity.

The proposed three-storey building height has no adverse impact on the amenity of the adjoining properties or the streetscape. The proposal maintains adequate access to direct sun into the habitable rooms of the dwellings and the existing dwellings on the adjoining lots. The design of the building ensures that the building maintains human scale for pedestrians. Further to this, the building façade has been designed to reduce the perception of height through the contemporary roof design.

In light of the above, the proposed development is in keeping with the Design Principles of Clause BDPC 5 'Building Height' of the City's Local Planning Policy No. 7.2.1 'Residential Design Elements'.

The proposed development is consistent with the desired character of the locality, where the proposal will aid in developing the future character of the area. It is considered that the proposed building respects the adjoining properties, as the proposal has a greater side setback from adjoining residential properties therefore minimising the bulk and scale of the development on the dwellings to the west. It is noted that the proposed building envelope maintains the amenity of the adjoining properties with regards to overshadowing, solar access, ventilation and building bulk.

In light of the above, the proposed development is in keeping with the bulk and scale indicated in the locality. There are numerous developments within a close proximity of a similar bulk and scale, therefore the development is in keeping with both the existing and future desired built form of the locality.

We also firmly believe that future occupants of the proposed multiple dwelling development would likely accept a redeveloped mixed use amenity impact from the HJ's site as opposed to an alternative grouped dwelling development on the subject site. A resident would expect a greater level of residential amenity if they had a backyard as opposed to a balcony."

Officer Technical Comment

The applicant's justification does not address the density requirement.

The proposed density of dwellings on the site is inconsistent with the intended density in the area and will have an adverse impact on the amenity of neighbouring properties due to the intensity of the development.

Approving the development will set an unintended and unwanted precedent for density in the area, which over time would transform and impact the character of the locality.

The intended density is not proposed to change in the future under TPS2.

Due to the above issues the proposed density is inconsistent with the orderly and proper planning of the locality.

The assessment is as follows:

Plot Ratio		
Requirement	Proposal	Variation
Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings and Residential Design Codes Clause 6.1.1 0.6 = 573.6 square metres	0.86 = 821.9 square metres	0.26 = 248.3 square metres

The assessment against the-principles is as follows:

Plot Ratio
Applicable Principles Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings and Residential Design Codes Clause 6.1.1 P1 Development of the building is at a bulk and scale indicated in the local planning framework and is consistent with the existing or future desired built form of the locality.
Applicant’s Justification <i>“The proposal comprises a plot ratio area of 0.85. The proposed development is consistent with the desired character of the locality, where the proposal will aid in developing the future character of the area. It is considered that the proposed building respects the adjoining properties, as the proposal has a greater side setback from adjoining residential properties therefore minimising the bulk and scale of the development on the dwellings to the west.</i> <i>It is noted that the proposed building envelope maintains the amenity of the adjoining properties with regards to overshadowing, solar access, ventilation and building bulk.</i> <i>In light of the above, the proposed development is in keeping with the bulk and scale indicated in the locality. There are numerous developments within a close proximity of a similar bulk and scale, therefore the development is in keeping with both the existing and future desired built form of the locality.</i> <i>The proposed 0.85 plot ratio, if compared to the building envelope of a townhouse development on this site, would demonstrate that there is little to no difference in terms of the bulk and scale of what is being proposed. The increased density would allow for further activation of Vincent Street and the overall proposal was well received by the Design Advisory Committee in the 2nd March Meeting with all DAC members verbalising support of the proposed development.”</i>
Officer Technical Comment The proposed plot ratio has been calculated at 0.86 or 821.9 square metres contrary to the applicant’s statement above. The extent of the variation proposed represents overdevelopment of the site. The proposed setbacks in combination with the proposed height presents a bulk and scale that is inconsistent with the intended and desired existing and future built form of the locality and will therefore impact the amenity of the neighbouring residential properties and the streetscape. It is noted that the DAC’s considered and commented on this proposal on the basis of its design merits.

The assessment is as follows:

Building Height/Storeys		
Requirement	Proposal	Variation
Policy No. 7.4.8 – Multiple Dwellings Policy Clause 2.2 2 storeys with a maximum height of 7 metres.	3 storeys with a maximum height of 12 metres.	1 storey and 5 metres.

The assessment against the principles is as follows:

Building Height/Storeys	
Applicable Principles	
Policy No. 7.4.8 – Multiple Dwellings Policy Clause 2.2 and Policy No. 7.2.1 – Residential Design Elements	
P2	Building height that creates no adverse impact on the amenity of adjoining properties or the streetscape, including road reserves and public open space reserves; and where appropriate maintains: <ul style="list-style-type: none"> • adequate access to direct sun into buildings and appurtenant open spaces; • adequate daylight to major openings into habitable rooms; • access to views of significance; • buildings present a human scale for pedestrians; • building façades designed to reduce the perception of height through design measures; and • podium style development is provided where appropriate.
Applicant's Justification	
<p><i>"The proposal relates to a three-storey development comprising an 11.6m wall height and 12.4m to the top of the pitched roof. The proposed three-storey building height has no adverse impact on the amenity of the adjoining properties or the streetscape.</i></p> <p><i>The proposal maintains adequate access to direct sun into the habitable rooms of the dwellings and the existing dwellings on the adjoining lots. The design of the building ensures that the building maintains human scale for pedestrians. Further to this, the building façade has been designed to reduce the perception of height through the contemporary roof design.</i></p> <p><i>In light of the above, the proposed development is in keeping with the Design Principles of Clause 6.1.2 'Building Height' of the R-Codes."</i></p>	
Officer Technical Comment	
The site is zoned residential and is within the Norfolk Precinct where a two storey height limit is intended and specified.	
The proposed three storey building height will adversely impact the amenity of adjoining properties to the north and east and the streetscape as it is inconsistent with the intended and desired two-storey existing and future built form of the locality.	

The assessment is as follows:

Parking & Access		
Requirement	Proposal	Variation
Residential Design Codes Clause 6.3.3 2 visitor bays.	1 visitor bay.	1 visitor bay.

The assessment against the principles is as follows:

Parking & Access	
Applicable Principles	
Residential Design Codes Clause 6.3.3	
<p>P3.1 Adequate car and bicycle parking provided on-site in accordance with projected need related to:</p> <ul style="list-style-type: none"> • the type, number and size of dwellings; • the availability of on-street and other off-site parking; and • the proximity of the proposed development in relation to public transport and other facilities. 	
Applicant's Justification	
<p><i>"The proposal and its parking requirement have been assessed against the relevant requirements of the R-Codes, whereby parking complies with the Deemed-to-comply provisions.</i></p> <p><i>While it has been noted there is 1 shortfall for visitor parking, the site does have access to ample off street parking bays as well as the car park on the corner of Beaufort and Barlee St. 2 x Motorbike parking bays can also been accommodated in the car park. Given the inner city location and access to public transportation along the major routes of Vincent St and Beaufort St, we believe that this is acceptable from a parking and access perspective.</i></p> <p><i>The proposed design integrates the provision of the bicycles parking into the design of the building in response to the DAC Meeting August 19th 2015;</i></p> <p><i>'Consider providing visitor bike racks within the front setback area that provide both a functional feature and an artistic expression.'</i></p> <p><i>to further accommodates the inner city lifestyle."</i></p>	
Officer Technical Comment	
<p>Despite the close proximity of high frequency bus services running along Beaufort Street, on-street parking is limited and in high demand in the area.</p> <p>The shortfall of one visitor bay will further compound visitor parking demand and issues in the area to the detriment of existing surrounding residents and visitors.</p>	

The assessment is as follows:

Landscaping		
Requirement	Proposal	Variation
<p>Policy No. 7.4.8 – Multiple Dwellings Policy Clause 4.2</p> <p>A minimum of 10% or 95.8 square metres of the total site area shall be provided as soft landscaping within the common property area of the development.</p>	<p>7.3% or 76.2 square metres of the site area is provided with common soft landscaping.</p>	<p>2.7% or 19.6 square metres</p>

The assessment against the principles is as follows:

Landscaping
Applicable Principles
Policy No. 7.4.8 – Multiple Dwellings Policy Clause 4.2
<ul style="list-style-type: none"> • Assists in contributing to the amenity of the locality. • Assists in providing a landscaped setting for the building. • Assists in the protection of mature trees. • Maintains a sense of open space between buildings. Assists in increasing tree and vegetation coverage.
Applicant's Justification
<p><i>"On-site landscaping complies with the City's Local Planning Policy No. 7.4.8 'Development Guidelines for Multiple Dwellings'. The proposal provides for the future needs of the occupiers relating to landscaping areas being adequately addressed through the extent of landscaping provided within the spaces available.</i></p> <p><i>The 3 x front apartments along Vincent St have private front yards which would benefit the activation of the street and provide soft landscaping for the streetscape. The space could comfortably accommodate larger planting, such as trees.</i></p> <p><i>With regard to occupier needs, it is noted that balcony spaces provided, allow opportunity for these spaces to be landscaped. Detailed planting of these areas can form part of an overall landscape plan submitted post planning approval. The proposal incorporates a communal courtyard which is landscaped and provides opportunity for social interaction between residents. In light of the above, the proposal is considered acceptable from a landscaping perspective."</i></p>
Officer Technical Comment
<p>Contrary to the applicant's justification, the proposed amount of landscaping does not comply with the requirements of the City's Policy No. 7.4.8 – Multiple Dwellings Policy.</p> <p>The proposed design includes significant areas of hard landscaping within communal areas that could be modified to increase tree and vegetation coverage on the site to further assist to provide a landscaped setting for the buildings, contribute to the amenity of the locality and screen and soften the development from lower density neighbouring properties.</p> <p>In its current form the proposed amount of landscaping is less than required and is therefore not supported.</p>

The assessment is as follows:

Outdoor Living Areas		
Requirement	Proposal	Variation
Residential Design Codes Clause 6.3.1		
Minimum dimension of 2.4 metres.	Units 4 to 8 have a minimum dimension of 2 metres.	0.4 metres.

The assessment against the principles is as follows:

Outdoor Living Areas	
Applicable Principles	
Residential Design Codes Clause 6.3.1	
P1	<p>Balconies or equivalent outdoor living areas capable of use in conjunction with a habitable room of each dwelling that:</p> <ul style="list-style-type: none"> • Provide useable outdoor living areas for each dwelling with direct sunlight. • Assists in providing a landscaped setting for the building. • Maintains a sense of open space between buildings. • Contribute to the desired streetscape.
Applicant's Justification	
<p><i>"Outdoor living areas for each dwelling have access to direct sunlight and can be landscaped to contribute to the setting of the development. The proposal incorporates a communal courtyard which is landscaped and provides opportunity for social interaction between residents and create open space between the buildings. The 3 x front apartments along Vincent St also have private front yards which would benefit the activation of the street and provide soft landscaping for the streetscape."</i></p>	
Officer Technical Comment	
<p>The proposed two metre width of Unit's 4 to 8 balconies will limit the ability of occupants to use and furnish their private outdoor living areas and if the outdoor areas were to be landscaped, as mentioned in the applicant's justification, then this would further limit the ability to use and furnish the private outdoor living areas.</p> <p>In their current form it is considered that the proposed width of the outdoor living areas will impact the amenity of future occupants and therefore are not supported.</p>	

The assessment is as follows:

Building Interface		
Requirement	Proposal	Variation
<p>Policy No. 7.4.8 – Multiple Dwellings Policy Clause 2.3.1</p> <p>The ground floor western side setback is to be 2.4 metres.</p> <p>Trees are to be provided along the western lot boundary with a minimum spacing of 3m.</p> <p>Second floor western side setback is to be 6m.</p>	<p>Ground floor western side setback is 1.5 metres.</p> <p>No trees along the western side lot boundary are proposed.</p> <p>Second floor western side setback is 2.5m.</p>	<p>A setback of 0.9 metres.</p> <p>Lack of trees along the western lot boundary with a minimum spacing of 3m.</p> <p>A setback of 3.5 metres.</p>

The assessment against the principles is as follows:

Building Interface
Applicable Principles
Policy No. 7.4.8 – Multiple Dwellings Policy Clause 2.3.1
Variations to the requirements of 2.3.1 may be considered where the applicant demonstrates special circumstances that ensure that greater height close to the boundary will not have a negative impact on the neighbour in regards to overshadowing, bulk or general amenity.
Applicant's Justification
<i>"The proposed development is consistent with the desired character of the locality, where the proposal will aid in developing the future character of the area. It is considered that the proposed building respects the adjoining properties, as the proposal has a greater side setback from adjoining residential properties therefore minimising the bulk and scale of the development on the dwellings to the west.</i>
<i>It is noted that the proposed building envelope maintains the amenity of the adjoining properties with regards to overshadowing, solar access, ventilation and building bulk. In light of the above, the proposed development is in keeping with the bulk and scale indicated in the locality. There are numerous developments within a close proximity of a similar bulk and scale, therefore the development is in keeping with both the existing and future desired built form of the locality.</i>
<i>The proposed three-storey building height has no adverse impact on the amenity of the adjoining properties or the streetscape. The proposal maintains adequate access to direct sun into the habitable rooms of the dwellings and the existing dwellings on the adjoining lots. As previously mentioned, should the HJ's site be developed and a 5-storey building go here, the impact on this proposed development would be significantly less than if 4 single dwellings were proposed here in which issues such as privacy, overshadowing and visual impact of 5 stories would be significantly greater."</i>
Officer Technical Comment
The reduced western side setbacks in combination with the proposed height will have a negative impact on the neighbours to the west in regards to bulk and general amenity as it is inconsistent with the intended and desired bulk and amenity of the locality.
The absence of trees along the western side lot boundary further impacts the amenity of the neighbours to the west as trees would provide screening to the built form.
Although there is space along the western lot boundary could accommodate trees, the space in its current form provides for pedestrian access and therefore cannot accommodate trees.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	22 April 2016 to 13 May 2016		
Comments Received:	19 submissions including 4 support and 15 objection		

A total of 227 letters were sent to owners and occupiers within a 100 metre radius of the property subject of this application.

Community Consultation resulted in a response rate of 8.3%.

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

Comments Received in Support:	Officer Technical Comment:
<p><u>Density</u></p> <p>Increasing housing density and reducing car dependency in inner city areas like this is an important social and ethical objective.</p> <p>The site is well situated for density being close to public transport routes on Beaufort Street and local shops and services.</p>	<p>Noted.</p>
<p><u>Scale</u></p> <p>The scale of the built form will work well in the streetscape context once the Hungry Jacks site is redeveloped.</p> <p>The three storey scale is consistent with the development across the road at No. 7 Vincent Street, which is also three storeys in height.</p> <p>The upper level is setback to reduce the impact of bulk.</p>	<p>Noted.</p>
<p><u>Streetscape Character</u></p> <p>While there are houses in the street that represent a particular era, they are not great examples and there are better examples close by that are more worthy of preservation.</p>	<p>Noted.</p>

Comments Received in Objection:	Officer Technical Comment:
<p><u>Loss of Character and Streetscape Amenity</u></p> <p>If the number of dwellings proposed is approved then a precedent will be set for other developers to do the same, which will lead to a loss of character homes.</p> <p>The front setback and roof line is not in harmony with the character of the streetscape.</p> <p>The scale will impact the amenity of the streetscape and variations to the front setback requirements add to the building bulk.</p>	<p>If approved, the dwelling density proposed may set a precedent for other sites in the Norfolk Precinct to redevelop in a similar manner, which will erode the established character of the area.</p> <p>The proposed street setback and roof form provide a suitable transition and buffer in character between the established residential dwellings to the west and the commercial zone to the east.</p> <p>The bulk and scale of the development is inconsistent with the intended built form of the locality and will therefore impact the amenity of the streetscape.</p>

<p><u>Bulk and Scale</u></p> <p>The bulk and scale will prevent the wind from dissipating smoke and odour from Hungry Jacks.</p> <p>There is no similar developments of this scale in the area. The design is bulky and confronting.</p> <p>The proposed scale cannot rely on the possibility that the Hungry Jacks site will be redeveloped in the future.</p> <p>The lack of stepping back of the development increases the perception of bulk.</p>	<p>The setbacks proposed provide adequate open spaces for wind to disperse any smoke and odour emitted from Hungry Jacks.</p> <p>The proposed bulk and scale that is inconsistent with the scale of the established low density residential built form in the area.</p> <p>While there are no immediate plans to redevelop the Hungry Jacks site, the site is zoned commercial and could accommodate a medium to high density three to five storey development. The City should have regard to the future redevelopment potential of neighbouring sites when forming a position in relation to a current application.</p> <p>The upper level is setback further from the street and articulated to reduce the visual impact and scale of the building from the streetscape.</p>
<p><u>Roof</u></p> <p>The roof shape adds further bulk to the development.</p> <p>The roof shape does not compliment the traditional style of buildings on the street.</p>	<p>Compared to a pitched roof, the proposed roof shape will reduce the impact of height and bulk on the adjoining properties.</p> <p>The area is not subject to any character requirements that dictate a specific roof form or building style.</p> <p>The roof form provides interest to the locality and compliments the nearby character of Beaufort Street, whereby buildings have a range of various roof forms.</p>
<p><u>Overshadowing and Privacy</u></p> <p>Overshadowing impacts will result from the proposed height. The proposal will impact access to direct sun to the neighbouring side window and rear yard.</p> <p>The external staircases and windows on the side elevations and the balconies will create privacy issues.</p>	<p>The proposal complies fully with the overshadowing and privacy requirements.</p>
<p><u>Communal Space and Landscaping</u></p> <p>The development provides little common open space for occupant recreation.</p> <p>The design does not provide sufficient space for trees to grow to maturity. The side setbacks do not provide enough</p>	<p>Each dwelling is provided with a private area for outdoor recreation. There is no requirement to provide common open space for occupant recreation.</p> <p>The proposed design provides adequate open space areas centrally and within the front setback area for trees to grow to maturity.</p>

<p>room for trees to grow to screen the development from the neighbours.</p> <p>The lack of soft landscaping is a missed opportunity to soften the built form and provide a sense of open space.</p> <p>The trees located internally will not be able to be seen from the laneway or Vincent Street and therefore will not add to the amenity.</p>	<p>Further space could be provided along the western lot boundary to provide trees to screen the development from neighbouring properties.</p> <p>The design could be modified to increase tree and vegetation coverage to soften the built form and further assist to provide a sense of open space.</p> <p>Although the trees proposed will not be able to be seen from the ROW, the design does propose trees within the front setback area that will enhance the amenity of the streetscape.</p>
<p><u>Traffic and Parking</u></p> <p>The laneway only allows for one-way traffic.</p> <p>The additional traffic generated by the development will further impact the amenity of the laneway and impact safety.</p> <p>Additional car parking demand will have to be accommodated on-street.</p> <p>The proposed two-bedroom apartments will likely mean that occupants will need two cars.</p>	<p>The five metre wide ROW provides sufficient width to allow two way traffic at low speeds.</p> <p>The proposed density is inconsistent with the intended density in the area and will result in increased traffic congestion within the ROW.</p> <p>The shortfall in visitor bays will detrimentally impact on-street parking demand in the area.</p> <p>The proposal complies fully with the resident car parking requirements.</p>

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: Yes

The proposal was considered by the City's DAC on three occasions – 15 April 2015, 19 August 2015 and 2 March 2016. Refer to Attachment 6 for an extract of the minutes of the meetings.

The applicant worked well with the DAC and while there were some unresolved issues, the DAC considered that the design was evolving in a positive direction.

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. 7.2.1 – Residential Design Elements; and
- Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings.

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

The City is to have due regard to the findings of SAT matters where they are relevant.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL
Excessive use of resources given the zoning of the area.

SOCIAL
Increase in housing diversity although it exceeds the vision of the current and future planning framework.

ECONOMIC
Short term employment opportunities.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The existing houses do not have any heritage significance. Planning approval is not required for demolition as demolition is permitted under the Regulations in this instance.

As the development proposes significant variations to the density, plot ratio, height, parking, landscaping and building interface requirements, the proposal represents overdevelopment of the site.

While some of the planning elements are acceptable, the proposal, largely due to its intensity, is inconsistent with the intended scale of development in the area and will have an adverse impact on the amenity of neighbouring properties.

The zoning of the site and the intended density is not proposed to change in the future under TPS2.

The proposal represents a significant departure from the current planning framework and it is not consistent with the orderly and proper planning and the conservation of the amenity of the locality.

CONCLUSION:

It is recommended that Council refuses this proposal.

5.1.10 Amendment to Policy No. 7.6.9 – Heritage Assistance Fund

Ward:	Both	Date:	8 July 2016
Precinct:	All	File Ref:	SC196
Attachments:	1 – Amended Policy No. 7.6.9 - Heritage Assistance Fund		
Tabled Items:	Nil		
Reporting Officer:	H Au, Heritage Officer		
Responsible Officer:	G Poezyn, Director Development Services		

RECOMMENDATION:

That Council:

1. **Amends Policy No. 7.6.9 – Heritage Assistance Fund as shown by strikethrough in Attachment 2; and**
2. **DETERMINES that it is not necessary to carry out public consultation for amended Policy No. 7.6.9 – Heritage Assistance Fund included as Attachment 1, as the proposed changes relate exclusively to the City’s administrative process for the Heritage Assistance Fund.**

PURPOSE OF REPORT:

To amend Policy No. 7.6.9 – Heritage Assistance Fund, as shown in **Attachment 1**.

BACKGROUND:

Policy No. 7.6.9 – Heritage Assistance Fund was endorsed by the Council on 5 April 2016. The policy has provided clear guidance to the City when making decisions relating to the Heritage Assistance Fund (HAF) program.

History:

Date	Comment
26 April 2005	Council at its Ordinary Meeting resolved that a HAF is to be developed.
20 September 2005	Council at its Special Meeting endorsed various supporting documents to assist in the implementation of the HAF.
March 2006	The first round of the HAF commenced.
5 April 2016	Council endorsed Policy No. 7.6.9 – Heritage Assistance Fund.
To date	A total of 20 HAF grant rounds have been completed.

Previous Reports to Council:

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

DETAILS:

Since the adoption of Policy No. 7.6.9 – Heritage Assistance Fund, Administration has identified an inconsistency in the policy and seeks to rectify this.

Clause 4.4 of the policy requires that projects are to be completed and a receipt provided to the City by 30 June in that financial year, however Appendix 2 - Conditions of Funding and Schedule of Works of the policy states that funding will be reserved for one year from the date of approval being granted. In many cases, and depending on when approval was granted by the City, the date each project is required to be completed would be different.

The clause was carried over from the original documentation relating to HAF.

CONSULTATION/ADVERTISING:

Required by Legislation:	No	Required by City of Vincent Policy:	No
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LEGAL/POLICY:

- City of Vincent Town Planning Scheme No. 1; and
- Policy No. 7.6.9 – Heritage Assistance Fund.

RISK MANAGEMENT IMPLICATIONS:

It is Administration’s view that there are minimal risks to Council should the officer’s recommendation be supported.

STRATEGIC IMPLICATIONS:

The City’s Strategic Plan 2013 – 2023 states:

“Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The HAF promotes the ongoing retention and quality of the City’s heritage listed buildings by providing funding to offset the cost of works associated with maintaining these buildings. The changes to the process to implement the HAF do not have any sustainability implications.

FINANCIAL/BUDGET IMPLICATIONS:

The funds for the HAF are provided from the City’s Operating Budget and subject to Council approval each financial year. The HAF was opened once in the 2015/16 financial year with a budget of \$60,000. To date, \$8,120 has been spent. \$26,215.75 is proposed to be carried forward to the 2016/17 financial year to honour previous year’s commitments.

COMMENTS:

The deletion of Clause 3 from Appendix 2 of Policy No. 7.6.9 – Heritage Assistance Fund is required to avoid inconsistencies with another provision of the policy and will reflect the City’s preferred financial practices in the management of the HAF.

As part of the City’s HAF program over the years, the practice has been to ‘reserve’ funding for each approved application to ensure the applicant has enough time to complete the works.

Continuing with the practice of ‘reserving’ funding for 12 months means in most cases, the funds are required to be taken from the following year’s budget which is not guaranteed until Council has approved the budget.

Any unclaimed but committed funding by 30 June each year was required to be 'carried over' into the next financial year, imposing an unnecessary workload on the City's finance team in administering the budget, and is not in line with the City's current management practice.

In addition to this policy change, Administration will also continue to monitor and decide how best to run each 'round' of funding to ensure that applicants have access to funds but are able to complete the works by 30 June in that financial year. This is supported by Clause 4.1 which allows the City to run the funding rounds at its discretion.

Administration recommends that public consultation of these amendments is not required as the proposed changes relate exclusively to the City's administrative process for the Heritage Assistance Fund.

CONCLUSION:

Administration requests Council supports the officer's recommendation to amend Policy No. 7.6.9 – Heritage Assistance Fund, as attached in **Attachment 1**.

5.1.11 Outcomes of Advertising – Proposed Amendment to Policy No. 7.2.1 – Residential Design Elements to Modify Provisions for Fencing in the Primary Street Setback Area

Ward:	Both	Date:	8 July 2016
Precinct:	All	File Ref:	SC2500
Attachments:	<u>1</u> – Draft Amended Policy No. 7.2.1 – Residential Design Elements (relevant pages as advertised); and <u>2</u> – Summary of Submissions.		
Tabled Items:	Nil		
Reporting Officer:	S Smith, Coordinator Policy & Place		
Responsible Officer:	G Poezyn, Director Development Services		

OFFICER RECOMMENDATION:

That Council:

1. **DOES NOT PROCEED** with amending Policy No. 7.2.1 – Residential Design Elements as shown in Attachment 1 pursuant to Schedule 2, Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
2. **NOTES** the submissions received in relation to the advertising of draft Policy No. 7.2.1 – Residential Design Elements, included in Attachment 2 and **ENDORSES** Administration’s responses to those submissions.

PURPOSE OF REPORT:

To consider the outcomes of community consultation regarding the proposed amendment to Policy No. 7.2.1 – Residential Design Elements (RDE Policy).

BACKGROUND:

At its meeting on 27 October 2015 Council resolved to adopt a proposed amendment to Clause SADC 13(a) in the RDE Policy for the purpose of advertising for public comment (Item 9.1.5). The amendment proposed to allow fencing made of metal sheeting on the side boundaries in the front setback area.

The amendment was advertised for public comment between 10 November 2015 and 1 December 2015 in accordance with Council’s resolution. A copy of the relevant pages of the advertised draft RDE Policy is included as **Attachment 1**.

History:

Date	Comment
11 June 2002	Council adopted Policy No. 3.2.5 – Street Walls and Fences which excludes the use of fibre cement and metal sheeting in the front setback area.
18 December 2007	Council adopted the RDE Policy which retains the above provision to exclude the use of fibre cement and metal sheeting in the front setback area.
9 July 2013	Most recent amendments to the RDE Policy adopted by Council. Unrelated to fencing materials in the front setback area.
30 July 2015	Administration wrote to an affected land owner with a non-compliant fence requiring the metal sheeting fence on the side boundary in the front setback area to be removed.
26 August 2015	Administration received a complaint from the abovementioned land owner identifying 61 potential instances of non-compliant fences in the front setback area.

29 September 2015	Front fence issue presented at Council Forum for discussion.
27 October 2015	Draft Amendment to RDE Policy which would allow the use of metal sheeting on the side boundaries in the front setback area adopted by Council for advertising.
10 November 2015 – 1 December 2015	Amendment to RDE Policy advertised for public comment.
14 June 2016	Council workshop to discuss front fence issue.

Previous Reports to Council:

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

DETAILS:

The City received six submissions during the consultation period, including one in support, two objecting and three stating that they had 'no objection' to the amendment. Two of these submissions were from Design Advisory Committee (DAC) members. One DAC member objected to the amendment due to the potential negative impact on the City's streetscapes. The other had no objection to the amendment.

A summary of the submissions received and Administration's response is included as **Attachment 2**. Two key issues were identified.

1. Streetscape Impact

Submitters that objected to the policy amendment were concerned that the use of metal sheeting in the front setback area would have a detrimental impact on the streetscape and amenity of the City's suburbs and reduce the quality of residential areas. The submitters suggested that the City keep its current policy position that does not allow metal sheeting in the front setback area.

2. Current Requirement Outdated

The submitter that supported the policy amendment was concerned that the current provision, which prohibits the use of metal sheeting in the front setback area, is outdated and misaligned with community expectations and noted that many properties within the City have fences made of metal sheeting in the front setback areas. This submission advocated that the City progress with its proposed amendment to the Policy to allow fencing made of metal sheeting on the side boundaries in the front setback area.

CONSULTATION/ADVERTISING:

Required by legislation:	Required under Schedule 2, Part 2, Clause 5 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
Required by City of Vincent Policy:	Required under Clause 1.1(i) and 1.1(ii) of the City's Policy No. 4.1.5 – Community Consultation.
Consultation Period:	10 November 2015 – 1 December 2015
Consultation Type:	Newspaper advertisement once in a newspaper circulating in the Scheme area. Email to DAC. Display on the City's website. Display at the City's Administration Civic Centre and Library.
Comments Received:	The City received six submissions, including one in support, two objecting and three having no objection.

Two of the six submissions were from DAC members. One objected to the amendment due to the potential negative impact on the City's streetscapes. The other had no objection to the amendment.

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes (R Codes).
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 4.1.22 – Prosecution and Enforcement (Policy 4.1.22);
- Policy No. 7.2.1 – Residential Design Elements; and

RISK MANAGEMENT IMPLICATIONS:

Various courses of action are available to Council following from this proposal and the risk of each is discussed in the comment section below.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013 – 2023 states:

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Consideration of Options

In October 2015 Administration recommended that this matter be advertised for public comment to seek further views from the community about how to proceed on this issue. The process generated a limited number of submissions with divided opinions on the matter.

As part of its consideration of submissions Administration explored the following four options on how to proceed with this amendment:

1. *Adopt Draft Amendments to RDE Policy as Advertised*

Option one is to adopt the draft amendments to the RDE Policy as advertised, thereby allowing fences on the side boundary in the front setback area to be made of metal sheeting. Over time this option may compromise the quality of streetscapes and amenity in the City's residential areas.

2. *Adopt Draft Amendments to RDE Policy with Modifications*

Option two is to adopt the draft amendments to the RDE Policy as advertised, with modifications to allow metal sheeting where it is lower in height than the current requirement of 1.2 metres, and used in conjunction with landscaping. For example, metal sheeting may be permitted up to a height of 0.65 metres where landscaping is provided to screen the fence. This height is consistent with Clause 1.4 of the City's Policy No. 2.2.6 – Truncations. This option may still compromise the quality of streetscapes and amenity in the City's residential areas. It will also be difficult from a compliance prospective to ensure that adequate landscaping is provided and maintained to a high standard.

3. *Delay Decision Until Planning Framework Review*

Option three is to delay a decision on this issue until it can be considered holistically with the revised draft planning framework that is currently being prepared. This option will not provide an immediate resolution to this issue, could potentially delay the consideration of the new planning framework and would not remove the need for Council to make a decision on this matter altogether. An implication of this approach is that if Council cannot arrive at a decision the planning framework on the whole may be delayed as a result.

4. *Do Not Proceed*

Option four is not to proceed with the proposed amendment, thereby maintaining the City's current policy position that does not allow fences made from metal sheeting in the front setback area. This approach would ensure that the quality and amenity of the City's streetscapes would be maintained and improve in the long term but this approach has compliance implications.

Administration has considered the above options and recommends option four. Administration believes that metal sheeting in the front setback area will have a detrimental impact on the City's streetscapes and the amenity of residential areas, regardless of fence height or associated landscaping.

The following action flows from the recommended position:

Compliance

Administration is aware of at least 61 instances where residents currently have fences made of metal sheeting in the front setback area, however, there are likely to be many other cases throughout the City.

The City's current Policy 4.1.22 – Prosecution and Enforcement is silent on dealing with mass non-compliances. The policy objective specifies that matters relating to enforcement actions are to be applied "impartially in a fair and consistent manner". An enforcement position will need to be developed subject to Council's decision on the policy.

This approach is in line with similar actions previously taken, and deviating from this position would potentially establish a precedent for dealing with future mass complaints given resource implications.

Public Information

Administration is currently preparing information regarding the City's planning requirements, including fencing, which will be made available on the City's website and newsletters once completed. This will include Council's position following from this report. The purpose of this information is to alert residents of our planning requirements and provide the basis for improving the City's streetscapes from now on.

Planning Framework Review

Administration intends to incorporate the Council adopted position on this matter into the revised draft planning framework that is currently being prepared.

CONCLUSION:

Administration recommends that Council does not proceed with the advertised draft RDE Policy.

5.1.12 Outcomes of Advertising – Proposed Amendment to Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings, Policy No. 7.5.11 – Exercise of Discretion for Development Variations & Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Developments

Ward:	Both	Date:	8 July 2016
Precinct:	All	File Ref:	SC2626
Attachments:	<u>1</u> – Advertised Draft Amended Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings; <u>2</u> – Advertised Draft Amended Policy No. 7.5.11 – Exercise of Discretion for Development Variations; <u>3</u> – Advertised Draft Amended Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Developments; <u>4</u> – Revised Draft Amended Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings; <u>5</u> – Revised Draft Amended Policy No. 7.5.11 – Exercise of Discretion for Development Variations; <u>6</u> – Revised Draft Amended Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Developments; <u>7</u> – Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings – Adopted 8 October 2013; <u>8</u> – Summary of Submissions; and <u>9</u> – Summary of Administration recommended modifications.		
Tabled Items:	Nil		
Reporting Officer:	S Schreck, Strategic Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

RECOMMENDATION:

That Council:

1. **ADOPTS** amendments to Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings, Policy No. 7.5.11 – Exercise of Discretion for Development Variations and Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Developments included as Attachments 4, 5 and 6 and shown by strike through and underline, pursuant to Schedule 2, Part 2, Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
2. **NOTES:**
 - a) The submissions received in relation to the advertising of draft Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings, Policy No. 7.5.11 – Exercise of Discretion for Development Variations and Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Developments, included as Attachment 8, and **ENDORSES** Administration’s responses to those submissions;
 - b) that the City will forward the amendments to the landscaping requirements in draft Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings to the Western Australian Planning Commission for consent prior to advertising the final version included as Attachment 4, pursuant to Schedule 2, Part 2, Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
 - c) that the City will advertise the final version of Policy No. 7.5.11 – Exercise of Discretion for Development Variations and Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Developments, included as

Attachments 5 and 6, pursuant to Schedule 2, Part 2, Clause 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

PURPOSE OF REPORT:

To consider the outcomes of advertising for proposed amendments to

- Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings (Policy 7.4.8);
- Policy No. 7.5.11 – Exercise of Discretion for Development Variations (Policy 7.5.11); and
- Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Development (Policy 7.5.12)

and adopt the revised draft versions of the above policies.

BACKGROUND:

At its meeting on 5 April 2016 Council adopted proposed amendments to three local planning policies for the purpose of advertising for public comments. A host of amendments were proposed with the aim to improve the amount and quality of required landscaping provided in developments.

The amendment was advertised for public comment between 19 April 2016 and 16 May 2016 in accordance with Council’s resolution. A copy of the relevant pages of the advertised policies can be found in **Attachments 1, 2 and 3**.

History:

Date	Comment
28 October 2008	Policy No. 7.4.8 Adopted by Council.
20 November 2012	Policy No. 7.5.11 Adopted by Council.
25 June 2013	Policy No. 7.5.12 Adopted by Council.
8 October 2013	Amendment to Policy No. 7.4.8 to become in line with 2013 R Codes amendments and the City’s strategic direction.
5 April 2016	Through a Notice of Motion, the amendment of Policies No. 7.4.8, 7.5.11 and 7.5.12 was requested.
19 April 2016 – 16 May 2016	Amendments to Policies 7.4.8, 7.5.11 & 7.5.12 advertised for public Comment.

Previous Reports to Council:

The Minutes of the previous reports to Council are available on the City’s website which provides the specific detail of the amendments for each policy.

DETAILS:

The key issues raised during the consultation and Administration’s responses are summarised below:

1. 30% open space requirement in Policy 7.5.11

The proposed amendment made to Policy 7.5.11 includes a minimum requirement for 30% open space as being an essential criteria for height variations. State Planning Policy 3.1 – Residential Design Codes (R Codes) contains the minimum open space requirement as follows:

- R30 and R40 45% minimum open space; and
- R50 and R60 40% minimum open space.

The submitter raised concern that advertised minimum open space requirements in Table 1 Essential Criteria (EC) 1.5 and Table 3 EC 2.4 will require less open space in areas coded below R80 than the R Codes.

Administration recommends modifying Table 1 EC1.5 and Table 3 EC2.4 to require non-residential development to have a minimum of 30% of the total site area as open space and residential development to comply with the minimum open space requirements of Table 1 of the R Codes.

2. Soft landscaping requirement in Policy 7.4.8 and Policy 7.5.12

Amendments made proposed to Policy 7.4.8 and Policy 7.5.12 have different soft landscaping provisions. The amendments proposed to Policy 7.4.8 require a minimum of 20% soft landscaping, while Policy 7.5.12 requires a minimum of 25% soft landscaping.

The submitter raised concern with this inconsistency and recommended a blanket 25% soft landscaping would be more suitable.

Administration considers that 20% of the total site area is an appropriate amount of soft landscaping for multiple dwelling development and does not recommend modifying this requirement.

Administration has concerns regarding the proposed minimum 25% soft landscaping requirement for commercial development as it may be prohibitive in some instances, although it is recognised that some of this landscaping can be provided on the roof top or on upper levels.

A recommended compromise is to reduce the requirement for soft landscaping to 20% and include additional, new, targeted performance criteria which will ensure that any variations requested to this requirement will still satisfy the overall objectives of better landscaping to reduce the heat island effect and the impact of the building on neighbouring properties. This new percentage will bring it in line with proposals that are predominantly apartments.

These performance criteria are contained in **Attachment 6**.

3. Inconsistent policy structure

Amendments made to Table 3 of Policy 7.5.11 and Section 5.1 of Policy 7.5.12 include a definition of 'Soft Landscaping' taken from Policy 7.4.8.

One submitter was concerned that the definition of 'Soft Landscaping' was only in Policy 7.4.8 and suggested that this definition should be included in both Policy 7.5.11 and Policy 7.5.12.

Administration identified that Policy 7.5.11 and Policy 7.5.12 do contain the same 'Soft Landscaping' definition but are located in different sections of each policy.

Administration recommends modifying Policy 7.5.11 to contain the definition of 'Soft Landscaping' in the 'Definitions' section and modifying Policy 7.5.12 to create a new 'Definitions' section containing the definition of 'Soft Landscaping'. This will ensure consistency between each policy structure.

4. Multiple Dwellings adjoining residential land coded R40 and Below

An amendment was made to Clause 2.3 of Policy 7.4.8 which modifies the provision for building heights of sites adjoining residential zoned land from 'below R60' to 'R40 and below'.

One submitter raised concern with the removal of R50 coded land from Clause 2.3 of Policy 7.4.8 suggesting that there was minimal difference between the R50 and R40 coded dwellings.

Administration identified that Table 4 of the R Codes allows R50 development to have a maximum building height that is 3 metres higher than is permitted for R40 developments, which Administration does not consider to be a minimal difference.

Administration recommends adopting the advertised version of Policy 7.4.8 to allow the full development potential of R50 coded lots, whilst maintaining the minimum requirements for R40 coded lots.

5. Version Control

On the 8 October 2013 Council adopted amendments to Policy 7.4.8 (Item 9.1.3). The purpose of this amendments was to bring the policy wording in line with the 2013 R Codes revision, as well as adding and removing clauses to suit the City's strategic direction.

One submitter raised concern that the version of Policy 7.4.8 advertised with these amendments do not include the 2013 amendments and suggested that Council reinstates the amendments.

Administration agrees with the submitter and recommends that the previous amendments are adopted alongside the most recently advertised amendments. A copy of the 8 October 2013 version of Policy 7.4.8 adopted by Council showing the tracked changes is included as **Attachment 7** for information.

A full summary of submissions and Administration's recommended modifications are included as **Attachment 8**. The revised draft policies that incorporate Administration's recommended modifications are included as **Attachments 4, 5 & 6**.

A summary of Administration's recommended editorial modifications are included as **Attachment 9**.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	19 April 2016 – 16 May 2016		
Consultation Type:	Internet and newspaper advertisement, referral to government agencies.		
Comments Received:	The City received 10 submissions, including 2 in support, 6 raising no objection and 2 making general comment.		

A summary of submissions and Administration's response is included as **Attachment 8**.

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. 7.4.8 – Development Guidelines for Multiple Dwellings;
- Policy No. 7.5.11 – Exercise of Discretion for Development Variations; and
- Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Developments.

RISK MANAGEMENT IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013 – 2023 states:

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

SUSTAINABILITY IMPLICATIONS:

Sustainable Environment Strategy 2011-2016 states:

"3.11 Encourage the retention of vegetation and trees on private lots"

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The City is currently experiencing issues with the amount and quality of landscaping provided in large developments.

The proposed amendments to the three policies will have the effect of increased soft landscaping on each development which will assist to soften the impact of developments particularly in regard to the interface between buildings and reduce the urban heat island effect.

Local governments are only permitted to vary certain aspects under the R-Codes without the need for approval from the WAPC. Landscaping provisions in residential developments is not one of these aspects. The proposed changes to the landscaping requirements in Policy 7.4.8 – Development Guidelines for Multiple Dwellings varies the provisions of the R-codes and therefore will require referral to and approval from the WAPC before the draft policy can be finalised. The other policies do not require this approval.

The changes to the three policies is an interim measure to improve the quality and quantity of landscaping provided. The new planning framework will provide even greater clarity on this issue as it provides a more integrated approach to reducing the impact of a new building.

Administration is generally in favour of the changes to the policies as advertised and is recommending minor amendments as reflected in the **Attachments 4, 5 and 6**.

CONCLUSION:

It is recommended that council adopts the revised draft policies.

5.2 TECHNICAL SERVICES

5.2.1 Further Report No 3: Proposed Traffic Management Improvement – Intersection of Vincent and Norfolk Streets, North Perth/Mount Lawley

Ward:	South	Date:	4 July 2016
Precinct:	Precinct 10 - Norfolk	File Ref:	SC979; SC228
Attachments:	<u>1</u> – Plan No 3347-CP-01 <u>2</u> – Plan No 3144-CP-01B		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council:

- NOTES** that an alternative option for traffic calming on Vincent Street, comprising the installation of strategically placed speed humps, as shown on Plan No 3347-CP-01 (Attachment 1), has been investigated and it is considered that the alternative solution may not mitigate future right hand turn accidents at the Norfolk and Vincent Street intersection, for the reasons outlined in the report;
- APPROVES** the installation of a permanent '½ seagull' island, and associated works, at the intersection of Norfolk and Vincent Streets as shown on attached Plan No. 3144-CP-01B estimated to cost \$15,000; and
- ADVISES** the respondents of its decision.

PURPOSE OF REPORT:

To consider possible alternative traffic management safety improvements, at the intersection of Norfolk and Vincent Streets, Mount Lawley.

BACKGROUND:

Ordinary Meeting of Council held on 10 March 2015:

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

“That Council:...

- PROCEEDS with a six (6) month trial of the originally proposed treatment banning the right turn as shown on attached Plan No. 3144-CP-01 (Attachment 001);*
- MONITORS traffic movements on Chelmsford Road and Ethel Street during the trial period;*
- CONSULTS with residents at the conclusion of the trial;*
- RECEIVES a further report at the conclusion of the consultation;”*

Ordinary Meeting of Council held on 28 June 2016:

Council was advised that on 19 January 2016, 249 letters were distributed to residents of Norfolk, Hyde and Ethel Streets, and Grosvenor and Chelmsford Roads seeking comments on making the '½ seagull island' permanent at the conclusion of the trial and that at the close of consultation 22 responses were received of which 14 were in favour, six against and two neither for nor against.

Following consideration of the submissions received, Council made the following decision:

“That Council:

1. *NOTES that:*
 - 1.1 *a trial ‘½ seagull’ island partial closure of Norfolk Street, at Vincent Street, was implemented in late May 2015; and*
 - 1.2 *all streets potentially affected by the trial partial closure were assessed and traffic data collected prior to, and during the trial and residents consulted at the conclusion of the trial;*
2. *DEFERS the implementation of a permanent ‘½ seagull’ island at the intersection of Norfolk and Vincent Streets*
3. *REQUESTS Administration to provide an alternative option for traffic calming on Vincent Street that would allow the re-instatement of the right turn; and*
4. *ADVISES the respondents of its decision.”*

DETAILS:

Trial Right Hand Turn Ban – Norfolk Street into Vincent Street:

As previously reported to Council, this intersection was modified several years ago as part of a Black Spot funded project, however, the accidents continued to occur including a fatality in 2014, which led to calls for further action.

As the majority of accidents at this location involved vehicles turning right out of Norfolk Street colliding with vehicles travelling eastbound on Vincent Street, including that of the fatality, Council in March 2015, approved undertaking a six month trial to eliminate the right turn movement from Norfolk Street into Vincent Street.

Traffic Redistribution:

During the trial, while Ethel Street and Chelmsford Road recorded some increase in vehicles per day (vpd) the traffic volume in these streets was still well below the threshold of 3,000vpd in accordance with their classification as Access Roads in accordance with the Functional Road Hierarchy and given their geographic location in the road network.

Ethel Street had an average increase of only 96vpd to 533vpd and Chelmsford Road recorded an average increase of 131vpd to only 474vpd (as shown in the following table).

	Norfolk St, Vincent to Chelmsford	Hyde St, Vincent to Chelmsford	Ethel St, Vincent to Chelmsford	Chelmsford Rd, Ethel to Norfolk	Total
Before (May 15)	1385	278	437	343	2,443
After (May15 Average)	1076	296	533	474	2,379
Average increase / decrease	- 309vpd	+ 18vpd	+ 96vpd	+131vpd	- 64vpd

Accidents:

During the trial, which has been in place for over a year, there were no reported accidents at Vincent/Norfolk Street intersection, whereas in the five years preceding the trial, there were 14 accidents including one fatality.

Accident statistics (1 January 2011 to 31 December 2015) are as per the table below:

Reported Accidents	2011	2012	2013	2014	2015	Total
Norfolk/Vincent	2	5	3	4*	0**	14
Hyde/Vincent	0	0	0	0	2	2
Ethel/Vincent	1	0	1	0	0	2

Note: * Includes a fatality.

** No recorded accidents during the trial period

While there were two recorded accidents during the trial at the Hyde/Vincent Street intersection, neither of these accident types can be linked to the right turn ban at Norfolk Street as the accidents comprised a rear end west bound same lane in Vincent Street (either a vehicle turning right into Hyde Street or stopped to reverse park) and an east bound 'U' turn in front of following traffic, possibly to park adjacent Hyde Park.

Alternative Option for Traffic Calming on Vincent Street in Lieu of Right Turn Ban:

To effectively reduce the risk of any future right hand accidents (Norfolk Street into Vincent Street) the maximum speed through the intersection, at ALL times, would need to be no greater than 40kph, to comply with the Safe Intersection Sight Stopping Distance (SISD) i.e. the safe distance for a vehicle to stop to avoid a collision. This is based on the actual distance from crest of road on Vincent Street, to Norfolk (heading west), being approximately 64m.

It should be noted that the 'Entry Sight Distance' (ESD) i.e. the safe distance for a vehicle to be able to exit Norfolk Street and turn right into Vincent Street without deterring the flow of a west bound vehicle on Vincent Street, would not be achieved at a speed greater than 40kph.

Approach Speed	ESD (m)	Difference	SISD (m)	Difference
70kph	225	-155	135	-65
60kph	160	-90	105	-35
50kph	125	-55	80	-10
40kph	100	-30	60	+10

If speed humps were installed, they would need to be strategically placed, at appropriate intervals to attempt to restrict the speed to 40kph through the intersection.

It is vital that a speed of 40kph, or less, be achieved to avoid any further serious accidents/fatalities at this location however even with the existence of speed humps some motorists e.g. in SUV's or motor cycles, and others, could still achieve higher speeds through the intersection.

Also the height of the speed humps would be critical in achieving the desired speed reduction however this would need to be balanced against maintaining the amenity of adjoining residents against a desirable speed hump height given the higher volumes of traffic that currently use Vincent Street.

Local Area Traffic Management:

It was also suggested that an area wide Traffic Management approach should be taken rather than simply dealing with one location. The only location in the area where there was a serious safety issue, prior to the trial, was at the intersection of Vincent and Norfolk Street and in an effort to address the issue the best solution was recommended as a trial to determine whether there would be an adverse impact on the wider local road network.

From measuring the traffic and assessing the traffic data, from before and during the trial, the following matters were considered in framing the recommendation to formalise the right turn ban at Norfolk/Vincent:

- Assessment of the traffic redistribution in other streets – within acceptable limits
- Marked increase in the speed of traffic – no increase
- Increase in accidents at other locations – no increase

CONSULTATION/ADVERTISING

Respondents will be advised of Council's decision.

RISK MANAGEMENT IMPLICATIONS:

High: The intersection is listed as a Black Spot given the high recorded number of accidents (14, *includes a fatality*, over the five year period). Since the trial closure, no accidents have been recorded at the intersection. Therefore due to this outcome, during the trial period, the proposed permanent right turn ban at the intersection is considered a high priority to minimise the risk of further serious accidents.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The estimated cost to remove the trial '½ seagull' island and install a permanent solution is in the order of \$15,000 to be funded from the existing 2015/16 budget allocation which will be carried forward to 2016/17. The estimated cost of installing speed humps either side of the Norfolk Street intersection on Vincent Street is \$15,000.

COMMENTS:

Prior to the trial, the intersection of Vincent and Norfolk Streets recorded 14 accidents over a five year period including one fatality. Since the trial closure, no accidents have been recorded at the intersection. Also the traffic re distribution along the other streets in the survey area has been minor, given the geographic location of these streets in the road network and their ability (in accordance with the Functional Road Hierarchy) to carry up to 3,000 vehicles per day.

While the installation of speed humps along Vincent Street may improve the situation by lowering vehicle speeds, their installation would not guarantee the permanent reduction in right hand turn accidents from Norfolk Street into Vincent Street.

Given the success of the trial, to mitigate the risk of any future serious accidents/fatalities at the Norfolk/Vincent Street intersection, Administration recommends that the right turn ban from Norfolk Street into Vincent Street be made permanent as there has only been a minimal impact on the other streets in the area and a marked improvement at the Vincent/Norfolk Street intersection.

5.2.2 Axford Park Upgrade - Progress Report

Ward:	North	Date:	8 July 2016
Precinct:	Precinct 2 - Mt Hawthorn Centre	File Ref:	SC2712
Attachments:	<u>1</u> – Project Study Area <u>2</u> – Project Plan		
Tabled Items:	-		
Reporting Officers:	G Lawrence, Place Manager J O’Keefe, Manager Policy and Place J van den Bok, Manager Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council **NOTES** the progress on the development of a plan for the future redevelopment of Axford Park, as outlined in the report.

PURPOSE OF REPORT:

To update the Council on the development of a plan for the future redevelopment of Axford Park.

BACKGROUND:

On 3 March 2016 a meeting was held between the City and the Mount Hawthorn Sub-Branch of the Returned Services League (WA) and Mount Hawthorn Hub to discuss the possible upgrade of Axford Park and options to close a portion of Hobart Street.

Ordinary Meeting of Council 5 April 2016:

Council considered a Notice of Motion regarding developing a plan to inform the future redevelopment of Axford Park, as per the Notice of Motion below;

“That Council REQUESTS the Chief Executive Officer to:

1. *Develop a plan for Axford Park in consultation with the local community, the Mt Hawthorn Hub and the Mt Hawthorn Sub-Branch of the Returned Services League (WA), to enhance the precinct for greater community use, to create more usable open space and to protect and enhance the existing war memorial; and*
2. *Report back to Council by July 2016 on the progress of developing the plan referred to in 1. above.”*

In May 2016 Administration undertook high level consultation regarding Axford Park, with the community, at the Mount Hawthorn Streets and Laneway Festival

In addition a meeting was held between the City and the Mount Hawthorn Sub-Branch of the Returned Services League (WA) and Mount Hawthorn Hub to discuss the possible upgrade of Axford Park and possible options to close a portion of Hobart Street.

The community engagement exercise could identify short and long term options for improvements to the Park, which if agreed by Council could then be costed and scheduled into the City’s future capital works programs and long-term financial plan.

DETAILS:

Axford Park:

The park is a key site within the City of Vincent and it comprises a Mount Hawthorn community asset. It is currently underutilised and designed in a manner which does not attract significant or regular community use. Although the City has limited data in relation to existing user numbers, the park has been intermittently monitored since early April 2016 and the findings support this.

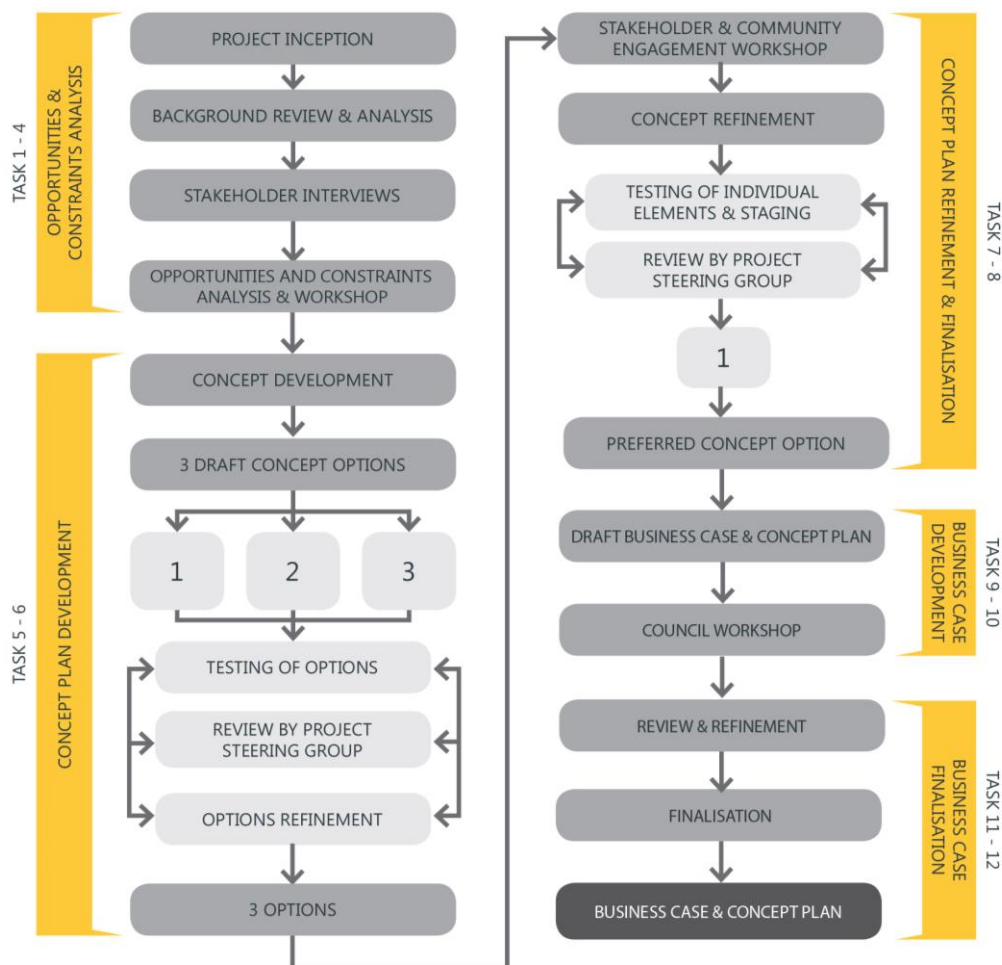
Although the park is underutilised, it does have an existing user group and supports a number of functions and events including, the annual ANZAC Day Commemorative Service, the Streets and Laneways Festival and the Summer Hawkers Market which was run in 2014 and is planned to run again in 2016.

The park is also used year round by visitors and locals for recreation purposes as well as by people passing through, visiting the war memorial, stopping to enjoy the rose garden and/or catching the bus. It is well serviced by toilets, drinking fountains, the Scarborough Beach Road bike lanes and is in close proximity to soon to be completed, Shakespeare Street Demonstration Bike Boulevard.

Axford Park Study:

The park presents a number of opportunities for redevelopment and is well positioned to be upgraded in order to maximise its potential. Through redevelopment with the possible creation of more usable space, the park is likely to generate considerably more community use. To ensure the site reaches its full potential and is developed in a sustainable, community focused and site responsive way, engagement with key stakeholders and the Mount Hawthorn community has been identified as an important element of the project delivery.

Administration has developed a project plan for the Axford Park study area as outlined in **Attachment 1**. The proposed project plan outlines the project methodology and tasks including an ‘Opportunities and Constraints’ analysis, key stakeholder and community engagement, concept plan development, review processes and business case development. The project “methodology” is outlined in **Attachment 2**, and is summarised below:



The project plan involves an integrated design process in order to deliver a Concept Plan that celebrates the intrinsic qualities of the site, embeds the values of the local community and delivers on the key stakeholder objectives.

The following key considerations for the project are outlined below:

Community Values:	This will recognise the significance of the site for its users, its associated value and other historic sensitivities including the war memorial, rose garden and rotunda.
Redevelopment Potential:	The role of the park in attracting additional users to the Town Centre and accommodating a range and mix of elements to cater for different user types will be explored.
Role:	The role of the site as a catalyst for change and the opportunities and challenges associated with a transitioning Town Centre will be considered.

The following phases have been developed to ensure that key project delivery tasks are met before preceding to the next phase. This approach provides a comprehensive check list for the efficient management of the project and minimises project risks.

Phase 1: Site and context analysis:

This is central to the project approach and will be undertaken to holistically gain an understanding of the opportunities, challenges and risks associated with the redevelopment of the park.

This analysis will form part of the first phase of the project and will be complemented with key stakeholder engagement. This engagement will enable the City to determine an agreed set of objectives and principles that will guide the project throughout.

Further Phases:

The further phases will form a reiterative design process. The process is an integrated approach which couples design development with community consultation with the intent to deliver a community based Concept Plan.

Business Case:

This will be developed following the finalisation of the Concept Plan which will outline proposed staging, costing and project implementation options for the Concept Plan and will guide Administration's facilitation of the potential redevelopment.

CONSULTATION/ADVERTISING:

On the 1 May 2016, Administration undertook high level consultation with the community at the Mount Hawthorn Streets and Laneways Festival.

The City will undertake further consultation in accordance with the project plan when that stage of the project is reached.

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

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

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

Community Development and Wellbeing

3.1 *Enhance and promote community development and wellbeing.*

3.1.3 *Promote health and wellbeing in the community.*

3.1.6 *Build capacity within the community to meet its needs."*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The Concept Plan and associated Business Case will be developed using mostly internal resources. Specialist consultants may be required to assist with various elements of the plan.

Workshop materials, catering and facilities hire charges will be covered by the City's operational budget.

COMMENTS:

A project plan has been developed to provide a clear direction for the future consideration of the redevelopment of Axford Park and the engagement process will seek to achieve a balance between the aspirations of the existing park users, the need of future users, the City and the broader community.

The plan will clearly define the strategic direction and vision for the future redevelopment of Axford Park in order to enable the park to develop in a sustainable and community focused way. This collaborative plan will guide the future redevelopment of the park and a future Business Case will determine the feasibility of delivering the proposed elements outlined in the Concept Plan.

A stakeholder and community endorsed park design will be an important contribution to the Mount Hawthorn Town Centre and local community. The community is already highly engaged and it is hoped that a collaborative approach to developing a shared vision and Concept Plan for the park will facilitate greater usability and functionality with regards to its current and future user groups.

Administration intends to ensure that the Concept Plan collectively achieves the requirements of the Mount Hawthorn community and delivers on the operational and functional needs of other key stakeholders.

The initiation of Phase 1 of the Project Plan and ultimate implementation of the Concept Plan will require significant staff resources across several directorates. The projects priority will be progressed in the context of other Council priorities contained in the Corporate Business Plan.

5.2.3 Tender No. 514/16 – Supply and Delivery of One 22/23m³ Side Loading Automatic Bin Lifter Refuse Truck

Ward:	Both	Date:	7 July 2016
Precinct:	All	File Ref:	SC2595
Attachments:	Confidential Attachment - Pricing Schedule		
Tabled Items:	Nil		
Reporting Officer:	Con Economo, Manager Engineering Operations		
Responsible Officer:	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council **ACCEPTS** Tender No 514/16 from Truck Centre for the supply and delivery of one 22/23m³ side loading automatic bin lifter refuse truck with a Bucher compactor unit, for the contract price of \$358,000 (excluding GST) as per the pricing schedule (Confidential Attachment) in the tender submission and general conditions of tendering.

PURPOSE OF REPORT:

To consider awarding Tender No. 514/16 for the supply and delivery of one 22/23m³ side loading automatic bin lifter refuse truck for the City's Waste Collection Operations.

BACKGROUND:

The City's rubbish truck compactors have a useful life of approximately seven years and the existing rubbish compactor, listed for replacement as part of the long-term major plant and equipment program for 2015/16, has been used for the City's Waste Collection Operations over this period.

The side arm compactor unit is predominantly used to collect domestic 240 litre Mobile Garbage Bins (MGB's) within the City as required. The collected waste is disposed of at the Mindarie Regional Council Neerabup Resource Recovery Facility (RRF) where general household waste is converted to compost with a residual component of the waste going to landfill.

DETAILS:

Tender 514/16 for the supply and delivery of one 22/23m³ side loading automatic bin lifter refuse truck was advertised on 24 February 2016.

Contract Type	Lump sum contract
Contract Term:	Not applicable – The duration of the fabrication works for the compactor component will be approximately 4-5 months.
Commencement date:	Not applicable – The fabrication works for the compactor component will commence in June 2016.
Expiry Date:	Not applicable – The fabrication works for the compactor component to be completed and the truck (complete) delivered by December 2016.

Tenders Received:

The tenders received were from the following registered companies:

- Truck Centre (WA) Pty Ltd;
- WA Hino (two options); and
- Daimler Trucks

Tender Assessment:

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

CRITERIA	WEIGHTING
Mandatory product features	30%
Special facilities	25%
Price (tender)	20%
Operators ergonomics	10%
Life cycle costs	5%
Warranty	5%
Delivery	5%
Total	100%

Tender Evaluation Panel:

The tender evaluation panel consisted of the following:

- Manager Engineering Operations
- Purchasing Officer Depot
- Engineering Technical Officer Works
- Supervisor Waste Management

Tender Evaluation Ranking:

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

Selection Criteria	Weighting	Truck Centre	Daimler
Mandatory product features	30%	28.8	28.6
Special facilities	25%	25	25
Price (tender)	20%	20	18.2
Operators ergonomics	10%	10	9.3
Life cycle costs	5%	5	3.9
Warranty	5%	5	2.4
Delivery	5%	5	5
Total	100%	98.8	92.4
Ranking		1st	2nd

The tender submitted by WA Hino - Option 1 Truck and Superior Pak back end and Option 2 Truck and Bucher Municipal back end were non-conforming with several key specification requirements and was not assessed further.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY

The tender was advertised and assessed in accordance with the *Local Government Act 1995* Tender Regulations and the City's Policy No. 1.2.2 – Code of Tendering and Policy No. 1.2.3 – Purchasing.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$420,000 was allocated in the 2015/16 budget for the replacement of the existing side arm rubbish truck utilised by Engineering Operations. The preferred tenderer submitted a price of \$358,000 (excluding GST).

An amount of \$358,000 will be carried forward to the 2016/17 financial year to enable the purchase of this major plant item to proceed.

COMMENTS:

Clarification was sought from both the Truck Centre (WA) Pty Ltd and Daimler regarding information provided in their tenders regarding 'life cycle costs'. The panel reassessed both submissions and the subsequent scores were updated to reflect the clarifications provided.

The submissions by both the Truck Centre (WA) Pty Ltd and Daimler were very competitive and both would be able to provide the required level of service requested in the tender however following a detailed assessment the panel considered that the Truck Centre's submission (Volvo) provided the best overall value.

The City currently has a Volvo in the Waste Operations section which has performed exceptionally well in regards to providing best reliability and service provision at the lowest cost. The proposed Bucher Municipal side arm compactor unit also complied with all parts of the tender specification and the evaluation panel considered that this combination in terms of operation and servicing would provide the best value to the City.

It is therefore recommended that Council approves Tender No 514/16 from the Truck Centre (WA) Pty Ltd for the supply and delivery of one 22/23m³ side loading automatic bin lifter refuse truck with a Volvo FE Euro 5 with a Bucher Municipal Compactor unit.

5.2.4 Tender No 519/16 – Provision of General Cleaning Services for the City of Vincent’s Administration and Civic Centre and Library and Local History Centre

Ward:	Both	Date:	8 July 2016
Precinct:	All	File Ref:	SC2649
Attachments:	1 – Tender Evaluation Ranking Confidential Attachment - Pricing Schedule		
Tabled Items:	Nil		
Reporting Officer:	J Hopper, Property Maintenance Officer		
Responsible Officer:	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council **ACCEPTS** Tender No 519/16 from Academy Services for the supply of cleaning services to the Administration and Civic Centre and Library and Local History Centre for the period of three years, for the fixed annual price of \$111,797.16 (excluding GST) as per the pricing schedule (Confidential Attachment 2) in the tender submission and general conditions of tendering.

PURPOSE OF REPORT:

To consider awarding of Tender No 519/16 – provision of general cleaning services for the City’s Administration and Civic Centre and Library and Local History Centre.

BACKGROUND:

The City’s Administration and Civic Centre and Library and Local History Centre Buildings are cleaned five and seven days per week respectively. The contracts for each building expired in early 2016 and a short period Request for Quotation (RFQ) went to market to align contract start dates.

For some time, the first and ground floors of the Administration and Civic Centre have been managed as two separate contracts, resulting in misalignment of contract start and end dates. In addition to this, the Library and Local History Centre contract was managed by the Manager Library and Local History Services.

An internal stakeholders group was consulted resulting in agreed levels of service within budget forward forecasts and scoped into an all-inclusive contract. The three existing contracts were serviced by the same operator and by rolling the three contracts into one, and including quarterly and bi-annual duties, Administration expects to receive greater value for money going forward.

DETAILS:

Tender 519/16 - Provision of General Cleaning Services for the City of Vincent’s Administration and Civic Centre and Library and Local History Centre was advertised on Wednesday 4 May 2016 in the West Australian.

A mandatory site inspection was conducted on Wednesday 11 May 2016.

Contract Type	Lump sum contract
Contract Term	Three years.
Commencement date	1 September 2016.
Expiry Date	31 August 2019.
Extensions of contract	1 year at the sole discretion of the City.
Rise and fall included	Not applicable.

Tenders Received:

At the close of the tender advertising period 29 tenders were received from the following companies:

<ul style="list-style-type: none"> • Academy Services (WA) Pty Ltd • All Clean Property Services Plus • Alpha Corporate Property Services • AMC Commercial Cleaning • Art of Clean • Aquawash Tile & Carpet Cleaning Pty Ltd • Charles Service Company • Chris Cleaning & Site Services • DMC Cleaning • Delron Cleaning Pty Ltd • Emerald Angels Pty Ltd* • Glad Group Integrated Property Services* • GJK Facility Services • Iconic Property Services • International Cleaning Services Aust. Pty Ltd* 	<ul style="list-style-type: none"> • Intework Incorporated • Mastercare Property Services (WA) Pty Ltd • Menzies International (WA) Pty Ltd • M1 Group Facilities Management Services • Multiclean WA* • OCE Corporate Cleaning • Perth Cleaning Company • Quad Services Pty Ltd • Southern Cross Group Services • Spick & Span Commercial Property Maintenance • Storm International Pty Ltd • Teski Cleaning Services • TJS Services (Vic) Pty Ltd • VVM Pty Ltd
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Note: Four (*) of the tenders received were non-conforming and were not assessed.

Tender Assessment:

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

CRITERIA	WEIGHTING
Lump sum flat price calculated monthly	35%
Capacity to deliver	25%
Expertise and relevant experience in similar projects	20%
Relevant experience of key personnel	10%
Financial history and evidence of stability	10%
Total	100%

Tender Evaluation Panel

Technical Services – Property Maintenance Officer
Community Engagement – Acting Manager Library Services
Corporate Services – Manager Financial Services

Tender Evaluation Ranking:

The first three ranked tenderers are shown in the following table while all scores allocated by the panel for each criteria, as noted above are shown in the table in **Attachment 1**.

The table exhibited in **Confidential Attachment 2** indicates the prices submitted.

Tenderer Name	Weekly Price	Capacity to Deliver	Expertise & Relevance	Personnel Experience	Financial Stability	Total	Rank
CRITERIA (max score)	35.00	25.00	20.00	10.00	10.00	100.00	-
Academy Services	35.00	21.67	15.33	8.67	8.17	88.84	1st
Delron Cleaning	35.00	20.00	17.33	8.00	4.67	85.00	2nd
Menzies International	35.00	20.83	12.00	6.33	7.67	81.83	3rd

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY

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

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

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

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

1.1.4 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:

An amount of \$178,000 has been allocated in the 2016/2017 budget for the cleaning of the Administration Civic Centre and the Library and Local History Centre.

The preferred tenderer has submitted a price of \$111,797.16 (excluding GST). This price includes all scheduled cleans. The budget amount allows for additional non-scheduled cleans/set up, that may be requested from time to time by Administration.

COMMENTS:

Administration is satisfied that the submission by Academy Services demonstrates a detailed understanding of the scope required for the high profile operational buildings. Administration is also satisfied with the quality of work and communication currently provided by Academy Services as the City's incumbent contractor for pavilions and public ablutions. Reference checks to other Local Governments of similar/greater sizes and scopes have provided positive feedback.

The submission by Academy Services complies with all of the tender requirements and they have satisfactorily performed in similar roles and their tender submission provides good value for money.

It is therefore requested that the recommendation be adopted for Tender No 519/16 – provision of general cleaning services for the City's Administration and Civic Centre and Library and Local History Centre.

5.2.5 Tender No 520/16 – Provision of General Cleaning Services for the City of Vincent’s Depot, Public Toilets, Halls/Pavilions and Health Clinics

Ward:	Both	Date:	29 June 2016
Precinct:	All	File Ref:	SC2666
Attachments:	1 – Tender Evaluation Ranking Confidential Attachment - Pricing Schedule		
Tabled Items:	Nil		
Reporting Officer:	J Hopper, Property Maintenance Officer		
Responsible Officer:	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council **ACCEPTS** Tender No 520/16 from Academy Services for the supply of general cleaning services for the Depot, Public Toilets, Halls/Pavilions and Health Clinics for the period of three years, for the fixed annual price of \$246,636.52 (excluding GST) as per the pricing schedule (Confidential Attachment 2) in the tender submission and general conditions of tendering.

PURPOSE OF REPORT:

To consider awarding of Tender No 520/16 – provision of general cleaning services for the City of Vincent’s Depot, Public Toilets, Halls/Pavilions and Health Clinics.

BACKGROUND:

The City’s Depot is cleaned five days per week and Public Toilets across the City are, for the most part, cleaned daily. Halls/Pavilions and Health Clinics are cleaned according to use and demand. The contracts for all buildings expired early 2016 and a short period Request for Quotation went to market to align contract start dates.

An internal stakeholders group was consulted resulting in agreed levels of service within budget forward forecasts, which was scoped into an all-inclusive contract. Customer feedback and the upgrade of some parks, where public toilets are located, has resulted in a greater level of service scoped into this contract.

For some time, three contracts were serviced by three operators across the multitude of assets. By rolling the three contracts into one, and including quarterly, bi-annual and annual duties, the City expects to receive a greater value for money outcome.

DETAILS:

Tender 520/16 - Provision of General Cleaning Services for the City of Vincent’s Depot, Public Toilets, Halls/Pavilions and Health Clinics was advertised on Wednesday 18 May 2016 in the West Australian.

A mandatory multiple sites inspection was conducted on Wednesday 25 May 2016.

Contract Type	Lump sum contract
Contract Term	Three years.
Commencement date	1 September 2016.
Expiry Date	31 August 2019.
Extensions of contract	1 year at the sole discretion of the City.
Rise and fall included	Not applicable.

Tenders Received:

At the close of the tender advertising period 19 tenders were received from the following companies:

<ul style="list-style-type: none"> • Academy Services • Advanced Cleaning • Alpha Corporate Property Services • AMC Commercial Cleaning • Briteshine Cleaning Services • CCM Cleaning Services • Cleandustrial • DMC Cleaning • GJK Facility Services • Glad Group Integrated Property Services 	<ul style="list-style-type: none"> • GWC Total Management • Iconic Property Services • M1 Group Facilities Management Services • Multiclean WA* • OCE Corporate Cleaning • Spick & Span Commercial Property Maintenance • SS Croxson Enterprises* • TJS WA Pty Ltd • VVM Pty Ltd
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Note: Two (*) of the tenders received were non-conforming and were not assessed.

Tender Assessment:

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

CRITERIA	WEIGHTING
Lump sum flat price calculated weekly	45%
Capacity to deliver	20%
Expertise and relevant experience in similar projects	15%
Relevant experience of key personnel	10%
Financial history and evidence of stability	10%
Total	100%

Tender Evaluation Panel:

Technical Services – Property Maintenance Officer
Parks Services – Customer Service Officer Halls and Reserves Bookings
Corporate Services – Manager Governance & Risk

Tender Evaluation Ranking:

The first three ranked tenderers are shown in the following table while all scores allocated by the panel for each criteria, as noted above are shown in the table in **Attachment 1**.

The table exhibited in **Confidential Attachment 2** indicates the prices submitted.

Tenderer Name	Weekly Price	Capacity to Deliver	Expertise & Relevance	Personnel Experience	Financial Stability	Total	Rank
CRITERIA (max score)	45.00	20.00	15.00	10.00	10.00	100.00	-
Academy Services	45.00	17.33	12.50	8.33	7.67	90.83	1st
OCE Corporate Cleaning	45.00	16.00	12.00	7.67	4.33	85.00	2nd
TJS WA Pty Ltd	45.00	14.00	12.00	6.00	6.00	83.00	3rd

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY

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

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

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

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

1.1.4 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:

An amount of \$327,700 has been allocated in the 2016/2017 budget for the cleaning of the City of Vincent's Depot, Public Toilets, Halls/Pavilions and Health Clinics.

The preferred tenderer has submitted a price of \$246,636.52 (excluding GST). This price includes all scheduled cleans. The budget amount allows for additional non-scheduled cleans/set up, that may be requested from time to time by Administration.

COMMENTS:

Officers are satisfied that the submission received by Academy Services clearly demonstrates a detailed understanding of the scope required for these buildings. Officers are also satisfied with the quality of work and communication currently provided by Academy Services as the City's incumbent contractor for pavilions and public ablutions. Reference checks with other Local Governments of similar/greater sizes and scopes have provided detailed positive feedback.

The submission by Academy Services complies with all of the tender requirements and they have satisfactorily performed in similar roles and their tender submission provides good value for money.

It is therefore requested that the recommendation be adopted for Tender No 520/16 – provision of general cleaning services for the City of Vincent's Depot, Public Toilets, Halls/Pavilions and Health Clinics.

5.3 CORPORATE SERVICES

5.3.1 Investment Report as at 30 June 2016

Ward:	Both	Date:	8 July 2016
Precinct:	All	File Ref:	SC1530
Attachments:	1 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	N Makwana, Accounting Officer G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

RECOMMENDATION:

That Council **NOTES** the Investment Report for the month ended 30 June 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 June 2016 including on call in the City's operating account were \$23,024,830 as compared to \$16,372,423 at the end of May 2016.

Total Investments for the period ended 30 June 2016 were \$21,005,952 as compared to \$23,486,917 at the end of May 2016. At 30 June 2015, \$14,461,000 was invested.

Investment comparison table:

	2014-2015	2015-2016
July	\$11,311,000	\$14,961,000
August	\$23,111,000	\$26,961,000
September	\$22,111,000	\$31,361,000
October	\$22,411,000	\$30,701,564
November	\$21,111,000	\$31,206,505
December	\$19,361,000	\$27,239,542
January	\$19,361,000	\$29,229,172
February	\$19,361,000	\$29,221,565
March	\$19,061,000	\$27,983,289
April	\$15,561,000	\$26,587,166
May	\$13,561,000	\$23,486,917
June*	\$16,372,423	\$21,005,952

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

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

	Revised Budget	Budget Year to Date	Actual Year to Date	% of FY Budget
Municipal	\$390,461	\$390,461	\$516,993	132.41
Reserve	\$258,624	\$258,624	\$295,267	114.17
Total	\$649,085	\$649,085	\$812,260	125.14

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

Long Term Rating (Standard & Poor's) or Equivalent	Short Term Rating (Standard & Poor's) or Equivalent	Direct Investments Maximum % with any one institution		Managed Funds Maximum % with any one institution		Maximum % of Total Portfolio	
		Policy	Actual	Policy	Actual	Policy	Actual
AAA Category	A1+	30%	Nil	45%	Nil	100%	Nil
AA Category	A1+	30%	21.2%	30%	Nil	90%	51.7%
A Category	A1	20%	20.4%	30%	Nil	80%	48.2%
BBB Category	A2	10%	Nil	n/a	Nil	20%	Nil

RISK MANAGEMENT IMPLICATIONS:

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

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

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

STRATEGIC IMPLICATIONS:

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

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

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

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

The City has obtained a weighted average interest rate for current investments of 2.73% which includes the City's operating account. When the investments are calculated excluding the operating account, the average investment rate achieved is 3.00% as compared to the Reserve Bank 90 days Accepted Bill rate of 1.99%. As of 30 June 2016, the City's actual investment earnings are exceeding the budget estimate by \$163,175 (25%). Overall the City has exceeded the total budget for interest on investments.

As at 30 June 2016, \$4,411,697 has been transferred to Trust (Leederville Gardens Inc Surplus) from Reserve funds as approved by Council on 08 March 2016, which will impact on future period investments.

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

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

5.3.2 Authorisation of Expenditure for the Period 1 June 2016 to 30 June 2016

Ward:	Both	Date:	8 July 2016
Precinct:	All	File Ref:	SC347
Attachments:	1 – Creditors Report – Payments by EFT 2 – Creditors Report – Payments by Cheque 3 – Credit Card Transactions		
Tabled Items:	-		
Reporting Officers:	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 June 2016 to 30 June 2016 as detailed in Attachment 1, 2 and 3 as summarised below:

Cheque numbers 79970 - 80059	\$101,180.23
Cancelled Cheques	- \$140
EFT Documents 1944 - 1955	\$3,936,329.56
Payroll	\$1,067,740.95

Direct Debits

• Lease Fees	\$5,780.98	
• Loan Repayment	\$145,734.61	
• Bank Fees and Charges	\$15,826.10	
• Credit Cards	\$6,822.10	
Total Direct Debit		\$174,163.79
Total Accounts Paid		\$5,279,274.53

PURPOSE OF REPORT:

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

BACKGROUND:

Council has delegated to the Chief Executive Officer (Delegation No. 1.14) 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	79970 - 80059	\$101,180.23
Cancelled Cheques	79982; 80046	-140.00
EFT Payments	1944 - 1955	\$3,936,329.56
Sub Total		\$4,037,369.79
Transfer of Payroll by EFT	14/06/16	\$529,194.04
	20/06/16	\$1,187.63
	21/06/16	\$121.60
	28/06/16	\$534,743.48
	29/06/16	\$2494.20
	June 2016	\$1,067,740.95
Corporate Credit Cards (Attachment 3)		\$6,822.10
Bank Charges and Other Direct Debits		
Lease Fees		\$5,780.98
Loan Repayment		\$145,734.61
Bank Charges – CBA		\$15,826.10
Total Bank Charges and Other Direct Debits (Sub Total)		\$167,341.69
Less GST effect on Advance Account		0.00
Total Payments		\$5,279,274.53

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 or has been authorised in advance by Council where applicable.

COMMENT:

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

5.3.3 Financial Statements as at 31 May 2016

Ward:	Both	Date:	8 July 2016
Precinct:	All	File Ref:	SC357
Attachments:	1 – Financial Reports		
Reporting Officers:	B Wong, Accountant G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

RECOMMENDATION:

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

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

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

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

DETAILS:

The following documents, included as **Attachment 1** represent the Statement of Financial Activity for the period ending 31 May 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	6-34
5.	Capital Works Schedule and Funding and Graph	35-41
6.	Cash Backed Reserves	42
7.	Rating Information and Graph	43-44
8.	Receivables	45
9.	Beatty Park Leisure Centre Report – Financial Position	46
10.	Explanation of Material Variance	47-59

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

Summary of Financial Activity By Programme as at 31 May 2016

	Revised Budget \$	Year to date Budget \$	Year to Date Actual \$	Year to Date Variance \$	Year to Date Variance %
Operating Revenue	29,702,827	27,735,203	24,930,905	(2,804,298)	-10%
Operating Expenditure	(54,516,322)	(49,385,553)	(47,540,751)	1,844,802	-4%
Add Deferred Rates Adjustment	-	-	14,004	14,004	0%
Add Depreciation	10,103,230	9,261,036	9,243,428	(17,608)	0%
(Profit)/Loss on Asset Disposal	(3,716,718)	(3,716,718)	(2,679,153)	1,037,565	-28%
Leederville Gardens Retirement Village Fund Adjustment	-	-	875,631	875,631	0%
Net Operating (excluding Rates and Non-cash Items)	(18,426,983)	(16,106,032)	(15,155,936)	950,096	-6%
Proceeds from Disposal of Assets	4,665,090	4,665,090	3,499,833	(1,165,257)	-25%
Transfers from Reserves	2,680,767	2,680,767	1,357,934	(1,322,833)	-49%
Capital Expenditure	(12,822,207)	(12,776,937)	(6,224,613)	6,552,324	-51%
Repayments Loan Capital	(760,288)	(694,693)	(694,692)	1	0%
Transfers to Reserves	(5,331,657)	(4,978,931)	(4,112,299)	866,632	-17%
Net Capital	(11,568,295)	(11,104,704)	(6,173,836)	4,930,868	-44%
Total Net Operating and Capital	(29,995,278)	(27,210,736)	(21,329,772)	5,880,963	-22%
Rates	29,596,786	29,596,537	29,601,379	4,842	0%
Opening Funding Surplus/(Deficit)	1,007,891	1,007,891	1,007,891	-	0%
Closing Surplus/(Deficit)	609,399	3,393,692	9,279,498	5,885,805	173%

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

Comments on Summary of Financial Activity by Programme:

Revised Budget

Includes all budget amendments approved by Council up to 31st May 2016.

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 10% (\$2.8m). This is due to reduced revenue in Recreation and Culture (\$543k), Transport (\$1.29m) and Other Property and Services (\$1.02m).

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

Operating Expenditure

The positive variance is currently at 4% and is primarily due to the delayed payment cycle for materials and contracts.

Funding Balance Adjustment

Reversal of the restriction placed on \$875,631 for Leederville Gardens Retirement Village funds as at 30th June 2015.

Transfer from Reserves

This is in an unfavourable position as the Transfer from Reserves is aligned with the timing of Capital Works projects that are Reserves funded.

Capital Expenditure

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

Transfer to Reserves

Monthly transfer to the Asset Sustainability Reserve commenced in July 2015, based on budget phasing. This has been reviewed regularly and there has been no requirement for adjustment.

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

Opening Funding Surplus/(Deficit)

The surplus Opening Balance brought forward from 2014-15 is \$1,007,891, as compared to budgeted opening surplus balance of \$576,865. This has been adjusted as part of the mid-year budget review and is reflected in the statements.

Closing Surplus/(Deficit)

There is currently a surplus of \$9,279,498, compared to year to date budget surplus of \$3,393,692. This is substantially attributed to the positive variance in operating expenditure and the current level of Capital Expenditure.

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

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

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

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

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

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

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

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

The net current funding position as at 31 May 2016 is \$9,279,499.

4. Summary of Income and Expenditure by Service Areas (Note 4 Page 6 – 34)

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

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

Capital budget for Infrastructure Assets has increased by \$835,000 for the Demonstration Bike Boulevard Project implementation in Shakespeare Street, between Green Street and Scarborough Beach Road, Mount Hawthorn which will be funded by grants from Department of Transport.

Capital budget for Furniture and Equipment expenditure has increased by \$5,270 to buy-out the residual values of 3 leased multifunction print devices. This budget is reallocated from the CEO's Management Initiatives operating budget.

The above budget expenditure items were resolved by absolute majority at OMC on 31 May 2016.

The following table is a Summary of the 2015/2016 Capital Expenditure Budget by programme, which compares Year to date Budget with actual expenditure to date. The full Capital Works Programme is listed in detail in Note 5 of Attachment 1.

	Adopted Budget	Revised Budget	Year to date Budget	Year to date Actual	Full Year Budget Remaining
	\$	\$	\$	\$	%
Furniture & Equipment	469,300	506,489	501,219	266,718	47%
Plant & Equipment	1,831,650	1,872,979	1,872,979	322,288	83%
Land & Building	2,858,272	2,198,201	2,198,201	1,353,658	38%
Infrastructure	7,498,125	8,244,538	8,204,538	4,281,949	48%
Total	12,657,347	12,822,207	12,776,937	6,224,613	51%

	Adopted Budget	Revised Budget	Year to date Budget	Year to date Actual	Full Year Budget Remaining
	\$	\$	\$	\$	%
Capital Grants and Contributions	1,791,189	2,366,854	2,173,239	1,074,721	54%
Cash Backed Reserves	2,391,223	2,680,767	2,680,767	1,357,935	49%
Other (Disposal/Trade In)	135,000	135,000	135,000	89,287	34%
Own Source Funding – Municipal	8,339,935	7,639,586	7,787,931	3,702,670	51%
Total	12,657,347	12,822,207	12,776,937	6,224,613	51%

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

6. Cash Backed Reserves (Note 6 Page 42)

The Cash Backed Reserves schedule details movements in the reserves, including transfers and funds used, comparing actual results with the annual budget.

The balance as at 31 May 2016 is \$10,426,170. The balance as at 30 April 2016 was \$10,452,896.

7. Rating Information (Note 7 Page 43 - 44)

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

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

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

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

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

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

The Rates debtors balance as at 31 May 2016 is \$228,833 (this includes deferred rates of \$137,150). This represents 0.75% of the collectable income compared to 0.86% at the same time last year.

8. Receivables (Note 8 Page 45)

Receivables of \$3,171,113 are outstanding at the end of May 2016, of which \$2,506,690 has been outstanding over 90 days. This is comprised of:

\$470,279 (18.8%) relates to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangements for more than one year.

\$179,399 (7.2%) relates to Other Receivables, including recoverable works and property.

\$1,857,012 (74.1%) 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. A separate report is listed in this Council Agenda recommending the write-off of unrecoverable parking infringements.

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. A separate report is on the current agenda dealing with write-off of unrecoverable infringement debts.

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

As at 31 May 2016 the operating deficit for the Centre was \$197,674 in comparison to the year to date budgeted surplus of \$132,518.

The cash position showed a current cash surplus of \$460,702 in comparison to year to date budget estimate of a cash surplus of \$791,143.

All material variance as at 31 May 2016 has been detailed in the variance comments report in **Attachment 1**.

10. Explanation of Material Variances (Note 10 Page 47 - 60)

The materiality thresholds used for reporting variances are 10% and \$10,000. This means that variances will be analysed and separately reported when they are more than 10% (+/-) of the YTD revised budget, where that variance exceeds \$10,000. This threshold was adopted by Council as part of the Budget adoption for 2015-16 and is used in the preparation of the statements of financial activity when highlighting material variance in accordance with *Financial Management Regulation 34(1) (d)*.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

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

A statement of financial activity and any accompanying documents are to be presented at the next Ordinary Meeting of the Council following the end of the month to which the statement relates, or to the next Ordinary Meeting of Council after that meeting.

RISK MANAGEMENT IMPLICATIONS:

Low: In accordance with Section 6.8 of the *Local Government Act 1995*, a local government is not to incur expenditure from its Municipal Fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority decision of Council.

STRATEGIC IMPLICATIONS:

Strategic Plan 2013-2023:

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENT:

All expenditure included in the Financial Statements is incurred in accordance with Council's revised budget except for the Creche Playground Equipment for the Beatty Park Leisure Centre, which is funded by the Lotterywest's grant received in May 2016.

5.3.4 2016/2017 Budget

REPORT TO FOLLOW PRIOR TO THE MEETING

5.4 COMMUNITY ENGAGEMENT

5.4.1 Unrecoverable Parking Infringements Write-Off – **SUPERCEDED BY REPLACEMENT REPORT**

Ward:	Both	Date:	11 July 2016
Precinct:	All	File Ref:	SC210
Attachments:	To be circulated separately – Table: Infringements for Write-Off		
Tabled Items:	Nil		
Reporting Officer:	P Morrice, Team Leader Ranger Administration G Garside, Manager Financial Services		
Responsible Officer:	M Quirk, Director Community Engagement		

RECOMMENDATION:

That Council **APPROVES** the write-off of Parking Infringement Notices totalling \$284,324.61 that have been withdrawn by the Fines Enforcement Registry, as identified within Attachment 1.

PURPOSE OF REPORT:

To consider the write-off of Parking Infringement Notices that the Fines Enforcement Registry have advised are unrecoverable.

BACKGROUND:

Ranger and Community Safety Services issue infringement notices for contraventions of various Local Laws as well as the *Dog Act 1976* and the *Litter Act 1979*. In particular, where such Parking Infringement Notices are not paid there is a specific legal procedure undertaken to ensure the ability for collection through the Fines Enforcement Registry. As a Section within the Department of the Attorney General the Fines Enforcement Registry specifically deals with unpaid fines from both State and Local Governments.

Where no payment has been made the City send a Final Demand Notice 35 days after issuing the initial infringement notice, and should payment still not be made by a specific due date the matter is lodged with the Fines Enforcement Registry. Offenders are then notified by the Registry that failure to make payment will result in loss of their Drivers or Vehicle Licence. In many cases, the alleged offender has moved address but has not updated his/her ownership details in the Department of Transport system and their Drivers Licence is suspended. However, as a Drivers Licence can be issued for a 5-year period this may not come to their attention until a new application which will not be processed until payment of the infringement notice has been received.

However, the Fines Enforcement Registry is sometimes unable to collect the infringement penalty with the most common reason being insufficient information on the vehicle ownership file limiting the ability to prove beyond reasonable doubt the identity of an offender. In these circumstances, the Registry recommends that the relevant Local Governments write-off the penalties as unrecoverable.

DETAILS:

Through a recent review undertaken by Ranger & Community Safety Services and Financial Services it has been identified that since the inception of the City of Vincent there has never been a full reconciliation conducted between the status of outstanding infringements contained within our Financial Management System (Authority) and the Fines Enforcement Registry.

A complete reconciliation of outstanding parking infringements has now been completed, and it has been identified that 2,502 Parking Infringement Notices valued at \$284,324.61 remain

outstanding within Authority whereas the Fines Enforcement Registry have withdrawn them and will no longer be pursuing payment. These Notices have generally been withdrawn for the following reasons:

1. Insufficient details to enforce;
2. Offender deceased;
3. Uneconomical to enforce; and
4. Corporation/Business no longer operational.

Rather than writing-off a number of these infringements under delegated authority, Administration has decided to submit the total list for Council's consideration in the interests of transparency.

While these infringements have been withdrawn, it should be noted that since the City began lodging Parking Infringement Notices with the Fines Enforcement Registry a total of 28,582 infringements have been fully paid totalling \$4,228,335.30.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Chief Executive Officer is delegated the power to waive, grant concessions or write off any amount of money owed to the City, pursuant to the *Local Government Act 1995*, Section 6.12(1). Under Council's Delegated Authority Register 2016/17 the power to write-off debts relating to infringements is subject to the debt not exceeding \$250.00.

RISK MANAGEMENT IMPLICATIONS:

Low: It is a statutory requirement to report matters approved under Delegation Authority to the Council, however, Administration has opted not to exercise the delegation relating to write-off of infringements in this instance.

STRATEGIC IMPLICATIONS:

The recent audit and reconciliation of outstanding parking infringements aligns with the City's *Strategic Plan 2013-2023* where Objective 4.1.2 (a) states:

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Outstanding parking infringements to the amount of \$284,324.61 are recommended for write-off as the Fines Enforcement Registry has advised that these are unrecoverable. Notably, the break-down of the value of these infringements by age is as follows:

1 – 5 years	\$30,571
6 – 10 years	\$106,278
11 – 15 years	\$100,052
16 – 20 years	\$47,424

COMMENTS:

It is acknowledged by Administration that the reconciliation of outstanding parking infringements contained within the City's Financial Management System and the Fines Enforcement Registry should have previously been undertaken. The 2,502 Parking Infringement Notices recommended for write-off will no longer be pursued by the Fines Enforcement Registry, and therefore the associated \$284,324.61 outstanding infringements will not be paid.

Administration has now implemented appropriate processes to ensure that outstanding parking infringements lodged with the Fines Enforcement Registry, and subsequently deemed non-recoverable and withdrawn by the Registry, are reviewed and dealt with on a scheduled basis within Authority. These administrative processes will prevent such a situation from recurring.

5.5 CHIEF EXECUTIVE OFFICER

5.5.1 Corporate Business Plan 2016/17-2019/20

Ward:	-	Date:	8 July 2016
Precinct:	-	File Ref:	SC2611
Attachments:	<u>1</u> – Strategic Community Plan 2013 – 2023 & Corporate Business Plan 2013 – 2017 <u>2</u> – Draft Corporate Business Plan 2016/7 – 2019/20 <u>3</u> – Strategic Planning Framework 2016/17 (Diagrammatic Chart)		
Tabled Items:	Nil		
Reporting Officer:	Ryan Hall, Project Manager – Business Improvement		
Responsible Officer:	Len Kosova, Chief Executive Officer		

RECOMMENDATION:

That Council:

- APPROVES BY AN ABSOLUTE MAJORITY to adopt the City of Vincent Corporate Business Plan 2016/17 – 2019/20 (as contained in Attachment 2);**
- ACKNOWLEDGES that a major review of the City’s Strategic Community Plan is required at least once every four years and that Administration has commenced this review which will be undertaken during 2016/17; and**
- NOTES that future reporting of the Corporate Business Plan will be on the basis of the 2016/17 – 2019/20 version as contained in Attachment 1, noting that the Corporate Business Plan 2016/17 – 2019/20 delivers on the Key Result Areas identified in the Strategic Community Plan 2013 – 2023, including a document that outlines how it is delivered (as contained in Attachment 2).**

PURPOSE OF REPORT:

To consider for adoption a draft Corporate Business Plan 2016/17 – 2019/20 (see Attachment 1).

BACKGROUND:

The preparation of a Corporate Business Plan covering a period of at least 4 years is a statutory requirement for local governments under the *Local Government (Administration) Regulations 1996*, and is a key element of an integrated planning and reporting framework. A Corporate Business Plan sets out the City’s priorities and actions consistently with relevant priorities established in the Strategic Community Plan, and informs the preparation of the City’s annual budget.

Council at its Ordinary Meeting of 10 September 2013 last adopted the amended City of Vincent Strategic Community Plan 2013 – 2023 and Corporate Business Plan 2013 – 2017.

It is important to note that these two different strategic documents were presented as one document, attempting to achieve two functions – be Council’s strategic direction, and also Administration’s program delivery tool. As a result, the format of the document can be confusing and difficult to isolate what is Council’s objective, and what is Administration’s responsibility.

In working through the document, Administration identified that the contents of the combined Plan from 2013 was having a diminishing relevance on Council’s decision making and Administration’s operational delivery and focus. It has become increasingly apparent that this

document did not translate operationally and was not the focus of the City's key priorities and projects.

In recognition of the diminishing relevance strategically, Council established a set of priorities at its Special Council Meeting of 28 April 2016 to provide the relevant guidance needed until the review of the Strategic Community Plan. However, until then, the City will continue to deliver on the four key result areas and 22 objectives of the Strategic Community Plan.

DETAILS:

The current Strategic Community Plan document has the existing Corporate Business Plan actions embedded into the same document and therefore, these items need to be isolated to determine what are strategies (that belong in a Strategic Community Plan) and what are the actions (that belong in a Corporate Business Plan). The existing actions of the current Corporate Business Plan can be identified as the unshaded cells in the table on pages 14 – 23 inclusive (see **Attachment 1**).

Administration has comprehensively reviewed the Corporate Business Plan 2013 – 2017 and prepared a revised draft Corporate Business Plan 2016/17 – 2019/20 (**Attachment 2**). This was done during January to June 2016 in consultation with Elected Members, the Executive Management Team, Business Unit Managers and Staff. The focus has been to identify existing commitments to ensure that these projects are aligned to Council's strategic direction and are completed as planned. Consideration has also been given to include the priorities identified by Council and that they are achievable within the City's financial and human resource capacity available.

In the review and formulation of the revised Corporate Business Plan, many of the existing actions have been operationalised and are a part of normal business, such as *"Review the Council's Advisory Groups"* and *"Ensure stakeholders are effectively engaged on issues that may affect them"*. Such examples are consequently a regular function of Administration's operational responsibilities and do not need to have a specific reference in a Corporate Business Plan document for the activity to occur.

A diagrammatic chart of the City's Strategic Planning Framework 2016/17 is contained in **Attachment 3**. This shows that the four key result areas of the City's Strategic Community Plan 2013 – 2023 are achieved through the priorities contained in the Corporate Business Plan 2016/17 – 2019/20.

This review is the first to occur since the Corporate Business Plan was adopted in 2013. It is important to note that the draft Corporate Business Plan 2016/17 – 2019/20 represents an interim step in the City's Integrated Planning and Reporting Framework because a major review of the City's Strategic Community Plan is required. Administration has commenced this process, which will be undertaken and finalised during 2016/17. In the meantime, the current Strategic Community Plan and Council's priorities will be implemented through the Corporate Business Plan 2016/17 – 2019/20.

Informing strategies such as the Workforce Plan, Asset Management Plan and Long Term Financial Plan are being actively reviewed and their preparation will support the major review and formulation of the City's new Strategic Community Plan. These informing strategies will also support the annual review of the City's Corporate Business Plan.

As a complete document, the Corporate Business Plan 2016/17 – 2019/20 will be published to include: the CEO's message, a demographic overview; results from recently undertaken community and business surveys; results from the community budget submission process and an overview of the City's Integrated Planning and Reporting Framework.

CONSULTATION/ADVERTISING:

The draft Corporate Business Plan 2016/17 – 2019/20 has not been advertised, however it has been prepared on the basis of Council's priorities and the results of the community budget submissions.

There will be an extensive community engagement campaign that will commence in the later part of this year to consult and involve the community in shaping the future direction for the City of Vincent's revised Strategic Community Plan. The next annual review of the City's Corporate Business Plan will reflect the priorities as determined through that process.

LEGAL/POLICY:

The development of the Corporate Business Plan covering a period of at least 4 financial years is required pursuant to Clause 19DA(1) and 19DA(2) of the *Local Government (Administration) Regulations 1996*.

Pursuant to Clause 19DA(3) of the *Local Government (Administration) Regulations 1996*, a Corporate Business Plan is required to:

- a) Set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district;
- b) Govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and
- c) Develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.

Clause 19DA(4) of the *Local Government (Administration) Regulations 1996* requires the annual review of the Corporate Business Plan. It is a requirement that the Corporate Business Plan be reviewed every year, however it is noted this has not happened previously, primarily due to the uncertainty caused by the State Government's proposal for local government amalgamations.

RISK MANAGEMENT IMPLICATIONS:

Low: The City is required to review its Corporate Business Plan annually. The Corporate Business Plan 2016/17 – 2019/20 reflects existing committed projects and Council's priorities. Corporate business planning helps to manage risk to the City of Vincent to ensure that commitments reflect the Council's strategic direction and are sufficiently matched to the City's resourcing capability to deliver projects and services successfully.

STRATEGIC IMPLICATIONS:

The Corporate Business Plan 2016/17 – 2019/20 reflects the strategic direction set by Council's priorities and the four Key Result Areas and Objectives of the City's Strategic Community Plan 2013 – 2023.

SUSTAINABILITY IMPLICATIONS:

Corporate business planning is a key element in the City's operations to become more sustainable.

FINANCIAL/BUDGET IMPLICATIONS:

The Corporate Business Plan priorities have been reflected in the draft Annual Budget for 2016/17.

COMMENTS:

Corporate business planning is critical to achieve Council's strategic priorities. Regular review ensures that the City's projects, services and operations are aligned to the strategic direction and priorities of Council, and that workforce and financial resource availability is considered to ensure that commitments can be successfully delivered.

This review is the first to occur since the Corporate Business Plan was adopted in 2013. Administration now has a stronger focus on integrated planning and will use this document as the primary driver of operational activity. Future reviews will occur on an annual basis, as is the legislative requirement.

It is important to note that the draft Corporate Business Plan 2016/17 – 2019/20 represents an interim step in the City's Integrated Planning and Reporting Framework because a major review of the City's Strategic Community Plan is required. Administration has commenced this process, which will be undertaken over the next 12 months. In the meantime, the current Strategic Community Plan and Council's priorities will be implemented through the Corporate Business Plan 2016/17 – 2019/20. Future reporting of the outcomes of the Corporate Business Plan will be made on the version as contained in **Attachment 2**.

Informing strategies such as the Workforce Plan, Asset Management Plan and Long Term Financial Plan are being actively reviewed and their preparation will support the major review and formulation of the City's new Strategic Community Plan. These informing strategies will also support the annual review of the City's Corporate Business Plan.

It is recommended that Council adopts the draft Corporate Business Plan 2016/17 – 2019/20.

5.5.2 Community Budget Submissions 2016/2017

Ward:	-	Date:	8 July 2016
Precinct:	-	File Ref:	SC2611
Attachments:	1 – Community Budget Submissions 2016/2017		
Tabled Items:	Nil		
Reporting Officer:	Ryan Hall, Project Manager – Business Improvement		
Responsible Officer:	Len Kosova, Chief Executive Officer		

RECOMMENDATION:

That Council:

1. **RECEIVES** the public submissions from the community and **ENDORSES** Administration’s assessment of the ‘Community Budget Submissions 2016/17’ as detailed in Attachment 1; and
2. **Subject to the adoption of the 2016/17 Annual Budget NOTIFIES** the submitters (community members who made a submission) on the outcome of their proposal.

PURPOSE OF REPORT:

To consider the public submissions from the community, aligned to Council’s Priorities for consideration in the development of the 2016/17 Annual Budget.

BACKGROUND:

Council at its Special Meeting on 19 April 2016 resolved to adopt Council Priorities for 2016 - 2017 to guide focus during 2016/17 and inform considerations for the 2016/17 Annual Budget pending the review of the City’s Strategic Community Plan.

Council further resolved to waive the requirement to advertise the Draft Budget for 2016/17 and to instead invite public submissions aligned to the Council Priorities for consideration in the development of the 2016/17 Annual Budget from the community.

DETAILS:

At the close of the submission period, a total of 57 submissions were received from 33 individual community members or groups. They covered a total of 42 separate proposals, as some submissions included multiple proposals and a number of proposals were duplicated.

Administration compiled the public submissions from the community into the Community Budget Submissions 2016/17 table (see **Attachment 1**).

Administration has assessed the 42 proposals for alignment and as a result has recommended full support of 18, partial support of 11 and 13 not supported. The total value of proposals that are supported equates to approximately \$1 million. For the 2016/17 Financial Year there is \$742,000 worth of items supported and there are \$245,000 worth of items flagged for the following financial year.

CONSULTATION/ADVERTISING:

Public submissions were invited between the period of 7 - 23 May 2016. Notices were promoted in the Guardian and Voice newspapers, the City’s Facebook page, Twitter, E-News and the City’s website.

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS:

Low: The City's consultation to seek public submissions from the community on the budget helps align Council's priorities to community needs. This has a mitigating impact on risk when preparing budgets for future years.

STRATEGIC IMPLICATIONS:

Administration's assessment of the community budget submissions reflects Council's strategic priorities. Administration intends to undertake an extensive community engagement campaign as part of a comprehensive review of the City's Strategic Community Plan over the next 12 months.

SUSTAINABILITY IMPLICATIONS:

It is noted that several public submissions were made by community members to improve sustainability practices within the City of Vincent. These have been supported by Administration.

FINANCIAL/BUDGET IMPLICATIONS:

There are \$742,000 worth of proposals that have been included in the draft 2016/17 Annual Budget beyond existing operational budget allocation.

COMMENTS:

Administration considers that seeking public submissions from the community instead of advertising the draft budget has achieved a more effective and meaningful outcome.

Advertising last year's draft Budget attracted 3 submissions. The revised approach has seen 33 community members make a submission which is a significant increase in participatory and interest by the community.

The majority of the proposals have been well thought out and the submissions have contained sufficient details to be properly considered. This process has helped Administration and Council to prepare the upcoming 2016/17 Annual Budget and has shown a strong alignment and awareness of both Council and Administration in working towards community aspirations.

It is recommended that Council receives and endorses Administration's assessment of the Community Budget Submissions and notifies the community members who made a submission of the outcome of the process.

5.5.3 Information Bulletin

Ward:	-	Date:	8 July 2016
Precinct:	-	File Ref:	-
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	Pia Rasal, Governance & Council Support Officer		
Responsible Officer:	Len Kosova, Chief Executive Officer		

RECOMMENDATION:

That Council RECEIVES the Information Bulletin dated 26 July 2016 as distributed with the Agenda.

DETAILS:

ITEM	DESCRIPTION
<u>IB01</u>	Unconfirmed Minutes of the Environmental Advisory Group Meeting held on 10 May 2016
<u>IB02</u>	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 25 May 2016
<u>IB03</u>	Unconfirmed Confidential Minutes of the Design Advisory Committee Meeting held on 10 June 2016 (Confidential – Council Members Only)
<u>IB04</u>	State Administrative Tribunal Orders dated 9 June 2016 regarding No. 264 Lord Street, Perth, DR 5/2016
<u>IB05</u>	State Administrative Tribunal Orders dated 10 June 2016 regarding No. 124 Wright Street, Highgate, DR 212/2015
<u>IB06</u>	Minutes of Tamala Park Regional Council Meeting held on 16 June 2016
<u>IB07</u>	Register of Petitions – Progress Report – July 2016
<u>IB08</u>	Register of Notices of Motion – Progress Report – July 2016
<u>IB09</u>	Register of Reports to be Actioned – Progress Report – July 2016
<u>IB10</u>	Register of Legal Action (Confidential – Council Members Only) – Monthly Report as at 7 July 2016
<u>IB11</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 7 July 2016
<u>IB12</u>	Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 7 July 2016
<u>IB13</u>	Register of Applications Referred to the MetroWest Development Assessment Panel – Current
<u>IB14</u>	Register of Applications Referred to the Design Advisory Committee – Current
<u>IB15</u>	Minutes of Mindarie Regional Council Meeting held on 7 July 2016

6. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

7. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

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

8.1 CONFIDENTIAL REPORT: Appointment of Community and Council Members to the City of Vincent Pedestrian and Cycling Advisory Group

Ward:	Both	Date:	8 July 2016
Precinct:	All	File Ref:	SC1814
Attachments:	<u>1</u> – Pedestrian and Cycling Advisory Group Terms of Reference <u>2</u> – Advisory Group Policy 4.2.12 Confidential Attachment– Nominations		
Tabled Items:	Nil		
Reporting Officer:	Francois Sauzier, TravelSmart Officer		
Responsible Officer:	Len Kosova, Chief Executive Officer		

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning:

(b) *the personal affairs of any person.*

LEGAL:

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

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

“2.14 Confidential business

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

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

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

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

9. CLOSURE