



CITY OF VINCENT

COUNCIL BRIEFING

Notice of Meeting and Agenda

15 SEPTEMBER 2015

Notice is hereby given that a Council Briefing will be held at the City of Vincent Administration and Civic Centre, at 244 Vincent Street (corner Loftus Street), Leederville, on **Tuesday 15 September 2015** at 6.00pm.

Len Kosova
CHIEF EXECUTIVE OFFICER

9 September 2015

ENHANCING AND CELEBRATING OUR DIVERSE COMMUNITY

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

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

PROCEDURE FOR PUBLIC SPEAKING TIME

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

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

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

RECORDING OF COUNCIL MEETINGS

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

ORDER OF BUSINESS

1. (a) **Declaration of Opening**
- (b) **Acknowledgement of Country Statement**
“Today we meet on the lands of the Nyoongar people and we honour them as the traditional custodians of this land”.
2. **Apologies/Members on Approved Leave of Absence**
Nil.
3. **Public Question Time and Receiving of Public Statements**
Nil.
4. **Declarations of Interest**
Nil.
5. **Reports**

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5.1 PLANNING SERVICES

5.1.1 FURTHER REPORT: No. 41 (Lot: 67; D/P: 2358) Salisbury Street, Leederville – Proposed Demolition of Existing Building and Construction of a Multiple Dwelling Development comprising of Three Two-Bedroom Dwellings, One Single-Bedroom Dwelling and Associated Car Parking

Ward:	North	Date:	8 September 2015
Precinct:	Precinct 3 – Leederville	File Ref:	PR16184; 5.2015.256.1
Attachments:	1 – Consultation Map 2 – Development Application Plans received on 8 September 2015 3 – Applicant’s Response to Objections 4 – West Australian Planning Commission Advice		
Tabled Items:	Nil		
Reporting Officer:	P Stuart, Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by A Sice on behalf of the owner D and G Bridge for the proposed demolition of an existing building and construction of a two storey Multiple Dwelling Development consisting of three Two-Bedroom Dwellings, one Single-Bedroom Dwelling and Associated Car Parking at No. 41 (Lot: 67; D/P: 2358) Salisbury Street, Leederville as shown on plans date stamped 8 September 2015, included as Attachment 2, subject to the following conditions:

1. **Boundary Walls**

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 41A Salisbury Street Leederville, in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork to the satisfaction of the City;

2. **Car Parking and Accessways**

- 2.1 A minimum of four resident and one visitor bay 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; and
- 2.6 All new crossovers shall be constructed in accordance with the City’s Standard Crossover Specifications;

3. **External Fixtures**

All external fixtures shall not be visually obtrusive from Salisbury 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. **Car Parking Permits**

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

5. **Demolition Permit**

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

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

6.1 **Landscape and Reticulation Plan**

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

- 6.1.1 The location and type of existing and proposed trees and plants;
- 6.1.2 Screening trees along the southern lot boundary are to be evergreen;
- 6.1.3 Areas to be irrigated or reticulated; and
- 6.1.4 The removal of redundant crossovers;

6.2 **Schedule of External Finishes**

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

6.3 **Construction Management Plan**

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

6.4 **Waste Management**

- 6.4.1 A Waste Management Plan prepared to the satisfaction of the City shall be submitted and approved; and
 - 6.4.2 Waste management for the development shall thereafter comply with the approved Waste Management Plan;
-

7. **Prior to occupation of the development, the following shall be completed to the satisfaction of the City:**
- 7.1 **Clothes Drying Facility**
- Each multiple dwelling shall be provided with a clothes drying facility or communal area in accordance with the Residential Design Codes;
- 7.2 **Car Parking**
- The car parking areas on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City;
- 7.3 **Stormwater**
- All storm water produced on the subject land shall be retained on site, by suitable means to the satisfaction of the City;
- 7.4 **Landscape Plan and Verge Upgrade Plan**
- With reference to Condition 6.1, all works shown in the plans approved with the Building Permit shall be undertaken in accordance with the approved plans and maintained thereafter to the satisfaction of the City at the applicant's expense; and
- 7.5 **Bicycle Bays**
- A minimum of one resident bicycle bay is to be provided on-site. Bicycle bays must be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3.

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. The City requires that a Road and Verge security bond for the sum of \$3,000 is paid by the applicant, prior to the issue of a building permit, which will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the security bond shall be made in writing. The bond is non-transferable;
 5. With reference to Condition 7.4, 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 1.5m) shall be maintained for all users at all times during construction works. If the safety of the path is compromised resulting from either construction damage or as a result of a temporary obstruction appropriate warning signs (in accordance with AS1742.3) shall be erected. Should a continuous path not be able to be maintained, an 'approved' temporary pedestrian facility suitable for all path users shall be put in place. If there is a request to erect scaffolding, site fencing etc. or if building materials are required to be stored within the road reserve, once a formal request has been received, the matter will be assessed by the City and if considered appropriate a permit shall be issued by the City's Ranger Services Section. No permit will be issued if the proposed encroachment into the road reserve is deemed to be inappropriate;**
7. **With reference to Condition 6.3, no further consideration shall be given to the disposal of stormwater 'off site' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'off site' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings; and**
8. **Any additional property numbering to the abovementioned address which results from this application will be allocated by the City of Vincent. Applicant is requested to liaise with the City in this regard during the building permit process.**

FURTHER REPORT:

This application was presented to the Ordinary Council meeting of 25 August 2015 where a procedural motion was carried as follows:

"That the item be DEFERRED."

Although not stated in the Council resolution, the discussion leading to this decision highlighted the need for clarification from the West Australian Planning Commission (WAPC) on the application of transitional provisions relating to the recent changes to the Residential Design Codes. The clarification is needed to enable Council to understand the degree to which the new Residential Design Codes provisions can be taken into account (or should be relied upon) in determining this proposal.

The applicant has since revised the proposal and requests that this revised proposal now be considered by Council.

The final revised plans were received by the City on 8 September 2015 and show the following changes (refer **Attachment 2**):

1. a reduction in the overall height of the proposed building from a maximum of 9 metres to maximum of 8.1 metres achieved by reducing ceiling and floor level heights and reducing the roof pitch;
 2. a relocation of the building in a westerly direction by 260mm which has resulted in:
 - (a) Ground floor: decreasing the setback from the western boundary by from 2.4 metres to 2.14 metres and increasing the setback on the eastern boundary from 1.52 metres to 1.780 metres; and
 - (b) Upper floor: decreasing the setback from the western boundary by from 2.56 metres to 2.3 metres and increasing the setback on the eastern boundary from 1.68 metres to 1.94 metres (minimum);
-

3. increasing the visual privacy screen from the balcony by 200mm from 3 metres to 3.2 metres;
4. modifying the upper floor front dwelling from a two bedroom/two bathroom dwelling to a single bedroom/single bathroom dwelling;
5. increasing the upper floor front balcony setback from Salisbury Street increased by one metre to 6.064 metres (minimum required 6.034 metres);
6. increasing the upper floor bedroom one wall facing Salisbury Street by 2 metres to 7.074 metres (minimum required 7.034 metres);
7. reducing the plot ratio reduced by 11 square metres; and
8. adding an open porch (2.4 metres wide) within the front setback area. This is as a minor projection as it is no more than one metre inside the front setback area and less than 20% of the total frontage of the lot.

As a result of the changes described above, the proposal is now entirely compliant with the acceptable development provisions of the Residential Design Codes and Residential Design Elements.

The report below has been modified from the report considered by Council at its meeting of 25 August 2015 to reflect the changes made to the proposal.

A letter from the WAPC advising the process for dealing with applications in the transitional period of the changes to the Residential Design Codes has also been included as **Attachment 4**.

PURPOSE OF REPORT:

To consider a two storey multiple dwelling building consisting of three two-bedroom dwellings and one single-bedroom dwelling.

BACKGROUND:

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

The initial plans received on 9 June 2015 were revised with plans dated 5 August 2015 which were presented to Council at the Ordinary Meeting of 25 August 2015.

Following the resolution to defer the application and associated plans of 5 August 2015, the applicant has made further revisions to the plans which were received by the City on 8 September 2015. The full list of changes is described above. The applicant has undertaken the changes to further minimise impacts on surrounding properties.

History:

Date	Comment
25 August 2015	Council resolves to defer the application.
1 September 2015	Revised plans are received which lower the height of the building as well as shifting the building across in a westerly direction to ensure compliance with side boundary setbacks.
8 September 2015	Further revised plans are received modifying the upper floor front setbacks, which results in converting the front unit from a two bedroom/two bathroom dwelling to a single bedroom/single bathroom dwelling. The changes render the proposal entirely compliant with acceptable development standards.

Previous Reports to Council:

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

DETAILS:

Landowner:	D & G Bridge
Applicant:	A Sice
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential (R30) Draft Town Planning Scheme No. 2 (TPS2): Residential (R30)
Existing Land Use:	Single Residential House
Use Class:	Multiple Dwellings
Use Classification:	"P"
Lot Area:	546 square metres
Right of Way:	South, 5 metres wide, City owned land
Date of Application:	2 June 2015

The proposal is to demolish the existing single storey brick and tile home and construct a two storey building consisting of four multiple dwellings. The dwellings contain living areas on the ground floor, and one two bedroom dwelling and a single bedroom dwelling on the upper floor. The dwellings range in size from approximately 71 square metres at ground level to 53.5 and 64.5 square metres on the upper floor level.

A common car parking area is proposed in the south western portion of the lot where one parking bay is provided for each dwelling. There is also one visitor bay. The car parking area obtains access at the rear from the Right of Way. The car parking bays will be separated from the eastern boundary by a landscaping strip.

The development complies with the permitted density, number of parking bays, landscaping and overshadowing. Further refinements to the proposal since it as considered at the August Council meeting has now resulted in a proposal that is fully compliant.

Prior to lodgement, the application was considered by the City's Design Advisory Committee and awarded Design Excellence (plans dated 9 June 2015).

ASSESSMENT:

Summary Assessment

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

Design Element	Complies	Requires the Discretion of Council
Density/Plot Ratio	✓	
Front Setback	✓	
Front Fence	✓	
Boundary Wall	✓	
Building Setbacks	✓	
Building Height & Storeys	✓	
Roof Form	✓	
Open Space	✓	
Privacy	✓	
Access & Parking	✓	

Design Element	Complies	Requires the Discretion of Council
Bicycles	✓	
Solar Access	✓	
Site Works	✓	
Essential Facilities	✓	
Surveillance	✓	

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period:	29 June 2015 – 12 July 2015
Comments Received:	13 objections in addition to a 19 signature petition against the proposal.

The advertised plans are the plans date stamped 9 June 2015. Following the advertising these plans were revised to the current proposal presented to Council. These revisions do not result in any further variation and as such were not readvertised.

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

Summary of Comments Received:	Officer Technical Comment:
<p><u>Multiple Dwellings</u></p> <p>Concern that Salisbury Street is a quiet residential street consisting of single, detached dwellings. The construction of multiple dwellings has significant impacts of scale and mass in relation to the surrounding properties.</p> <p>Consider the proposed development of a Multiple Dwelling contravenes the City's Local Planning Strategy which requires that lower density areas are to remain in order to maintain character and high density residential development be specifically targeted along high frequency service corridors.</p> <p>Concern the residents of these apartments will become short term tenants.</p>	<p>Multiple dwellings are permitted under the R30 density coding that applies to this location. Although there are changes currently proposed to the Residential Design Codes in the manner in which the density for multiple dwellings is calculated on land coded R35 and below, these changes will only come into effect on 23 October 2015. Currently therefore the plot ratio calculation method determines the bulk and scale permitted. At a plot ratio of 0.476 this proposal complies with the maximum permitted plot ratio of 0.5 for R30. At this level of development the proposal matches in with its surroundings in reference to built form.</p> <p>This proposal is developed at the R30 density coding. It is also located in an area with excellent walkability to amenities and essential services. The City's Local Planning Strategy also refers to a need for a diversity of housing, provided the amenity of existing surrounding properties is not detrimentally affected.</p> <p>Short term accommodation is a specific use within the City's planning framework. Currently the proposal is for four multiple dwellings and any subsequent change of use would require fresh approvals.</p> <p>The length of any future tenancy agreements (if any) are beyond the City's control.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><u>Parking and Access</u></p> <p>Concern that car parking is already problematic along Salisbury Street due to the number of non-residents along the street. A four unit development will exacerbate the situation.</p> <p>The car parking provided on-site should match that which would correlate to the number of persons inhabiting the apartments.</p> <p>Concern that the development will have an impact to the existing Right of Way. Consider that the access for five car parking bays will provide safety risks to children who access the Right of Way for school access.</p> <p>Consider that the development with only one car bay per unit is not adequate with limited provision for additional car owners or visitors.</p>	<p>The car parking element of this proposal complies with the Residential Design Codes where one bay per dwelling is required. The proposal also complies with the City's Policy No. 7.2.1 – Residential Design Elements which relates to the use of Right of Ways (ROW) for parking and access. The policy framework requires that access and parking be provided from ROWs where available.</p> <p>The site is also easily accessible by alternative forms of transport such as bus routes and cycling lanes.</p>
<p><u>Built Form</u></p> <p>The impact of non-compliant boundary setbacks will be detrimental in terms of building bulk and access to sunlight.</p> <p>The proposed setbacks, building height and fence contravene the Residential Design Codes.</p> <p>Concern the building height will dominate the streetscape and provide excessive overshadowing. Also provide an impact to the provision of solar devices on the adjoining property.</p> <p>The development is located on a sloping block and therefore should be designed for compliance with the retaining wall heights.</p> <p>Concern the proposed development is dominated by paved areas, brick walls, steps, ramps and no provision for gardens.</p>	<p>The proposed setback variations have been amended in the revised proposal dated 8 September 2015 and now comply with the Residential Design Codes.</p> <p>The building height and fence heights comply with the required applicable standards. The setbacks comply with the requirements of the Residential Design Codes.</p> <p>The building height, along with fill and associated retaining walls have been reduced and now comply with the deemed to comply standards of the Residential Design Codes. The overall building height has been reduced from 9 to 8.1 metres and the retaining walls do not exceed 0.5 metres. There are also no solar collecting devices being overshadowed as a result of this development.</p> <p>The development proposes cut and fill with associated retaining walls to adjust to the undulation. This variation was revised by the applicant and is now compliant.</p> <p>The proposal complies with the City's requirement for landscaping as it provides a minimum 30% of the site as green, landscaped area. Each unit meets the required 5% landscaping component in private areas.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><u>Consultation</u></p> <p>Objection to the owners not advising adjoining owners of the proposal.</p>	<p>The planning framework only requires public consultation as part of the assessment process of the application for planning approval.</p>
<p><u>Front setback</u></p> <p>Objection to the proposed front setback in terms of the upper floor and the impact of a protruding building on the streetscape.</p>	<p>The front setbacks of the building have been modified to comply with the acceptable development standard.</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: Yes

Although the application does not require design excellence, it was considered by the City's DAC on 6 May 2015 and on 3 June 2015.

The applicant revised the plans in line with advice provided which resulted in the proposal of 9 June 2015. These plans were awarded Design Excellence and are same plans lodged for Planning Approval on 9 June 2015. In order to comply with the required standards the revised plans submitted on 8 September 2015 and currently being considered reduce the height of the building, the cut/fill and associated retaining and address privacy provisions, and change the front façade aspects of the proposal that gained Design Excellence.

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- *City of Vincent Town Planning Scheme No. 1;*
- *State Planning Policy 3.1 – Residential Design Codes;*

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

- 1.1 *Improve and maintain the natural and built environment and infrastructure;*
- 1.1.2 *Enhance and maintain the character and heritage of the City.*

Economic Development

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

At a plot ratio of 0.476 the proposal complies with the permitted plot ratio for R30 (of 0.5) and aligns with the bulk and scale of developments permissible in this area.

While the Residential Design Codes are changing with respect to the requirements for multiple dwelling proposals in areas coded R35 and below, the changes will only become effective on 23 October 2015. The proposal therefore must be considered under the current provision with which it complies (refer **Attachment 4**).

With the revisions of the plans of 8 September 2015, the proposal now fully complies.

The development is permitted in this location and the proposed design achieves a quality development.

CONCLUSION:

It is recommended that the proposal is approved.

5.1.2 No. 323 (Lot: 1; STR: 17054) Fitzgerald Street, North Perth –Approval of Unlisted Use (Milliners) and Proposed Studio and Carport Addition to Existing Building

Ward:	South	Date:	4 September 2015
Precinct:	Precinct 6 – Smith’s Lake	File Ref:	PR21095; 5.2015.211.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Car Parking Calculations		
Tabled Items:	Nil		
Reporting Officer:	C Sullivan, Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES BY ABSOLUTE MAJORITY** the application submitted by Davley Building Pty Ltd on behalf of the owner M & J A Mitcheson-Low, for the approval of Unlisted Use (Milliners) and proposed Studio and Carport Addition to Existing Building at No. 323 (Lot: 1; Strata: 17054) Fitzgerald Street, North Perth as shown on plans date stamped 21 August 2015, included as Attachment 2, subject to the following conditions:

1. The owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 321 Fitzgerald Street, in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork to the satisfaction of the City;
2. All external fixtures shall not be visually obtrusive from Fitzgerald Street and neighbouring properties. External fixtures are such things as television antennas of a non-standard type, radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like;
3. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site;
4. All storm water produced on the subject land shall be retained onsite, by suitable means to the full satisfaction of the City; and
5. Prior to the issue of a Building Permit, the following shall be submitted to and approved by the City:
 - 5.1 Revised Plans to show standard ‘Visual Truncations’, in accordance with the City’s Policy No. 2.2.6 – Truncations to the satisfaction of the City 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.

ADVICE NOTES:

1. With reference to Condition 1, the owners of the subject land shall obtain the consent of the owners of relevant adjoining property before entering that property in order to make good the boundary wall; and
2. With reference to Condition 4, no further consideration shall be given to the disposal of storm water ‘off-site’ without the submissions of a geotechnical report from a qualified consultant. Should approval to dispose storm water ‘off site’ be subsequently provided, detailed design drainage plans and associated calculations for the proposed storm water disposal shall be lodged together with the building permit application working drawings.

PURPOSE OF REPORT:

To consider an application for an extension of a studio and carport to the rear of an existing building used by a Millinery business and grant retrospective approval for the unlisted use.

BACKGROUND:

The subject site consists of a single storey heritage listed duplex lot fronting Fitzgerald Street, with vehicular access from the Right of Way at the rear.

In 2013 approval was granted under delegated authority for a change of use from grouped dwelling to a Millinery (Hat Makers) use, but as the approval is for an unlisted use, there was no delegation to grant this approval. This places the validity of the 2013 approval in question. The approach of the State Administrative Tribunal under similar circumstances has been to base its decisions on the principle that the applicant/owner is entitled to rely on the decision unless a court declares the decision void. Council can use this approval to reinforce the 2013 decision to permit the use.

This use is still operational, and the purpose of the proposed extension is to create an additional studio space and carport at the rear of the building.

Under Clause 39 of the City's Town Planning Scheme No. 1 any proposal involving an unlisted use can only be approved by absolute majority.

The other half of the duplex is used as a residence and is under separate ownership.

History:

Date	Comment
9 October 2013	Planning Approval is granted under delegated authority for Change of Use from Grouped Dwelling to Unlisted Use (Millinery) Including Awning and Signage (Retrospective)
1 July 2008	Planning Approval is granted under delegated authority for a Patio Addition to Existing Grouped Dwelling

DETAILS:

Landowner:	M & J A Mitcheson-Low
Applicant:	Davley Building Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R60 Draft Town Planning Scheme No. 2 (TPS2): Residential/Commercial RC80
Existing Land Use:	Milliners
Use Class:	Unlisted Use
Use Classification:	"SA" use
Lot Area:	227 square metres
Right of Way:	To rear
Date of Application:	13 May 2015

The proposed extension is located to the rear of the property and involves the demolition of an existing carport structure and verandah and construction of a new single storey rear extension and replacement carport in the same bullnose style of the original dwelling. The parapet wall for the single storey extension is proposed to be located alongside the existing dividing wall.

The proposed studio will provide additional work space/storage. Although it may appear that the proposed additions will intensify the Milliners business, no change to the operation is proposed as it will continue to do business via the internet, telephone or off site at various shows. Customers only visit the site by appointment, and only one member of staff will continue to be in attendance.

The applicant submitted revised plans on 21 August 2015 reducing the overall height of the addition by 550mm to 3.7 metres and reducing the height of the proposed boundary wall from 3.2 metres to 3 metres.

ASSESSMENT:

Summary Assessment

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

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

Detailed Assessment

Acceptable Variations

Issue/Design Element:	Boundary Wall
Requirement:	<p>Residential Design Codes, Clause 5.1.3</p> <p>One boundary wall to a maximum length of two thirds the length of the boundary behind the front setback area.</p> <p>At the applicable boundary length of 33.4 metres a maximum boundary wall length of 22 metres is permitted.</p>
Applicant's Proposal:	The proposal seeks a boundary wall with a total length of 30.3 metres (variation of 8.3 metres).
Design Principles:	<p>Residential Design Codes, Clause 5.1.3</p> <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;

Issue/Design Element:	Boundary Wall
	<ul style="list-style-type: none"> • 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:	Nil.
Officer Technical Comment:	<p>The existing parapet wall on the shared boundary of the duplex pair is 27 metres long, but a further dividing wall ranging in height from 2.8 metres to 1.8 metres extends from the end of the parapet wall to the boundary with the ROW.</p> <p>The proposed development will add a further 3.3 metres to the length of the existing parapet wall at a total wall height of 3 metres.</p> <p>With the revision of this proposal the proposed parapet wall is between 0.2 and 1.2 metres higher than the already existing dividing wall.</p> <p>The proposed additional built form therefore is minimal and will not have a negative impact on the amenity of the adjoining property or area.</p>

Issue/Design Element:	Roof Form
Requirement:	<p>Policy No. 7.2.1 – Residential Design Elements</p> <p>Roof pitch between 30 and 45 degrees</p>
Applicant's Proposal:	The proposed extension has a roof pitch of 25 degrees. The proposed carport has a roof pitch of 5 degrees with a bullnose edge.
Design Principles:	<p>Policy No. 7.2.1 – Residential Design Elements</p> <p>BDPC 3</p> <p>(i) The roof of a building is to be designed so that:</p> <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
Summary of Applicant's Justification:	Nil.
Officer Technical Comment:	The roof pitch of the proposed extension is 25 degrees which matches the main roof of the original heritage listed building and is therefore supported. The proposed carport has a 5 degree roof pitch with bullnose feature to match the existing verandahs of the building, and is therefore supported.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period:	23 June 2015 – 6 July 2015
Comments Received:	One letter of objection

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

Summary of Comments Received:	Officer Technical Comment:
<p><u>Boundary Wall</u></p> <p>Object to height and length of proposed wall on boundary as it will reduce northern light to garden area of adjoining property</p>	<p>The applicant has amended the plans to reduce the proposed boundary wall height from 3.2 metres to 3 metres.</p> <p>Although the length of the wall exceeds the deemed to comply requirements the proposed parapet wall will be constructed alongside an already existing boundary wall that is not much lower than the proposed parapet wall. As such the additional overshadowing from the proposed addition on the adjoining duplex half will be minimal. There is also an existing mature tree on the adjoining property in the area of the adjoining property that will be affected by any potential overshadowing.</p>

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

The following legislation and policies apply to the proposed alterations and additions to existing commercial building (milliners):

- *Planning and Development Act 2005;*
- Residential Design Codes;
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 7.1.6 – Smith’s Lake Precinct;
- Policy No. 7.2.1 – Residential Design Elements; and
- Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Development.

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:

Although the 2013 approval was granted inadvertently under delegated authority, the use has been operating with no consequences for the City or neighbours. It is Administration’s view that there are minimal risks to Council and the City’s business function when Council exercises its discretionary power to determine a planning approval.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL
The adaptive re-use and extension to the existing space has a lower environmental impact compared to the creation of a new building.
SOCIAL
Nil.
ECONOMIC
The proposed use will provide increased employment opportunities and diversity of land uses which provides interest.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The City's Heritage Officer has confirmed that the proposed demolition and additions will not have an adverse impact on the heritage value of this listed property as the works are contained to the rear of the site.

The site is located in an area that accommodates other non-residential uses and is opposite (eastern side of Fitzgerald Street) a Commercial zone. The City's draft Town Planning Scheme No. 2 also proposes to rezone this site to a Residential/Commercial zone.

The existing non-residential use of this site has a low impact on the surrounding residential properties and its permissibility can therefore be reinforced with this approval. The proposed additions will provide additional workspace and storage for the existing use but will not intensify the existing use.

The proposed extensions are minor and will not trigger the need for additional carparking requirements. The proposal also includes a single car parking bay to the rear in a carport that obtains access from the Right of Way and accordingly, requires that appropriate visual truncations are provided at the intersection of the access point and the Right of Way.

The design features proposed complement the existing Heritage building, and the proposal has been amended to reduce the impact on the adjoining property.

CONCLUSION:

This existing use and the proposed changes as outlined in this proposal are considered acceptable and recommended for approval.

5.1.3 No. 9 (Lot: 2; STR: 65503) Nova Lane, North Perth – Proposed Construction of a Multiple Dwelling Development comprising of Four Single Bedroom Multiple Dwellings and Associated Car Parking (Amendments to Previous Council Approval – 19 November 2013)

Ward:	North	Date:	4 September 2015
Precinct:	Precinct 8 – North Perth	File Ref:	PR52862; 5.2015.130.1
Attachments:	1 – Development Application Plans 2 – Planning Approval of 19 November 2013		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by M Carbone Design on behalf of the owner MAD Nominees, A D’Amelio & M Buckley for the proposed Construction of Two Storey Multiple Dwelling Comprising of Four Single Bedroom Multiple Dwellings and Associated Car Parking (Amendment to Previous Approval) at No. 9 (Lot) Nova Lane, North Perth as shown on plans date stamped 16 July 2015, included as Attachment 1, subject to the following conditions:

1. Conditions 1, 2.1, 2.2, 3 and 4 of planning approval 5.2013.344.1 granted on 19 November 2013 remain valid;
2. Prior to the submission of a Building Permit application the following shall be submitted for approval to the City:
 - 2.1 Revised plans:
 - 2.1.1 Showing 3the front fencing to a maximum solid height of 1.2 metres; and
 - 2.1.2 An updated landscaping plan to the satisfaction of the City which shows the following:
 - (a) The location and type of existing and proposed trees and plants;
 - (b) All vegetation including lawns;
 - (c) Areas to be irrigated or reticulated;
 - (d) Proposed watering system to ensure the establishment of species and their survival during the hot and dry months;
 - (e) Separate soft and hard landscaping plans;
 - (f) Proposed landscaping adjacent to the visitor car parking bay is as ground cover only that does not encroach into the parking area;
 - (g) The landscaping at the entrance of the driveway to be clear of vegetation that could obstruct a visual truncation; and
 - (h) Details relating to the proposed grow walls along the western, eastern and southern elevation; and
3. Prior to occupation of the development, the following shall be completed to the satisfaction of the City:
 - 3.1 Landscape Plan

With reference to Condition 2.1.2 all works shown shall be undertaken in accordance with the approved landscaping plans and maintained thereafter to the satisfaction of the City at the owners’ expense.

ADVICE NOTES:

1. The City requires that a Road and Verge security bond for the sum of \$2,000 is paid by the applicant, prior to the issue of a building permit, which will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the security bond shall be made in writing. The bond is non-transferable; and
2. With reference to Conditions 1 and 2.1.2, Council encourages landscaping methods and species selection which do not rely on reticulation.

PURPOSE OF REPORT:

To consider an application to amend a development approval granted by Council on 19 November 2013 for a two storey development comprising four multiple dwellings.

BACKGROUND:

History:

Date	Comment
19 November 2013	Council resolved to approve an application for the proposed construction of a Two Storey Multiple Dwelling development comprising of Four Single Bedroom Multiple Dwellings and Associated Car Parking.

Refer to **Attachment 2** for the planning approval issued on the basis of Council's decision of 19 November 2013.

The development is currently being constructed in accordance with this planning approval.

DETAILS:

Landowner:	MAD Nominees, A D'Amelio, M Buckley
Applicant:	M Carbone Design
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R30/40 Draft Town Planning Scheme No. 2 (TPS2): Residential R30/40
Existing Land Use:	Multiple Dwelling (Under Construction)
Use Class:	Multiple Dwelling
Use Classification:	P
Lot Area:	400 square metres
Right of Way:	7 metre wide dedicated as a road
Date of Application:	16 March 2015

Proposed Development

The applicant has submitted revised plans to amend the original approval granted by Council on 19 November 2013. These revisions are minor amendments to the previous planning approval and consist of the following:

- (a) Removing:
 - (i) grass-crete from the proposal; and
 - (ii) the entry gate to the courtyard of Apartment 1 on the northern elevation making this courtyard accessible via the central pathway through the development.

- (b) Changing the:
- (i) materials along the ROW elevation by replacing a previously proposed feature stone cladding elevation with rendered brickwork;
 - (ii) rear eastern boundary wall roof and rear southern portion roof by replacing the flat roof with a pitched/gable roof; and
 - (iii) proposed front fence to be 1.8 metres high without any visual permeability.
- (c) Adding landscaping along the western, southern and eastern boundary walls in the form of vertical landscaped grow walls to support vines.

ASSESSMENT:

Summary Assessment

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

The column on the far right in the table details the variations that were approved by Council on 19 November 2013. The asterisks in the table denotes where variations were approved with the previous approval. The landscaping requirements that were previously a variation have been brought into compliance with the current amendments.

In each instance where the current proposal requires the exercise of discretion of an element not previously approved, the relevant planning element is discussed in the section of the report following from this table:

Design Element	Complies	Requires Discretion	Variations previously approved
Density/Plot Ratio	✓		
Front Setback	✓		
Front Fence		✓	
Lot Boundary Setbacks		✓*	✓
Setbacks from Rights-of-Way		✓*	✓
Boundary Wall		✓*	✓
Building Height	✓		
Building Storeys	✓		
Roof Form		✓*	✓
Open Space	✓		
Privacy	✓		
Access & Parking	✓		
Bicycles	✓		
Landscaping	✓		✓
Solar Access	✓		
Site Works	✓		
Essential Facilities	✓		
Surveillance	✓		

Unacceptable Variation

Planning Element:	Front Fence
Requirement:	Policy No. 7.2.1 – Residential Design Elements SADC.13 Solid Height of Fencing – 1.2 metres
Applicant's Proposal:	Solid Height of Fencing – 1.555 metres
Summary of Applicant's Justification:	Not Provided.
Officer Technical Comment:	The proposed fencing is not acceptable at a solid height of 1.555 metres. It is recommended that a condition be applied requiring that the solid portion of the front fence to not exceed 1.2 metres in accordance with the City's Policy No. 7.2.1 – Residential Design Elements.

CONSULTATION/ADVERTISING:

Required by Legislation:	No	Required by City of Vincent Policy:	No
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No advertising was carried out as the revised proposal includes only one variation that will be required to be brought into compliance via a condition of planning approval.

Design Advisory Committee:

Referred to Design Advisory Committee: No

The approved development was previously referred to the Design Advisory Committee (DAC) on 15 May 2013 but did not require or achieve design excellence.

The revised proposal was not referred to DAC as proposed amendments are minor.

LEGAL/POLICY:

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

Proposals of this nature that comply or can be made to comply with relevant planning requirements could be approved under delegation except for the fact that the current delegation for authority prevents Administration to approve proposal of more than three multiple dwellings.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL
Design elements such as the green walls on the western, eastern and southern elevations will enable cooling of the site and an offset to the built form.

SOCIAL
Not applicable.

ECONOMIC
The construction of the building is providing short term employment opportunities.

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

This revised proposal is referred to Council for determination as the initial proposal was determined by Council.

The previous variations to setbacks to the lot boundaries and the right of way, boundary wall and roof forms remain variations and are approved as per the original approval. All relevant conditions from the previous approvals have therefore been incorporated into Administrations recommendation for approval.

The proposed changes to the roof design on the eastern and southern elevations, the materials of the front elevation and the removal of the entry gate to the courtyard of Unit 1 are considered minor and do not contravene any policy requirements.

By removing the originally proposed grass-crete along the driveway and replacing it with grow-walls along the western, eastern and southern facades, the landscaping provision now complies with the overall landscaping requirements of the City's Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings.

The proposed variation to the front fence is not considered to be appropriate and it is therefore recommended that a condition be imposed that will ensure compliance with the Residential Design Codes and the City's Policy No. 7.2.1 – Residential Design Elements.

CONCLUSION:

Overall the revised proposal is considered to be acceptable and is recommended for approval.

5.1.4 No. 150 (Lots: 106 & 107; D/P: 400309) Vincent Street, North Perth – Proposed Change of Use from Single House to Single House and Consulting Rooms (Medical) and Signage

Ward:	South	Date:	4 September 2015
Precinct:	Precinct 10 – Norfolk Precinct	File Ref:	PR53796; 5.2015.236.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification 4 – Car Parking Table		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by D Susnjar on behalf of the owner D & K & S & H Susnjar, for the proposed Change of Use from Single House to Single House and Consulting Rooms (Medical) and Signage at No. 150 (Lots: 106 & 107; D/P: 400309) Vincent Street, North Perth as shown on plans dated 27 May 2015, 28 May 2015 (signage) and amended plans date stamped 11 June 2015, included as Attachment 2, subject to the following conditions:

1. **Use of Consulting Rooms**
 - 1.1 A maximum of two consulting rooms are permitted to operate at any one time;
 - 1.2 The operating hours shall be in accordance with the City’s Policy No. 7.5.21 – Consulting Rooms; and
 - 1.3 The proposed use shall only include exercise programs on a one-on-one consultation only basis. Group exercise programs are not permitted;

2. **Car Parking and Accessways**
 - 2.1 A minimum of four bays for the consulting room component and one residential car bay shall be provided onsite;
 - 2.2 Vehicle and pedestrian access points are required to match into existing footpath levels; and
 - 2.3 All new crossovers shall be constructed in accordance with the City’s Standard Crossover Specifications;

3. **Active Frontage**

Commercial windows, doors and adjacent areas fronting Vincent Street shall maintain an active and interactive relationship with the street;

4. **External Fixtures**

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

5. **Sign**

The sign shall:

- 5.1 not have flashing or intermittent lighting;
- 5.2 be kept in a good state of repair, safe, non-climbable and free from graffiti for the duration of its display onsite; and
- 5.3 not extend beyond any lot boundary, therefore not protruding over Council property, including footpaths or a neighbour's property;

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

6.1 **Landscape and Reticulation Plan**

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

- 6.1.1 The location and type of existing and proposed trees and plants;
- 6.1.2 Landscaping along the western and southern boundary; and
- 6.1.3 Areas to be irrigated or reticulated;

7. Prior to the issue of an Occupancy Permit, the following shall be provided:

7.1 **Amalgamation**

The subject land shall be amalgamated into one lot on Certificate of Title. All costs associated with this condition shall be borne by the applicant/owner(s) Amalgamation of the lots is not required if it can be demonstrated that the proposed development complies with the relevant requirements of the National Construction Code Series;

7.2 **Bicycle Bays**

One Class 1 or 2 and One Class 3 bicycle facility for the consulting room use shall be provided at a location convenient to the entrance and publicly accessible to the development. The bicycle facilities shall be designed in accordance with AS2890.3;

7.3 **Acoustic Report**

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

7.4 Landscaping Plan

With reference to Condition 6.1, all works shown shall be undertaken in accordance with the approved plans and maintained thereafter to the satisfaction of the City at the owners' expense; and

8. Prior to the first Occupation of the Development the following shall be completed to the satisfaction of the City:

8.1 Crossovers

The redundant crossover at the northern boundary of the lot shall be removed and the verge and kerb made good to the satisfaction of the City at the applicant/owners full expense;

8.2 Car Parking

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

8.3 Acoustic Report Certification

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

ADVICE NOTES:

1. With reference to Condition 7.1 alternatively the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the City, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the City's solicitors or other solicitors agreed upon by the City, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Occupancy Permit;
2. Any increase in the number of consulting rooms will require approval of a further development application;
3. The applicant is required to obtain an Occupancy Permit from the City;
4. Any additional 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 subject to a separate Building Permit application shall be submitted to and approved by the City prior to the erection of the signage;
5. The City requires that a Road and Verge security bond for the sum of \$2,000 is paid by the applicant, prior to the issue of a building permit, which will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the security bond shall be made in writing. The bond is non-transferable; and
6. The City encourages landscaping methods and species selection which do not rely on reticulation.

PURPOSE OF REPORT:

To consider an application for a Change of Use from Single House to Single House and Consulting Rooms (Medical) and signage.

BACKGROUND:

History:

The City's records indicate that the subject building has been used as a single house. On 20 November 2001 Council refused an application for an additional two storey single bedroom dwelling to be constructed on the property.

DETAILS:

Landowner:	D & K & S & H Susnjar
Applicant:	D Susnjar
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R40 Draft Town Planning Scheme No. 2 (TPS2): Residential 40
Existing Land Use:	Single House
Use Class:	Single House and Consulting Rooms (Medical)
Use Classification:	'P' and 'SA'
Lot Area:	905 square metres
Right of Way:	Not Applicable
Date of Application:	28 May 2015

The proposal is to change the use from the existing single house to a mix of uses comprising a single house and consulting rooms (medical). The intention is to use the consulting rooms for a physiotherapy practice.

The front portion of the building will be used as the consulting room component, while the rear portion of the house will remain residential and be occupied by the existing owner who will not be involved in the consulting rooms.

The proposed practice will offer standard consultations, including supervised one-on-one rehabilitation exercise programs (pilates).

Five car parking bays are required for the consulting room component and one car bay for the residential use. The five bays are proposed along the western portion of the lot and a disabled bay is proposed within the front setback area. The car parking area is accessible from Vincent Street, and a reversing bay is proposed to ensure that all vehicle can exit the property in forward gear. Landscaping opportunities exist alongside the western boundary and between the street boundary and the building.

The applicant has provided details in relation to the proposed operations of the consulting room component, including hours of operation and information regarding staff and visitors numbers (refer to **Attachment 3**).

ASSESSMENT:

Summary Assessment

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

Design Element	Complies	Requires the Discretion of Council
Access & Parking	✓	
Bicycles		✓
Signage		✓

Detailed Assessment

Acceptable Variations

Issue/Design Element:	Bicycles
Requirement:	Policy No. 7.7.1 – Parking and Access 1 Class 1 or 2 1 Class 3
Applicant's Proposal:	Nil Class 1 or 2 Nil Class 3
Design Principles:	Nil
Summary of Applicant's Justification:	Not provided.
Officer Technical Comment:	The bicycle parking is required as per the City's Policy No. 7.7.1 – Parking and Access. It is recommended that a condition be imposed to require bicycle facilities in accordance with the Policy.

Issue/Design Element:	Signage
Requirement:	Policy No. 7.5.2 – Signs and Advertising Clause 3(ix)(d) Hoarding Sign Hoarding Sign is not to be erected in the area between any building and any street boundary of a lot except with the approval of the City of Vincent.
Applicant's Proposal:	To erect a hoarding sign that displays the logo and lists the services of the business to be located within 350mm from the street boundary in the south western corner of the site (refer Attachment 2).
Design Principles:	Nil
Summary of Applicant's Justification:	Not provided.
Officer Technical Comment:	As the size of the sign complies with the City's requirements the only variation is its proposed location in the front setback area. This location is acceptable as it is alongside the vehicle entry access point to the parking area for the consulting rooms and abuts the adjoining residential property's open car parking area.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	30 June 2015 – 20 July 2015		
Comments Received:	One objection.		

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

Summary of Comments Received:	Officer Technical Comment:
<u>Parking and Access</u> Parking within the front setback is not conducive to a residential area – there is a lack of landscaping to soften the space.	The only car parking bay in the front setback is the disabled bay. The area earmarked for the location of the disabled bay is already a brick paved hardstand area and there is adequate space between the proposed parking bay and the front boundary to accommodate landscaping.

Summary of Comments Received:	Officer Technical Comment:
<p>If the available car bays are used by two doctors and one receptionist, then that leaves only one disabled bay for patients, therefore additional patients will likely park on Vincent Street.</p> <p>Exiting the site onto Vincent Street is dangerous with the volume of traffic and close proximity to traffic lights.</p>	<p>The proposed car parking complies with the City's Policy No. 7.7.1 – Parking and Access with the provision of six car bays for the consulting component (refer Attachment 4).</p> <p>The vehicles will exit in forward gear, as the proposed car parking layout provides for a reversing area within the lot.</p>
<p><u>Use</u></p> <p>Potential noise complaints from the residential uses about the business and vice versa as there is almost no buffer zone between the neighbouring property.</p> <p>Unspecific nature of the Medical Practice – could specialise in drug addiction or mental illness and be invasive to neighbours. Even if a non-evasive practice is proposed, there is no guarantee that the type of practice will not change.</p> <p>The use will erode the lifestyle that a residential zone affords as the practice appears to be a high volume practice.</p> <p>Patient/doctor confidentiality will be compromised due to the close proximity of the neighbouring dwellings.</p>	<p>The property is located along a major road in an inner city context. Additionally it is recommended that a condition is imposed requiring an acoustic report for the consulting room component to ensure that any proposed plant or equipment at the consulting rooms does not exceed permitted noise levels.</p> <p>Although the application was advertised for consulting rooms (medical) the proposed use is for a physiotherapy practice.</p> <p>The proposed additional use is located in close proximity to other commercial type uses and the commercial area on the corner of Vincent and Fitzgerald Streets.</p> <p>This concern is not a valid planning consideration.</p>

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 7.1.10 – Norfolk Precinct;
- Policy No. 7.5.2 – Signs and Advertising;
- Policy No. 7.5.22 – Consulting Rooms; and
- Policy No. 7.7.1 – Parking and Access.

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL
The proposal uses an existing building.

SOCIAL
The proposed use of physiotherapy will provide a service to the community.

ECONOMIC
The use will offer a new service option for the area and the creation of a new business with the possibility of local employment opportunities within the area.

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

The use will not change the external appearance of the existing building. This proposal retains the existing character of the streetscape while it allows flexibility in the use of the building.

Although the site has a residential zoning, its close proximity to the existing commercial area at the corner of Vincent and Fitzgerald Streets, North Perth and its location on Vincent Street renders this site suitable to accommodate this type of proposal.

While the applicant in the submission requested permission to commence use of the consulting rooms on occasions at 7.00am, he has indicated in further discussions that the standard operating hours in accordance with the City's Policy No. 7.5.22 – Consulting Rooms is acceptable as follows:

- Monday – Friday, 8.00am – 9.00pm;
- Saturday, 8.00am – 5.00pm;
- Sunday and Public Holidays, 11.00am – 5.00pm; and
- Closed Christmas Day, Good Friday and Anzac Day.

The proposed use complies with the car parking requirements and there is adequate space onsite for additional landscaping which will improve the aesthetics of the site and make a positive contribution to the streetscape. A landscaping condition is recommended to be imposed.

CONCLUSION:

Overall this use is supported and is recommended for approval.

5.1.5 No. 526 (Lot: 118; D/P: 3660) Fitzgerald Street, Corner York Street, North Perth – Proposed Change of Use from Residential to Office and Consulting Room (Medical)

Ward:	South	Date:	4 September 2015
Precinct:	Precinct 10 – Norfolk	File Ref:	PR13525; 5.2014.690.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Car Parking Table 4 – Department of Planning Comment		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by P Nguyen on behalf of the owner V & T Nguyen, for the proposed Change of Use from Residential to Office and Consulting Room (Medical) at No. 526 (Lot: 118; D/P: 3660) Fitzgerald Street, Corner York Street, North Perth as shown on plans date stamped 9 December 2014 and amended plans dated 31 August 2015, included as Attachment 2, subject to the following conditions:

1. Use of Consulting Room

- 1.1 A maximum of one consulting room are permitted to operate at any one time; and
- 1.2 The operating hours shall be in accordance with the City’s Policy No. 7.5.22 – Consulting Rooms;

2. Car Parking and Accessways

- 2.1 A minimum of four car bays shall be provided onsite;
- 2.2 The disabled bay to comply with the ACROD standards;
- 2.3 Vehicle and pedestrian access points are required to match into existing footpath levels; and
- 2.4 All new crossovers shall be constructed in accordance with the City’s Standard Crossover;

3. Active Frontage

Commercial windows, doors and adjacent areas fronting Fitzgerald Street shall maintain an active and interactive relationship with the street;

4. External Fixtures

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

5. Prior to the issue of an Occupancy Permit, the following shall be provided:

5.1 Bicycle Bays

One Class 1 or 2 and One Class 3 bicycle facility for the office/consulting room use shall be provided at a location convenient to the entrance and publicly accessible. The bicycle facilities shall be designed in accordance with AS2890.3; and

6. Prior to the first Occupation of the Development the following shall be completed to the satisfaction of the City:

6.1 Car Parking

The car parking areas which form part of this approval shall be sealed, drained, paved and line marked in accordance with the approved plans and maintained thereafter by the owner/occupier to the satisfaction of the City; and

ADVICE NOTES:

- 1. With reference to Condition 1, any increase in the number of consulting rooms will require approval of a further development application;**
- 2. The applicant is required to obtain an Occupancy Permit from the City;**
- 3. With reference to Condition 2.2, the disabled car parking bay shall be constructed to a minimum size of 4.8 metres by 5.4 metres;**
- 4. 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 subject to a separate Building Permit application shall be submitted to and approved by the City prior to the erection of the signage; and**
- 5. The City requires that a Road and Verge security bond for the sum of \$1,000 is paid by the applicant, prior to the issue of a building permit, which 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.**

PURPOSE OF REPORT:

To consider an application for a change of use from Residential to Office and Consulting Room (Medical).

BACKGROUND:

The site has always been used as a single house.

History:

Nil.

DETAILS:

Landowner:	TT Nguyen
Applicant:	P Nguyen
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R60 Draft Town Planning Scheme No. 2 (TPS2): Residential R60/100
Existing Land Use:	Residential
Use Class:	Office/Consulting Rooms (Medical)
Use Classification:	'SA', 'SA'
Lot Area:	611 square metres
Right of Way:	Not applicable
Date of Application:	9 December 2014

The proposed application is for a change of use from residential to an office and consulting room use. The original submitted plans were amended following the conclusion of the public advertising period on 31 August 2015 by the addition of three additional car parking bays and one disabled bay.

The applicant is seeking planning approval to find prospective tenants for the property and has had enquires from a doctor, a chiropractic use, a medical respite use and a law practice. Planning approval is required to accommodate these potential land uses and has been applied for in this format to provide flexibility.

The office and consulting room uses are considered as "SA" uses in a Residential zone under the City's Town Planning Scheme No. 1 and advertising is required under Clause 37 before the uses can be approved.

This matter is presented to Council for determination because this proposal includes an SA use and one objection has been received. The current delegation prevents Administration to approval proposals where one objection is received in relation to an SA use, even if that objection is unfounded and dismissed.

The following summarises the proposal (see plans dated 9 December 2015 and 31 August 2015 in **Attachment 2**):

- (a) Room Allocation – Use
 - Office 1 – Consulting Room Use.
 - Offices 2-4 (3 Offices) – Office Use.
- (b) Number of Permitted Persons:
 - Offices – Maximum of 5 persons within the three offices, with a maximum of two to three clients at one time.
 - Consulting Rooms – A maximum of one client per time within the Consulting Room.
- (c) Equipment
 - General office equipment such as computers and photocopiers.
- (d) Proposed Operating Hours:
 - Monday to Friday: 8.30am – 5.30pm
 - Saturday: 9.00am – 12.30pm.

The application was referred to the Department of Planning for comment as the site abuts Fitzgerald Street which is an 'Other Regional Road' under the Metropolitan Regional Scheme. The Department advise it had no objections to the proposal but provided comments (refer **Attachment 5**).

Car parking is proposed in three separate locations on the lot. A total of six car parking bays have been provided as follows:

- Four car parking bays are located in the north-eastern corner of the lot in a tandem configuration;
- One car bay is provided along the western boundary alongside a reversing bay;
- A disabled bay is located off the York Street entrance of the property. The revised car parking layout is shown in the plan dated 31 August 2015.

ASSESSMENT:

Summary Assessment

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

Design Element	Complies	Requires the Discretion of Council
Bicycles		✓

Detailed Assessment

Not Acceptable Variations

Issue/Design Element:	Bicycle Parking
Requirement:	Policy No. 7.7.1 – Parking and Access 2 bicycle bays Class 1 or 2 – 1 bicycle space Class 3 – 1 bicycle space
Applicant's Proposal:	Nil
Design Principles:	Not applicable.
Summary of Applicant's Justification:	Not provided.
Officer Technical Comment:	The bicycle parking is required to provide for alternative transport. It is recommended that a condition is imposed for the required bicycle facilities.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	17 April 2015 – 8 May 2015		
Comments Received:	Two comments received of which one comment objected to the application whilst one comment had concerns.		

The table below discusses the issues raised during consultation.

Summary of Comments Received:	Officer Technical Comment:
<ul style="list-style-type: none"> • Concerns in relation to the location of a car park for the development. There is a lack of car parking proposed in the development and the access particularly from Fitzgerald Street should not be supported. 	The proposed car parking complies with the City's Policy No. 7.7.1 – Parking and Access. A disabled bay is located off York Street. The car parking area has been designed such to allow vehicles to exit in forward gear which will ensure the safety of pedestrians.

Summary of Comments Received:	Officer Technical Comment:
<ul style="list-style-type: none"> Fitzgerald Street is a busy road and access to the property will be difficult. Concern over the possible use of street parking for the use and its impact to the rest of the street. 	<p>Vehicles will be able to safely egress from the property in forward gear due to the onsite reversing bay reducing the risk to pedestrians.</p> <p>Any street parking would need to be used in an appropriate manner and in accordance with the parking requirements on the street.</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 7.1.10 – Norfolk Precinct;
- Policy No. 7.5.22 – Consulting Rooms; and
- Policy No. 7.7.1 – Parking and Access.

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City’s Strategic Plan 2013-2023 states:

“Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City’s Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL
The proposed use will enable the adaptive reuse of a building.
SOCIAL
The use will offer services to the local community.
ECONOMIC
The use will offer a new service option for the area and the creation of a new business with the possibility of creating local employment opportunities within the area.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposed office and consulting room use is located in a residential zone, but its proximity to other non-residential uses, such as the consulting rooms located to the immediate south of the subject property and the strip of shops, immediately opposite, provide a core of similar uses and a defined non-residential precinct.

The proposed use will not alter the existing appearance of the building. The alternative use allows the character home in good condition to be retained and to contribute to the existing streetscape.

The proposed operation of the premises in an office and consulting room format has been designed to allow the applicant to consider prospective tenants in the form of consulting room (medical) uses and office uses. The requested hours of operation of 8.30am to 5.30am on Monday to Friday and 9.00am to 12.30pm on Saturdays are standard opening hours for offices and are supported accordingly although the operating hours for the consulting rooms are limited to comply with the City's Policy No. 7.5.22 – Consulting Rooms.

The provision of six car parking bays, including one disabled bay, complies with the requirements of the City's Policy No. 7.7.1 – Parking and Access.

CONCLUSION:

Overall the proposed office and consulting room use is supported and is recommended for approval.

5.1.6 No. 49 (Lot: 115; D/P: 6064) Tasman Street, Mount Hawthorn – Proposed Demolition of an Existing Single House and Construction of Four Grouped Dwellings

Ward:	North	Date:	4 September 2015
Precinct:	Precinct 1 – Mount Hawthorn	File Ref:	PR50101; 5.2015.249.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Marked up plans showing proposed versus required setbacks		
Tabled Items:	Nil		
Reporting Officer:	R Narroo, Senior Planning Officer Statutory		
Responsible Officer:	G Poezyn, Director Planning Officer		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by Cocoon Design and Construct on behalf of the owner Casa Developments for the proposed Demolition of an Existing Single House and Construction of Four Two Storey Grouped Dwellings at No. 49 (Lot: 115) Tasman Street, Mount Hawthorn as shown on plans date stamped 25 August 2015, included as Attachment 2, subject to the following conditions:

1. **Boundary Wall**

The owners of the subject land shall finish and maintain the surface of the boundary walls facing No. 51B & No. 47 Tasman Street and No. 50 Purslowe Street, Mount Hawthorn in a good and clean condition. The finish of the wall is either to be fully rendered or face brickwork to the satisfaction of the City;

2. **Building Appearance**

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

3. **Verge Trees**

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

4. **Car Parking and Accessways**

4.1 Vehicle and pedestrian access points are required to match into existing footpaths levels;

4.2 The vehicle access shall comply with the City's Standard 'Visual Truncations'; and

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

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

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

6.1 **Landscaping**

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

- 6.1.1 The location and type of existing and proposed trees and plants;
- 6.1.2 All vegetation including lawns;
- 6.1.3 Areas to be irrigated or reticulated and such method;
- 6.1.4 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months;
- 6.1.5 Separate soft and hard landscaping plans (indicating details of materials to be used);
- 6.1.6 The redundant crossover being removed and landscaped in accordance with the landscaping proposed for the remainder of the verge; and
- 6.1.7 Three mature trees provided in the landscape area alongside the driveway between unit 2 and the street boundary;

6.2 **Acoustic Report**

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

6.3 **Construction Management Plan**

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

6.4 **Front Fence**

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

7. Prior to the submission of an Occupancy Permit, the following shall be completed to the satisfaction of the City;

7.1 **Acoustic Report**

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

7.2 **Stormwater**

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

7.3 Landscaping

With reference to Condition 6.1, all such works shown shall be undertaken in accordance with the approved plan and maintained thereafter, to the satisfaction of the City, by the owners/occupiers.

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 7.2, no further consideration shall be given to the disposal of stormwater 'off site' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'off site' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings;**
- 3. The City requires that a Road and Verge security bond for the sum of \$2,000 is paid by the applicant, prior to the issue of a building permit, which will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the security bond shall be made in writing. The bond is non-transferable;**
- 4. With reference to Condition 6.1, Council encourages landscaping methods and species selection which do not rely on reticulation;**
- 5. Any additional property numbering to the abovementioned address which results from this application will be allocated by the City of Vincent; and**
- 6. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5 metres) shall be maintained for all users at all times during construction works. If the safety of the path is compromised resulting from either construction damage or as a result of a temporary obstruction appropriate warning signs (in accordance with AS1742.3) shall be erected. Should a continuous path not be able to be maintained, an 'approved' temporary pedestrian facility suitable for all path users shall be put in place. If a request to erect scaffolding, site fencing etc. or if building materials are required to be stored within the road reserve, once a formal request has been received, the matter will be assessed by the City and if considered appropriate a permit shall be issued by the City's Ranger Services Section. No permit will be issued if the proposed encroachment into the road reserve is deemed to be inappropriate.**

PURPOSE OF REPORT:

To consider the demolition of the existing single house and the construction of four grouped dwellings.

BACKGROUND:

Nil.

DETAILS:

Landowner:	Casa Developments
Applicant:	Cocoon Design and Construct
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R60 Draft Town Planning Scheme No. 2 (TPS2): Residential R60
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	696 square metres
Right of Way:	Not applicable
Date of Application:	4 June 2015

The proposed development is for the demolition of an existing single house and the construction of four two-storey grouped dwellings. Each double storey dwelling contains three bedrooms, a lounge/dining area and a double garage inclusive of a store room.

A central accessway to the site is proposed with the buildings located on both sides and to the rear of the property.

In response to concerns raised during advertising, the applicant amended the plans to provide additional landscaping, compliant storerooms and boundary wall heights, and articulation to the front elevation facing Tasman Street by enlarging the upper floors windows, including a design feature to the windows and providing a contrast in colours between the ground and upper floors.

ASSESSMENT:

Summary Assessment

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

Design Element	Complies	Requires the Discretion of Council
Density/Plot Ratio	✓	
Front Setback		✓
Front Fence		✓
Building Setbacks and Boundary Walls		✓
Building Height	✓	
Building Storeys	✓	
Roof Form		✓
Open Space	✓	
Privacy	✓	
Access & Parking	✓	
Bicycles	N/A	
Solar Access	✓	
Site Works	✓	
Essential Facilities	✓	
Surveillance	✓	
Outdoor Living Area		✓
Landscaping		✓

Detailed Assessment

Acceptable Variations

Issue/Design Element:	Front Setback
Requirement:	<p>Policy No. 7.2.1 – Residential Design Elements – Clause SADC5</p> <p>Ground Floor = 5 metres First Floor = 2 metres behind each portion of the ground floor which equates to 7 metres from Tasman Street</p>
Applicant's Proposal:	<p>Ground Floor = 4 metres (variation of 1 metre) First Floor = 4 metres (variation of 2 metres from the ground floor and 3 metres from Tasman Street)</p>
Design Principles:	<p>Policy No. 7.2.1 – Residential Design Elements – Clause SPC 5</p> <p>(i) Development is to be appropriately located onsite to:</p> <ul style="list-style-type: none"> • Maintain streetscape character; • Ensure the amenity of neighbouring properties is maintained; • Allow for the provision of landscaping and space for additional tree plantings to grow to maturity; • Facilitate solar access for the development site and adjoining properties; • Protect significant vegetation; and • Facilitate efficient use of the site. <p>(ii) Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>
Summary of Applicant's Justification:	<p><i>"The Proposal although modern in its design is consistent with the character of the locality and has been designed with colours and materials which will blend into the streetscape.</i></p> <p><i>The building has a level of articulation throughout a variety of interesting ideas, such as; variation in the use of materials, colour, details and roof design.</i></p> <p><i>The mass and scale of the proposed development is purposely minimal, the 2 storey element is narrow and non-obtrusive having taken up only 50% of the entire elevation. The remaining area is open and softens the upper floor 2m setback by providing a longer deep view into the development.</i></p> <p><i>Not only does the design have a positive impact on the aesthetics of the development and surrounding neighbours it's 2 meter upper floor setback improves street surveillance with the use of a large master bedroom window overlooking the footpath and street.</i></p> <p><i>Consideration should also be placed on the front new boundary masonry fence which takes some of the focus away from the townhouses with the introduction of tactile face bricks for onlookers who walk or drive by."</i></p>

Issue/Design Element:	Front Setback
Officer Technical Comment:	<p>The type of housing along this portion of Tasman Street is divided between single houses and grouped dwellings. Given the lot sizes along this street (more than 600 square metres) and the density coding, this street has the potential to be redeveloped with grouped/multiple dwellings.</p> <p>Of the eight lots available on this side of the street four have already been redeveloped with setbacks from the street ranging from 3 metres to 4.4 metres. Similar setbacks are emerging on the opposite side of the street. (No. 50 Tasman Street nearly opposite the subject site has a setback of 4 metres). As the proposed ground floor street setback of 4 metres is consistent with the emerging streetscape it meets the design principles and is therefore appropriate.</p> <p>The proposed architectural feature on the upper floor is a permitted intrusion into the setback area.</p> <p>In relation to the upper floor variation there is no consistent streetscape along this portion of Tasman Street. The front facades of the buildings first storey which faces the street includes some articulation from the architectural feature over the window on the upper floor, openings and a finish that will provide visual interest. Although the proposal does not meet the deemed to comply provision of the Residential Design Elements it meets the design principles. The proposed variation for the upper floor setback is therefore considered to be appropriate.</p> <p>With the bulk of the development being separated by the driveway overall the variations to the street setback will not have any impact on the emerging streetscape.</p>

Issue/Design Element:	Boundary Wall and Building Setbacks
Requirement:	<p>Residential Design Codes – Clause 5.1.3 – Clause C3.1 and C3.2</p> <p><u>Boundary Wall</u></p> <p>One side only with an average height of 3 metres and maximum height of 3.5 metres.</p> <p><u>Building Setback</u></p> <p>Eastern Boundary Ground Floor – Unit 2 = 1.5 metres First Floor Unit 2 = 1.6 metres Unit 4 = 1.2 metres</p> <p>Western Boundary Ground Floor – Unit 1 = 1.5 metres First Floor Unit 1 = 1.6 metres Unit 3 = 1.2 metres</p> <p>Southern Boundary Ground Floor = 1.5 metres First Floor = 1.9 metres</p>

Issue/Design Element:	Boundary Wall and Building Setbacks
Applicant's Proposal:	<p><u>Boundary Wall</u></p> <p>Three boundary walls (variation of walls on two boundaries)</p> <p><u>Building Setbacks</u></p> <p>Eastern Boundary Ground Floor Unit 2 = 1.2 metres to 1.5 metres (variation of a maximum 0.3 metres) First Floor Unit 2 = 1.2 metres to 1.5 metres (variation of 0.4 metres to 0.1 metres) Unit 4 = 1.1 metres (variation of 0.1 metres)</p> <p>Western Boundary Ground Floor Unit 1 = 1.2 metres to 1.5 metres (variation of 0.3 metres) First Floor Unit 1 = 1.2 metres to 1.5 metres (variation of 0.4 metres to 0.1 metres) Unit 3 = 1.1 metres (variation of 0.1 metres)</p> <p>Southern Boundary Ground Floor = 1.1 metres (variation of 0.4 metres) First Floor = 1.1 metres (variation of 0.8 metres)</p>
Design Principles:	<p>Residential Design Codes – Clause 5.1.3 – Clause P3.1 and P3.2</p> <p>P3.1 Buildings set back from lot boundaries so as to:</p> <ul style="list-style-type: none"> • reduce impacts of building bulk on adjoining properties; • provide adequate direct sun and ventilation to the building and open spaces • on the site and adjoining properties; and • minimise the extent of overlooking and resultant loss of privacy on adjoining properties. <p>P3.2 Buildings built up to boundaries (other than the street boundary) where this:</p> <ul style="list-style-type: none"> • makes more effective use of space for enhanced privacy for the occupant/s or • outdoor living areas; • does not compromise the design principle contained in clause 5.1.3 P3.1; • does not have any adverse impact on the amenity of the adjoining property; • ensures direct sun to major openings to habitable rooms and outdoor; • living areas for adjoining properties is not restricted; and • positively contributes to the prevailing development context and streetscape.
Summary of Applicant's Justification:	Nil.

Issue/Design Element:	Boundary Wall and Building Setbacks
Officer Technical Comment:	<p><u>Boundary Walls</u></p> <p>The western boundary is considered to be the as of right wall that complies in length and height, leaving the eastern and southern sides as discretionary.</p> <p>The eastern boundary walls comply with the required height and length. The boundary walls are separated in two parts which minimise the bulk on the adjoining neighbour. The impact of these walls do not exceed the extent which is permitted by the Residential Design Codes.</p> <p>The southern wall complies with the permitted height and abuts the outdoor living area of the adjoining property who did not make a submission on this proposal.</p> <p><u>Building Setbacks</u></p> <p>The variations to the side and rear setbacks are minor. In each instance the walls creating the variations are short and therefore have minimal impact in terms of building bulk on the adjoining properties.</p> <p>The proposed development complies with the overshadowing and privacy requirements of the Residential Design Codes. The ground and upper floors walls are staggered and the side walls of the upper floors do not occupy the whole length of the subject site.</p> <p>The proposed landscaping will contribute to soften the appearance of the buildings when viewed from the street and neighbouring properties.</p> <p>Given the above, the variations to the boundary walls and building setbacks can be supported as it will not affect the amenity of the adjoining properties in terms of restricting light, ventilation, bulk and privacy. The variations meet the design principles of the Residential Design Codes.</p>

Issue/Design Element:	Roof Form
Requirement:	<p>Policy No. 7.2.1 – Residential Design Elements – Clause BDADC 3</p> <p>The use of roof pitches between 30 degrees and 45 degrees is encouraged.</p>
Applicant’s Proposal:	27 degrees
Design Principles:	<p>Policy No. 7.2.1 – Residential Design Elements – Clause 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.

Issue/Design Element:	Roof Form
Summary of Applicant's Justification:	Nil.
Officer Technical Comment:	The housing stock along this portion of Tasman Street is a mix of older character properties and new developments. The pitched roof that is proposed compliments and contributes to the existing streetscape character and therefore is acceptable.

Issue/Design Element:	Outdoor Living Area
Requirement:	Residential Design Codes – Part 5.3.1 Behind the street setback area.
Applicant's Proposal:	Within the street setback area.
Design Principles:	Residential Design Codes – Part 5.3.1 Outdoor living areas which provide spaces: <ul style="list-style-type: none"> • Capable of use in conjunction with a habitable room of the dwelling; • Open to winter sun and ventilation; and • Optimise use of the northern aspect of the site. Balconies or equivalent outdoor living areas capable of use in conjunction with a habitable room of each dwelling and if possible, open to winter sun.
Summary of Applicant's Justification:	Nil.
Officer Technical Comment:	This variation is only in relation to units 1 and 2 and is required in order to optimise use of the northern aspect of this site. The outdoor living areas do not include any covered structures, there will be no negative visual impact on the streetscape, but allow surveillance of the street and encourage interaction. In this context the outdoor living area within street setback area is acceptable.

Issue/Design Element:	Landscaping
Requirement:	Residential Design Codes – Clause 5.3.2 The street setback area is to have a maximum of 50% of hard surface.
Applicant's Proposal:	More than 50% is proposed to be paved.
Design Principles:	Landscaping of grouped and multiple dwelling common property and communal open spaces that: <ul style="list-style-type: none"> • Contribute to the appearance and amenity of the development for the residents; • Contribute to the streetscape; • Enhance security and safety for residents; • Provide for microclimate; and • Retain existing trees to maintain a local sense of place.
Summary of Applicant's Justification:	Nil.

Issue/Design Element:	Landscaping
Officer Technical Comment:	The variation is as a result of the driveway and the proposed courtyard areas for units 1 and 2, most of which will be paved. The applicant is proposing three mature trees and landscaping by reducing the width of the driveway area at the front of the development. This landscaping will offset this variation and add interest to the streetscape. This variation is acceptable subject to a condition that secures that mature trees are planted in this landscaping area alongside the driveway.

Unacceptable variation

Issue/Design Element:	Front Fence
Requirement:	<p>Policy No. 7.2.1 – Residential Design Elements – Clause SADC 13</p> <p>Maximum height of solid portion of wall to be 1.2 metres above adjacent footpath level and a minimum of 50% visually permeable above 1.2 metres.</p> <p>Posts and piers are to have a maximum width 0.355 metres.</p> <p>The distance between piers should not be less than the height of the piers = 1.8 metres.</p>
Applicant's Proposal:	<p>Solid Wall</p> <p>Piers width= 0.45 metres</p> <p>The distance between piers are less than the height ranging between 1.2 metres to 1.6 metres</p>
Design Principles:	<p>Policy No. 7.2.1 – Residential Design Elements – Clause 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:	Nil.
Officer Technical Comment:	The proposal is required to comply with the fence requirements. As such it is recommended that a condition be imposed that provides for a compliant front fence.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period:	16 July 2015 to 29 July 2015
Comments Received:	Three objections

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

Summary of Comments Received:	Officer Technical Comment:
<p><u>Street Setback</u></p> <p>The reduced street setback is to squeeze more building onsite.</p> <p>The variation to the street setback does not meet the performance criteria.</p>	<p>The number of dwellings proposed comply with the permitted density coding of this site.</p> <p>There are existing buildings along this portion of Tasman Street which have ground floor street setbacks of 4 metres or less. The proposed 4 metre street setback for the ground floor will not have any negative impact on the streetscape. The applicant has amended the plans to incorporate various articulations, openings and finishes to the front facades to the upper levels which will compensate the variations to the setback and provide visual interest. Landscaping is being proposed within the front setback and the driveway to soften the appearance of the building on the streetscape.</p>
<p><u>Lot Boundary Setbacks</u></p> <p>The reduced lot boundary setbacks are to squeeze more building onsite.</p> <p>The variation to the boundary setback will result in noise impact on the adjoining properties.</p> <p>The variation will result in overlooking of the western property and will block sunlight to the rooms at No. 51A Tasman Street.</p>	<p>The number of dwellings proposed comply with the permitted density coding of this site.</p> <p>The proposed development complies with the overshadowing and privacy requirements of the Residential Design Codes.</p> <p>With regard to the noise, the future residents of these units will be required to comply with the Noise Regulations.</p> <p>The proposal complies with the privacy requirements of the Residential Design Codes because:</p> <ol style="list-style-type: none"> 1. All openings facing the western boundary on the proposed development comply either by being high light windows or by being adequately set back from the boundary; and 2. There is a driveway on the adjoining property along the common boundary with this site. <p>As a result of this driveway there will also be no impact in terms of sunlight and ventilation on No. 51A Tasman Street.</p>
<p><u>Boundary Walls</u></p> <p>The boundary walls will result in overlooking and will block sunlight to the rooms at No. 51A Tasman Street.</p>	<p>The boundary walls along the western boundary are permitted as they comply with the requirements of the Residential Design Codes.</p>
<p><u>Visitor Parking</u></p> <p>No visitor car parking is proposed for the development. Visitors to the dwellings will have to park their vehicles on the street which can create a safety hazard.</p>	<p>The Residential Design Codes do not require visitor car parking for this development. Visitors will have to comply with the City's by-laws for parking.</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: Not required to be referred

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes;
- Policy No. 7.1.1 – Mount Hawthorn; 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 approval.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The existing building has little aesthetic, historic, scientific or social heritage significance and there is therefore no objection to its demolition.

This area of Mount Hawthorn is changing with single houses being replaced by grouped dwellings. This trend is considered to be appropriate given the permitted zoning of this area and its location in close proximity to Glendalough Station.

The proposal is considered generally acceptable as this redevelopment will make a positive contribution to the evolving streetscape of Tasman Street and the proposed variations will not have any negative impact on the amenity of the neighbours or the locality.

CONCLUSION:

It is recommended that this proposal be approved.

5.1.7 Initiation of Amendment to Local Planning Policy No. 7.5.13 – Percent for Art

Ward:	Both	Date:	4 September 2015
Precinct:	All	File Ref:	SC1562
Attachments:	<p>1 – Draft Amended Policy No. 7.5.13 – Percent for Public Art (as advertised)</p> <p>2 – Policy No. 7.5.13 – Percent for Art showing changes after advertising and Administration amendments (with tracked changes)</p> <p>3 – Policy No. 7.5.13 – Percent for Art (clean copy without tracked changes)</p> <p>4 – Summary of Proposed Policy Changes and Comments</p> <p>5 – Summary of Submissions</p>		
Tabled Items:	Nil		
Reporting Officers:	Y Coyne, Coordinator Arts & Creativity J Anthony, Manager Community Development		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council:

- AUTHORISES** the Chief Executive Officer to advertise the amended Local Planning Policy No. 7.5.13 – Percent for Art (Attachment 3) pursuant to Clause 47 of the City’s Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 – Community Consultation; and
- NOTES** the submissions received in relation to the previous consultation of Draft Policy No. 7.5.13 – Percent for Public Art, included in Attachment 5 and **ENDORSES** Administration’s responses to those submissions.

PURPOSE OF REPORT:

To request Council to:

- consent to advertise the Local Planning Policy No 7.3.13 – Percent for Art (**Attachment 3**) in accordance with Clause 47 of Town Planning Scheme No. 1; and
- consider the submissions received in response to the previous advertising of the Policy No. 7.5.13 – Percent for Public Art.

BACKGROUND:

The Percent for Public Art scheme was introduced in 1998 in order to develop and promote community identity within the City of Vincent. The scheme has been a success with many developers working with artists to create visually pleasing aesthetics to the Vincent landscape.

Approximately 60 public art works have been completed to date and the City currently holds \$184,390 that has been paid by developers of new developments in lieu of providing public art.

While the requirement for the art contribution is enforced through the planning approval process Community Services co-ordinate the implementation of art projects.

There have been numerous changes to the policy since its initial inception as follows:

History:

Date	Comment
24 August 1998	Council adopted a Policy relating to Percent for Art Scheme.
9 March 2004	The City's Policy No. 1.1.8 Percent for Art Scheme was amended.
13 March 2007	Council resolved to amend the City's Policy No. 1.1.8 – Percent for Art Scheme.
24 July 2007	Council approved in principle the amendments to Policy No. 1.1.8 – Percent for Art Scheme.
22 April 2008	Council had two policies relating to Percent for Art (Policy No. 1.1.8 – Percent for Public Art Scheme, and Policy No. 3.5.13 – Percent for Public Art). Council resolved to rescind Policy No. 1.1.8 – Percent for Art Scheme to rationalise the Policies into one document, Policy No. 3.5.13 – Percent for Public Art and made it a Local Planning Policy under TPS 1.
24 June 2008	Council adopted the final version of Policy No. 3.5.13 – Percent for Public Art.
24 May 2011	Council endorsed advertising of the Draft Amended Policy No. 3.5.13 – Percent for Public Art.
27 September 2011	Council adopted the amended version of Policy No. 3.5.13 – Percent for Public Art.
4 December 2012	<p>A Notice of Motion was adopted by Council requesting a review of the City's Policy No. 3.5.13 – Percent for Public Art to amend:</p> <ul style="list-style-type: none"> • the threshold value definition and determine the threshold value; • the location for artworks; • the value to be invested in public art for projects with a total cost greater than \$50,000,000, and <p>to include a clause requiring the owner/applicant to provide the City a project receipt for the full amount of contribution at the completion of the project.</p>
26 February 2013	Council resolved to amend the City's Policy No. 3.5.13 – Percent for Public Art.
28 May 2013	<p>Council adopted the final version of the amended Policy No. 3.5.13 – Percent for Public Art advertised on 26 February 2013. Policy changes included:</p> <ul style="list-style-type: none"> • the numbering of the Policy; and • a clause where projects with a total cost greater than \$50,000,000 will have a minimum of \$500,000 to be invested in public art. <p>A clause on what Public Art projects could not consist of was also added.</p>
9 September 2014	Council approved the amended Percent for Public Art Guidelines and Policy. A clause was added to encourage developers to contribute projects under \$50,000 towards cash-in-lieu instead of self-managing public art projects of that scale.
9 December 2014, 27 January 2015 and 17 February 2015	<p>Proposed amendments relating to Policy No. 7.5.13 – Percent for Public Art were presented at Council Forums where it was identified that proposed amendments to the Policy included:</p> <ul style="list-style-type: none"> • the location of the Public Art works; • the manner in which Cash-in-Lieu payments may be utilised; • definitions of Public Art and Professional Artist; • administration of cash-in-lieu payments; • maximum percentages of art consultant fees; • removing the requirement for Community Consultation as the Community Consultation Policy had recently been updated to not require advertising for Public Art; and • Adjusting the enforcement process of the policy in line with changes to the <i>Building Act 2011</i>.

Date	Comment
17 March 2015 – 15 April 2015	Public consultation period of 21 days with one submission received.

Previous Reports to Council:

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

DETAILS:

Extensive consultation with stakeholders, including two independent art consultants, and with the public has informed the formulation of this revised policy which includes numerous changes to the current policy.

The main changes to the Policy are summarised below and contained in **Attachment 4**:

1. Refining/Amending:
 - the definition of "Public Art" by adding *"The term "public art" refers to the integration of an artistic concept into the public realm. The distinguishing feature of these works is that an artist or artist team is wholly, or partly, responsible for the creation, design and/or fabrication. Typically, the creation of a Percent for Public Artwork takes into consideration site and context as part of its process"*;
 - the definition of a "Professional Artist" to refine the category of artist required;
 - the types of Public Art projects that are permitted and that are not permitted;
 - the maximum percentage of an art consultant's fee in order to be in line with the State Government's Percent for Art Scheme;
 - when cash-in-lieu payments are made, when they are expended and the process of refunding these payments if required;
 - the location of the Public Art works;
 - the requirements of the attribution plaque in line with Australian Copyright Law; and
 - what documents are required on completion of the project.

2. Removing:
 - the word 'Public' from the Policy title';
 - a clause which states that projects with a total costs over \$50m will have a minimum of \$500,000 to be invested in public art;
 - any reference to the value of the threshold amount;
 - the requirement for Community Consultation for Public Art projects; and
 - reference to any particular City Officer and adding "the City" as the contact.

3. Adding that:
 - the threshold amount will be determined on an annual basis as part the City's Schedule of Fees and Charges;
 - emerging artists may be considered in some cases;
 - *"No artist under consideration for a Percent for Art commission may have a familial relationship to the Developer or have financial interest in the development"*;
 - a 10% discount applies if applicants choose to pay cash-in-lieu;
 - once the applicant has provided a Statutory Declaration choosing Option 1 to the City, a time frame of 90 days applies within which to provide the City with a Public Art proposal for consideration;
 - cash-in-lieu payments are to be made to the City prior to the submission of a building permit;
 - the applicant is encouraged to consider the artwork at the design stage of the development;
 - the applicant must seek the City's approval on their chosen Professional Artist; and
 - public art projects using cash-in-lieu payments will have final approval by Council, on advice from the Arts Advisory Group.

Attachment 5 outlines the comments raised from consultation in relation to this policy.

CONSULTATION/ADVERTISING:

The revised Policy as shown in **Attachment 1** was advertised for public comment as follows:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period:	17 March 2015 – 15 April 2015
Consultation Type:	<ul style="list-style-type: none"> • Advert in local paper; • Notice on the City’s website; and • Copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre.

OUTCOMES OF ADVERTISING:

One submission was received and is summarised with Officer Comments in **Attachment 5**.

This submission was taken into account and together with further informal consultation, Administration made additional changes which has resulted in the draft Policy shown in **Attachment 2**.

These changes are material and as the initial consultation process did not comply with Clause 47 of the City’s Town Planning Scheme No. 1 further consultation is required in order to give this Policy effect as a Local Planning Policy.

LEGAL/POLICY:

- City of Vincent Town Planning Scheme No. 1;
- Policy No. 4.1.5 – Community Consultation; and
- Policy No. 7.5.13 – Percent for Public Art.

RISK MANAGEMENT IMPLICATIONS:

Medium: Should the proposed amendments not be approved there the risk that the City will not have the ability to enforce the policy as intended which will result in less public art being provided across the City.

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.

3.1.1 Celebrate, acknowledge and promote the City’s cultural and social diversity.

4.1.4 Plan effectively for the future.”

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The Percent for Art Scheme has cash-in-lieu provisions which results in the City receiving funds for future art pieces.

The administration of the policy is internally funded and does not have financial implications for the City other than in the operating budget.

COMMENTS:

The revised Policy the subject of this report is the product of extensive consultation. All comments received were evaluated on merit and have resulted in the proposed refinements of the current policy. A “clean copy” of the Policy without tracked changes is shown in **Attachment 3**.

To give effect to this revised policy as a local planning policy it must be advertised in accordance with Clause 47 of Town Planning Scheme No. 1. Council is now requested to adopt this policy for the purposes of formal consultation under the City’s Town Planning Scheme No. 1.

On completion of the four week advertising process the policy will be presented to Council for final approval with or without amendments.

CONCLUSION:

It is recommended that Council adopts for advertising the revised Local Planning Policy No. 7.5.13 – Percent for Art (**Attachment 3**) in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1.

5.1.8 Outcomes of Advertising and Final Adoption of Policy No. 7.5.15 – Character Retention Areas

Ward:	Both	Date:	4 September 2015
Precinct:	All Precincts	File Ref:	SC1343
Attachments:	<p>1 – Draft Policy No. 7.1.8 – Character Retention Areas (as advertised)</p> <p>2 – Amended Policy No. 7.5.15 – Character Retention Areas following advertising (with tracked changes)</p> <p>3 – Amended Policy No. 7.5.14 – Character Retention Area (clean copy without tracked changes)</p> <p>4 – Summary of Submissions</p>		
Tabled Items:	Nil		
Reporting Officer:	J O’Keefe, Manager Policy and Place		
Responsible Officer:	G Poezyn, Director Planning Officer		

OFFICER RECOMMENDATION:

That Council:

- ADOPTS amended Policy No. 7.5.15 – Character Retention Areas as modified and as shown in Attachment 3;**
- NOTES the submissions received in relation to the advertising of Draft Policy No. 7.5.15 – Character Retention Areas, included as Attachment 4 and ENDORSES Administration’s responses to those submissions;**
- AUTHORISES the Chief Executive Officer to advertise in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1; that the final version of Policy No. 7.5.15 – Character Retention Areas (Attachment 3) has been adopted; and**
- NOTES the error made in the Minutes of the Ordinary Meeting of Council of 20 January 2015 and REQUESTS the Chief Executive Officer to annotate the Minutes of 20 January 2015 to make reference to this decision.**

PURPOSE OF REPORT:

To:

- advise Council of the outcomes of the public consultation period for Draft Policy No. 7.5.15 – Character Retention Areas;
- request Council to adopt the amended Policy; and
- authorise a correction to the Minutes of 20 January 2015.

BACKGROUND:

Council initiated the advertising of Draft Policy No. 7.5.15 – Character Retention Areas at its meeting on 20 January 2015.

The project began following changes to the Residential Design Codes in 2013 that would decrease the size of lots on land zoned R80. In order to counter the effects of this, Council initiated Scheme Amendment 37 to reduce the zoning of affected character areas to R50 and required an investigation into the creation of a new planning policy that would provide further protection to streetscapes than what is already provided in other planning policy.

The City facilitated a number of community workshops to discuss this approach and worked with a specialist consultant to shortlist potential character streetscapes that could participate in this process.

The draft framework was prepared and St Albans Avenue was recommended to be included as the first Character Retention Area to be included in the Policy.

History:

Date	Comment
3 August 2013	A community forum was held to explain the impacts of changes to the Residential Design Codes changes to residents and land owners. The majority of community participants were in favour of pursuing the introduction of character retention areas within the City.
27 August 2013	The outcomes of the forum were presented to Council and further investigation of character retention areas was endorsed.
December 2015	Quotes were requested from external consultancies with an appointment made in December.
March 2015	Visioning Workshops were planned to inform the project but were abandoned due to lack of interest.
31 July 2015	A revised workshop was facilitated with residents and land owners of all identified character retention areas with 22 people attending.
9 December 2015	Presentation of draft Policy at a Council Forum prior to being initiated by Council.
20 January 2015	Initiation of draft Policy and consent to advertise received from Council.
17 February 2015 – 17 March 2015	Advertising period.
4 August 2015	Presentation to Forum to discuss outcomes of advertising and a revised approach to the Policy.

Previous Reports to Council:

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

DETAILS:

Draft Policy No. 7.5.15 – Character Retention Areas is a new local planning policy and will form part of the City's Planning and Building Policy Manual.

The advertising of the draft Policy had two main objectives. The first was to advertise a policy framework that could identify and include character areas of Vincent to be given a greater level of protection for streetscapes than otherwise exists in planning policies. The second was to include St Albans Avenue as the first Character Retention Area and establish accepted guidelines to protect the character of that area.

The formal advertising of the amendment was undertaken in accordance with Clause 47 of the City's Town Planning Scheme No. 1 and Policy No. 4.1.5 – Community Consultation.

CONSULTATION/ADVERTISING

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	17 February 2015 – 17 March 2015		
Consultation Type:	<ul style="list-style-type: none"> • Consecutive adverts in the Guardian and Perth Voice for the 4 week duration of the advertising period; • Notice on the City's website; • Copies displayed at the City of Vincent Administration and Civic Centre and Library; • Consultation with government and utility agencies; • Notifications to Town Teams and Precinct Groups • Street meeting held between the Mayor and Manager Policy and Place on 13 May 2015; and • Updates in the City's Planning and Building E-Newsletters. 		
Comments Received:	16 submissions were received.		

A copy of the advertised draft Policy that was modified and initiated by Council is found in **Attachment 1**.

OUTCOMES OF ADVERTISING

Position	St Albans Residents	Non St Albans Residents	Government Authority	Total Submissions	Percentage
Support	5	2	0	7	43.75%
Object	2	0	0	2	12.5%
Not Stated/ Other	1	1	5	7	43.75%
	8	3	5	16	100%

The City received a range of submissions during the advertising period of this draft Policy. The table below provides a summary of the key issues identified in the submissions both in favour of and against the Policy.

Support	Object
Character is the main reason for living in these areas.	The Policy is too restrictive.
Will provide clear guidance on development within character areas.	Requests for some properties to come off the 'contributing' list.
Support the Policy and wish to include Carr Street as a Character Retention Area.	Does not provide any real benefit to owners.

A full summary of the submissions received is found in **Attachment 3**.

Submissions from St Albans Residents

There are 12 homes on St Albans Avenue that are subject to this new Policy. Two objections were received which represent approximately 17% of the affected properties. Five properties, or 41.5% of residents provided a submission in support of the Policy while 41.5% of residents did not respond.

Of the two objections received, one is from a property listed as being 'Non-Contributing' and objects to the general principles of the Policy. The second objected to being identified as a 'Contributing' building but not the Policy itself.

Another submission was received from a rear dwelling located behind another dwelling which faces the street. This submission requests the Policy reflect that they do not contribute to the streetscape and should be exempt from the Policy. This is supported by Administration.

Submissions from Non-St Albans Residents

Another, lengthier submission was received highlighting where some improvements could be made to the approach and formatting of this Policy. These comments are summarised in **Attachment 3**.

All recommended changes made to the draft Policy following advertising are summarised below and contained in **Attachment 2**, highlighted by strike through and underline.

COMMENTS:

In response to the submissions received, Administration is recommending changes to the structure, format and some of the content of the Policy in the following five areas.

1. Format and structure change

The Policy is recommended to be re-structured into a format that is more user friendly format. The Guidelines have been separated from the main Policy and are now located in the appendices.

This allows the policy provisions to be more efficient and simpler containing the following sections:

1. Character Retention Area Nomination;
2. Consultation and Preparation of the Guidelines;
3. Approval of the Guidelines;
4. Amendments to the Guidelines; and
5. Rescission of the Guidelines.

This structure allows the St Albans Street Character Retention Area Guidelines and any future proposed Guidelines to be added to the Policy as an Appendix without the need to change the Policy itself.

2. Clearer process for nominations, approval, amendments and rescission of Guidelines

The submissions received during the advertising period highlighted some procedural issues during the establishment of the Guidelines. Administration has reviewed these and recommends the following clearer and more concise provisions.

Nominations

A new Section One of the Policy has been added following advertising and outlines what is required for the City to consider nominations as a Character Retention Area.

The advertised Policy allowed a single nominee to request the City to consider any area, which may be one street or an entire suburb. This then requires staff to assess each nomination regardless of whether any other affected residents or owners wish to proceed.

Administration has clarified this process and recommends new policy provisions that requires nominees to demonstrate that at least 40% of the affected residents/owners support proceeding with the nomination. This will ensure there is sufficient 'buy-in' from affected residents/owners prior to the City committing resources to the investigation.

Advertising of the Guidelines

New policy provisions have been included which detail the advertising process for the inclusion of any additional Character Retention Areas into the Policy where there was nothing in the previous draft of the Policy.

Following the successful nomination of a new Character Retention Area and the preparation of the Character Retention Area Guidelines for that area, Council will be asked to initiate formal advertising. This is in accordance with Clause 47 of the City's Town Planning Scheme No. 1 and the City's Policy No. 4.1.5 – Consultation Policy.

Amendments to the Guidelines

A new Section Four of the Policy has been added following advertising and outlines what is required for the City to support amending the Guidelines.

Where established Guidelines are requested to be amended, it must be demonstrated by the applicant that at least 40% of the affected residents/owners support the proposed amendment(s) for Administration to initiate changes and request Council to advertise the changes in accordance with Clause 47 of the City's Town Planning Scheme No. 1 and the City's Policy No. 4.1.5 – Consultation Policy.

Rescission of the Guidelines

A new Section Five of the Policy has been added following advertising and outlines what is required for the City to support rescinding the Guidelines. These new provisions require the applicant to demonstrate that at least 70% of the affected residents/owners support deleting the Guidelines. This percentage represents a clear majority before for Council will even consider removing the Guidelines affecting any Character Retention Area.

3. More consultative approach

A new Section Two has been added following advertising and provides guidance on what consultation with residents and owners must be undertaken to inform the Guidelines.

When the City progresses a Character Retention Area nomination, affected residents/owners will be notified and invited to attend a facilitated workshop to discuss the following:

- What the prevailing character is and how it can best be protected;
- Agree on which buildings contribute to the character of the area and which do not;
- Prepare policy provisions (the Guidelines) to protect the previously identified character of the area.

Attendees of this workshop do not form a decision making authority but act only in an advisory capacity during the preparation of the Guidelines. Based on this advice Administration will make recommendations on what should be included in the Guidelines to Council for the final decision.

Only with a prevailing view from community during the preparation of the Guidelines that it no longer wishes to proceed may Administration abandon the nomination.

4. Change of language to broaden what can be included

Administration is recommending that any reference to 'dwelling(s)' be replaced with 'building(s)' in order to allow all buildings to be included within a Character Retention Area.

The word 'dwellings' may still be found in specific guidelines where the proposed Character Retention Area is wholly residential.

5. Review of individual clauses for the St Albans Character Retention Area Guidelines

A review of the individual provisions of the St Albans Character Retention Area Guidelines has been undertaken following advertising and the major changes are detailed below.

Consolidation of columns

The column entitled 'Design Principles' is recommended to be deleted, including its contents. This is because there is very little difference of the intent between the advertised 'Deemed to Comply' and 'Design Principles' requirements, as they are both trying to achieve the same objective. The columns should be merged under a single heading, 'Design Objectives'. These changes are highlighted in **Attachment 2**.

This approach moves away from having quantitative provisions within the Policy and allows the City to undertake an assessment against objectives and not 'numbers'.

Demolition

Clause 1.1.1 has been amended to emphasise the importance on the appearance of the character building and not the whole building itself. This change means that only the façade of the building is required to be retained for all contributing buildings.

For this same reason Clause 1.1.2 is recommended to be deleted which refers to the partial demolition of additions to the building (refer **Attachment 2**).

Height

A new Clause 1.4.2 is recommended to be included as follows:

'1.4.2 Any additional storey must be setback sufficiently to be in keeping with the rhythm of the streetscape.'

The advertised Policy only specified that any additions could not exceed one extra storey, it was silent on the setback of any upper storey. This is an important change as it will in many cases prevent second stories which would dominate the street.

Shade Sails

Administration recommends removing references to shade sails being able to be located in the front setback. These are not permitted in other areas of Vincent so should not be contemplated in Character Retention Areas either.

Reference to the Design Advisory Committee

Council amended the draft Policy when it was first initiated to include that any demolition and new dwellings in a Character Retention Area must first receive the positive recommendation of the City's Design Advisory Committee.

No comments were received on this proposal and Administration recommends that it be removed prior to final adoption for the following reasons:

- The inclusion of a requirement to go through a DAC process will add an unnecessary step and costs to an application. The correct use of the Guidelines by the assessing officer should yield the same result as if this process had been undertaken and
- The scope of the City's DAC does not include the assessment of single homes or individual buildings – there are no internal processes or budget to support this element of the Policy.

Building Setbacks for Non-Contributing Buildings

New Clause 2.2.1 is recommended to be included for non-contributing buildings as follows:

"2.2.1 Setback variations may be supported where they are in line with existing dwellings on the street and in keeping with the rhythm of the existing streetscape."

This Clause allows the City to consider variations to all setbacks of the building for new development if the setback maintains or contributes to the character of the streetscape.

Implications of Changes and Further Consultation

The recommended amendments result from both the submissions received during the advertising period and additional changes put forward by Administration following another review.

The changes made as a result of the submissions are highlighted in **Attachment 3**.

Administration takes a view the Policy is not required to be re-advertised for the following reasons:

- Although the recommended changes are substantial, they do not detrimentally alter the provisions, standards or requirements which were advertised in the draft Policy;
 - The new procedures outlined in the Policy, including the new consultative approach following nomination, formalise the actions which have already been undertaken with the St Albans residents during the advertising period. Re-advertising the Policy and undergoing this process with the residents is unlikely to yield different results; and
 - The level of support received from the St Albans Avenue residents for the draft Policy (41.5%) satisfies the recommended requirement of 40% support needed to initiate investigating the Guidelines.
-

Minute Correction

The Minutes of the Ordinary Meeting of Council on 20 January 2015 (confirmed on 10 February 2015) included an error. Under Item 9.1.2 the Minutes incorrectly indicated that:

Section 1.5 (C1.5.1) of the draft policy was to be amended prior to advertising to read as follows:

“C1.5.1 The removal of any on-site care bays is not supported.” [sic]

However Section 1.5 (C1.5.1) of the draft Policy was already written to reflect the proposed amendment.

After reviewing the digital recording of this meeting it was confirmed that the intention of the amendment was to delete Clause C1.5.1 under Section 1.5. The resolution should therefore have required that this clause be “deleted” rather than “amended”.

This correction is required to be annotated in the Minutes of 20 January 2015.

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- *Town Planning Regulations 1967;*
- *City of Vincent Town Planning Scheme No. 1; and*
- *Policy No. 4.1.5 – Community Consultation.*

RISK MANAGEMENT IMPLICATIONS:

High: It is considered that without this draft Policy, areas of the City considered to have streetscape character worthy of retention are open to erosion of the streetscape character caused by the loss of contributing buildings, new buildings and additions to existing buildings. This would result in the loss of character streetscapes that create attractive and desirable places to live.

STRATEGIC IMPLICATIONS:

The City’s Strategic Plan 2011-2016 states:

“Natural and Built Environment

Objective 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.

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

Leadership, Governance and Management:

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

4.1.4 Plan effectively for the future.

4.1.5 Focus on stakeholder needs, values, engagement and involvement.”

SUSTAINABILITY IMPLICATIONS:

ENVIRONMENTAL

The Policy will assist in preserving the character of streetscapes in Vincent. The intensification of development will be minimal in these areas reducing the environmental impacts as a result. The Guidelines also promote the maintenance of landscaping in these areas.

SOCIAL

The Policy will facilitate the City's objective to protect and promote housing and precinct character and assist in providing a diverse housing choice within Vincent.

ECONOMIC

The Policy will preserve the character of selected areas throughout the City, contributing to a strong sense of identity and attracting investment.

FINANCIAL/BUDGET IMPLICATIONS:

Any future expenditure to update the Policy will be paid out of the operating budget, *Town Planning Scheme Amendments and Policies*.

CONCLUSION:

The submissions received during the consultation period were constructive and have been incorporated where appropriate.

The changes to the draft Policy will significantly improve the way the Policy is read and applied and the manner in which future guidelines are prepared.

Council is requested to support the officer recommendation, adopt Policy No. 7.5.15 – Character Retention Areas and amend the Minutes of 20 January 2015.

5.1.9 Outcomes of Advertising and Final Adoption of Local Planning Policy No. 7.7.1 – Parking and Access

Ward:	Both Wards	Date:	4 September 2015
Precinct:	All Precincts	File Ref:	SC436
Attachments:	1 – Summary of Submissions 2 – Amended Policy No. 7.7.1 – Parking and Access (as advertised including tracked changes with further amendments)		
Tabled Items:	Nil		
Reporting Officers:	T Elliott, Strategic Planning Officer J O’Keefe, Manager Policy & Place		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council:

1. **NOT PROCEED** with advertised amendments to Policy No. 7.7.1 – Parking and Access in accordance with Clause 47 of Town Planning Scheme No. 1;
2. **AUTHORISES** the Chief Executive Officer to advertise a revised amendment to Policy No. 7.7.1 – Parking and Access, as shown in Attachment 2, pursuant to Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 – Community Consultation;
3. **INSTRUCTS** Administration to commence a full review into the City’s Parking Policy and report back to Council by October 2016; and
4. **NOTES** the submissions received in relation to the previous advertising of the amendment, included as Attachment 1 and **ENDORSES** Administrations responses to those submissions.

PURPOSE OF REPORT:

To advise Council of the outcomes of the public consultation period for the proposed amendment of Policy No. 7.7.1 – Parking and Access (the City’s Parking Policy), request Council to initiate advertising for an alternative amendment to the policy and to instruct Administration to commence a major review of the Parking Policy.

BACKGROUND:

Council initiated an amendment to the City’s Parking Policy on 7 April 2015 to include a new clause that would exempt some small tenancies (less than 100sqm) from having to pay cash-in-lieu for car parking.

The Amendment was requested by Council in response to concerns from Elected Members and business owners that the requirement for cash-in-lieu payments are a disincentive for small business to open in Vincent.

Administration previously flagged the key issues relating to the City’s Parking Policy and recommended the need to undertake more comprehensive research to inform a considered strategy and policy. These views are still held by Administration and this position remains current.

History:

Date	Comment
27 March 2001	Council resolved to adopt the Planning and Building Policy Manual, including Policy No. 3.7.1 relating to Parking and Access.
26 October 2004	Amendments to the Policy relating to Parking and Access were recommended to Council including the amendment of the car parking ratio for Club Premises, Hall, Hotel, Nightclub, Place of Assembly and Tavern; and the addition of the definition of 'Public Floor Area'.
23 May 2006	Amendments relating to the requirements for cash-in-lieu for car parking were approved by Council.
12 August 2008	An amendment was approved for the addition of a Small Bar land use parking ratio.
9 March 2010	The City's Car Parking Strategy and associated Parking Precinct Management Plans were adopted.
11 May 2010	Council resolved to adopt a Car Parking Strategy Implementation Plan which included the requirement to review the City's Parking & Access Policy.
8 October 2013	Council adopted amendments to the Parking and Access Policy as well as rescinding other local planning policies which were no longer required.
17 February 2015	A discussion was undertaken at the Council Forum in relation to possible alternative approaches to cash-in-lieu for car parking for uses less than 100 square metres in Town Centres.
7 April 2015	Council initiated an alternative amendment to that recommended by Administration for advertising.
23 May 2015 – 22 June 2015	Advertising period.
4 August 2015	Administration presented the outcomes of advertising to a Council Forum.
1 September 2015	Administration sought further feedback from Elected Members at a Council Forum on a revised approach to the Amendment.

Previous Reports to Council:

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

DETAILS:

The amendment to the Parking Policy includes a new Clause 2.2.8 as follows:

"2.2.8 Cash-in-lieu of car parking will not be required where the proposal is a use of less than 100 square metres NLA. In the case of Eating House and Small Bar, 100 square metres is based on the PFA."

The formal advertising of the amendment was undertaken in accordance with Clause 47 of Town Planning Scheme No. 1 and Policy No. 4.1.5 – Community Consultation.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	23 May 2015 – 22 June 2015		
Consultation Type:	<ul style="list-style-type: none"> • Alternating adverts in The Guardian and The Perth Voice; • Notice on the City's website; • Copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre; • Updates in the Planning and Building E-News; and • Consultation with adjoining Local Authority's and government agencies. 		

OUTCOMES OF ADVERTISING:

A total of eight submissions were received as follows:

Position	Community	Government Authority	Total Submissions	Percentage
Support	2	0	2	25%
Object	2	0	2	25%
Not Stated	0	4	4	50%
	4	4	8	

The below table provides a summary of the comments received during the advertising period.

Summary of Comments Received:	Officer Comment:
Cash-in-lieu (CIL) received does not result in charges that are close to the true cost of providing parking, it is far less than surrounding local governments, the ratios are also less. Further to this, CIL does not provide meaningful infrastructure that encourages alternate use of transport modes.	Administration have recommended that Council undertake an extensive review of the Policy in order to improve overall car parking management and encourage the use of alternative transport modes. The application of cash-in-lieu component of the Policy will form part of the review in order to appropriately value car parking spaces and the rate at which they are required.
There is a potential for exploitation, with proposals for 100 square metres spaces for compliance. A new provision should be provided which states that the use of clause 2.2.8 would require the proposed floor areas to remain unchanged even if there was no change of use.	Noted. Unintended methods of exploitation may be a result of this amendment. Administration has been unable to undertake the research required to explore all consequences of this approach. It is noted however that 100sqm tenancies are not discouraged in Vincent.
The Gross Car Parking Requirements are set out in Table 1 and these are subject to Adjustment factors such as proximity to a rail station, bus route or an existing off-street public car subject to size and distance from the proposed development. What Table 1 and the adjustment factors do not provide for is the proportion of customers who are likely to travel to the proposed development by train or bus or more importantly does the public car park have the capacity to park extra vehicles.	Noted. Further research is required to investigate what the appropriate car parking requirements should be.

COMMENTS:

Key issues with current policy provisions and their application:

1. Relationship between Land Use and Parking Standards

The City's current parking policy contains parking requirements based on land use. The parking ratios vary considerably depending on the proposed land use. This approach to determine car parking requirements is outdated and has the following shortcomings:

- It does not reflect actual usage or demand. For example a quiet book shop requires significantly more parking at one bay per 20sqm than a busy office which only requires one bay per 50 square metres;
- It provides a one size fits all calculation that applies throughout local governments in Western Australia. It cannot take into account dynamic and fluctuating environments or be site specific. An inner city location with good alternative transport for instance would have different parking needs to that of a commercial centre in the suburbs that is only accessible by private transport;
- It is not based on any recent science or data that accurately reflects the relationship between parking ratios and usage and is an antiquated approach.

Using the City's Parking Policy as a mechanism to influence land use decisions does not represent best practice and results in inconsistent decisions. To attract desired businesses into Vincent other mechanisms can be used such as:

- Land use permissibility table in the City's Town Planning Scheme No. 1 (the zoning table) which may be supported by land use policies to guide Council decision making for discretionary uses;
- The physical environment, including:
 - Building design;
 - Activation;
 - Urban design; and
 - An improved movement network; and
- Internal efficiencies – how many requirements there are to open a business in Vincent

There are external factors which are outside the control of Council policy that influence the location and operations of retail uses within the City. These include current retail trends and the influence of online shopping, market forces (including rents etc.).

2. Cash-in-Lieu Requirements

Working hand in hand with this parking ratio approach is the requirement of payment of cash-in-lieu where the parking needs cannot be met onsite. Accordingly, the ability to pay a fee to the City is incorporated into the City's Parking Policy.

The cash-in-lieu provisions in the parking Policy has the following shortcomings:

- The City has not developed a comprehensive strategy to guide how this money will be spent. This has resulted in the accumulation of significant amounts that are spent on an ad hoc basis for various projects throughout the City;
- The payment of cash-in-lieu is an arbitrary application of payment which is not providing any benefit to the City or businesses; and
- Council also has the discretion to waive or reduce the payment in certain instances as it sees fit which is resulting in inconsistencies in decisions making.

3. Change of Use Applications

The current Parking Policy provisions apply to all planning proposals and can be categorised into two areas - new development and change of use proposals.

While there has been some level of success applying the cash-in-lieu provisions where adequate car parking is not provided onsite, the current approach fails in relation to change of use applications. This is particularly relevant where, in many instances, it is physically impossible to provide additional parking.

In the last financial year 92 applications for change of use were lodged of which 78 were determined as follows:

Land use	Number of Applications	Percentage
Office	12	15%
Eating House/Small Bar	17	22%
Shop	14	18%
Consulting Rooms	10	13%
Tavern	1	1%
Other (educational facilities, car wash, showroom, private recreation, nursery).	24	31%
Total	78	100%

Change of use applications account for approximately 15% of all planning applications in the system and can take up to 4 months to process from lodgement to determination, and occasionally longer if information is not available. The significant delays in processing times of change of use applications occurs because:

- An assessment of the parking requirements of the existing and proposed use under the current policy to calculate the shortfall/surplus;
- How many bays are provided onsite;
- How the applicant can justify any shortfall in parking and if they cannot, how much cash-in-lieu of parking is required, calculated at \$5,400 a bay; and
- Whether there is a shortfall/surplus from a previous approved use and whether any cash-in-lieu has already been paid.

When there is a shortfall in parking, in excess of five bays or where the applicant requests to have the cash-in-lieu payment waived a Council determination is required which results in further delays.

Effectiveness of Advertised Amendments

The advertised amendments to the policy focus on the cash-in-lieu requirements of the policy in isolation. These are inadequate to effectively support Council's objective to remove barriers to attract small business to the City and to find ways to diversify tenancy typologies.

Alternative Approach:

Administration recommends that Council considers an alternative two pronged approach:

1. Supporting a revised policy amendment which would be required to be re-advertised. The alternative amendment includes new clauses which allow the City to not undertake parking assessments for selected change of use applications and also set a framework where cash-in-lieu requirements can be waived; and
2. For Administration to commence a major review of the City's parking policy and parking requirements to inform a future policy position of Council within 12 months.

These requirements under point 1 above will have a natural ending when the policy undergoes its major review in 2015/2016.

This approach is discussed in detail below.

1. Revised Policy Amendment

Administration is recommending an alternative amendment to the City's Parking Policy to include the following amendment to existing Clause 1.4 and new Clause 2.4:

1.4 Existing Car Parking Shortfalls

After multiplying the car parking requirement by the relevant Adjustment Factors, the total car parking requirement may be further reduced by any existing car parking shortfalls for the site except in the case where parking shortfalls have been granted under Clause 2.4.

2.4 Waiving of Car Parking Requirements

The City may, at its discretion, waive the car parking requirements for change of use applications to provide additional on-site car parking, including waiving cash-in-lieu requirements in the following instances:

2.4.1 where the application does not involve the reduction of existing on-site car parking bays as part of the application;

2.4.2 where the application does not involve any building works that contribute to additional floor area that would be subject to parking requirements;

2.4.2 where the application has not been subject to a previous Council decision.

All land uses are subject to this clause, excluding taverns and small bars.

These policy amendments will provide Council and prospective business owners the certainty needed to proceed with change of use applications and subsequent assessments with confidence of the outcome. Being located in Policy ensures the application of these provisions is defensible.

Benefits of proposed alternative policy amendment

Benefits of Council adopting this approach include:

- It will provide insight into the impact of removing parking ratio's for established buildings which cannot provide bays regardless of the car parking ratio;
- It will have a 'parking-neutral' effect with no further bays being provided, but no bays being lost;
- It will reduce costs for small business by improving the processing times for change of use applications and turnaround times; and
- Increase productivity by improving business practices initially on a temporary basis with a view to maintain or improve the process.

The additional wording to existing Clause 1.4 has been included in the amended Policy to ensure that applicants or landowners cannot request or expect that any shortfall of existing bays will contribute towards a credit for further intensification of the site in the present or in the future.

The intent of these changes to the policy is to neutralise parking requirements for a period of time until the new policy is in effect.

2. Major Review of the City's Parking Policy

Following the adoption of this policy amendment, Administration will launch a comprehensive review of the City's parking policy. The review will provide the data needed to inform a properly considered and measured policy position which Council will be asked to adopt in 12 months' time.

This review will likely encompass the following:

- A consolidation and simplification of existing policy provisions including the deletion of sections which are already covered by Australian Standards;
 - Benchmarking and comparing parking requirements and their application in other local governments in WA and interstate;
 - Obtaining data from our Town Centres about supply and demand of car parking;
 - A comparison of land uses in our Town Centres with the supply and demand of parking;
 - A complete review of parking ratios and an assessment of their ongoing role within policy; and
 - A framework for when cash-in-lieu may be applied or waived, including when Administration can make that determination.
-

Below is a broad project plan to guide the review:

Timeframe	Task
October 2015	Preparation of a detailed project plan for the implementation of the car parking review
December 2015	Internal allocation of work/procurement of consultants if required
January 2016	Commence research and establish benchmarks
May 2016	Update to Elected Members in a confidential workshop
August 2016	Council Forum presentation
October 2016	Report to Council

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- *Planning and Development Amendment Regulations 2015;*
- *City of Vincent Town Planning Scheme No. 1; and*
- *Policy No. 4.1.5 – Community Consultation.*

RISK MANAGEMENT IMPLICATIONS:

Progressing Advertised Amendment

Proceeding with the amendment presents the following risks to the City:

- An uninformed policy change without the support of good research is an ad hoc approach that may yield unintended consequences which includes potential future compliance issues;
- The proposed amendment is a ‘band-aid’ for a policy which requires fundamental changes so that it starts working for the City and small business, not against them;
- Using this amendment and policy to encourage or discourage certain land uses is the incorrect ‘lever’ to adjust in achieving Council’s desired results; and
- There is no data to suggest 100sqm is the most appropriate size where the exemption for cash-in-lieu should be applied.

Progressing the Alternative Approach

Proceeding with the alternative approach presents the following risks to the City:

- The proposed policy provisions may not align with the outcome of the comprehensive review and yield unintended consequences; and
- The trial may be perceived by some as not actively helping to improve parking in Vincent.

STRATEGIC IMPLICATIONS:

The City’s Strategic Community Plan 2013-2023 states:

“Natural and Built Environment

1.1 *Improve and Maintain the Environment and Infrastructure.*

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

The City received an income of approximately \$75,000 – \$80,000 between 2012 and 2015 from cash-in-lieu payments for the land use categories eating house, shop and small bars with a floor area less than 100sqm. Since the City does not have an active strategy to spend the funds in a coordinated way, the loss will not detrimentally impact any project work or services to the community.

Advertised Amendment

Based on the above, progressing the advertised amendment will result in a loss of revenue to the City of at least \$25,000 during the 12 month trial.

Alternative Approach

Progressing the alternative approach is likely to result in foregone revenue cash-in-lieu contribution that exceeds \$25,000 as this amount only includes three land uses less with tenancies less than 100 square metres.

In addition there will also be expenditure associated with the comprehensive review although it is anticipated that much of the work will be undertaken with internal resources already budgeted for.

CONCLUSION:

Parking in Vincent is one of the biggest issues facing the City in 2015. A sophisticated and informed approach is required which reduces unnecessary changes to policy and provides solutions.

The role of the City's parking policy is to ensure parking requirements are set and managed in a sustainable and efficient manner and not to be used as the sole lever to encourage or discourage land uses from locating in a certain location.

The proposed amendment in its current form is unlikely to resolve the issues facing the City and will ultimately do little to attract economic development.

The benefits of the alternative approach recommended will be:

- Immediate improvements that remove barriers for investment in the City;
- Ability to assess the implication of relaxed the parking requirements in the City's context;
- Provide a more consistent approach to parking assessment in Vincent while a broader strategy is investigated;
- Ultimately achieve a parking approach that is tailor made for the context of the City of Vincent;
- The final policy will be a leader in this field for other inner city local governments.

A comprehensive change of approach is needed to facilitate this but more research is required.

Council is requested to support the officer's recommendation for an alternative approach as outlined above which provides a short term and long term solution to the City's Policy No. 7.7.1 – Parking and Access.

5.2 TECHNICAL SERVICES

5.2.1 Britannia Reserve – Approval of Stage 2 Path Lighting

Ward:	North	Date:	8 September 2015
Precinct:	Precinct 3 - Leederville	File Ref:	SC530
Attachments:	1 – Example of lighting proposed 2 – Plan showing location of light poles		
Tabled Items:	Nil		
Reporting Officer:	J van den Bok, Manager Parks and Property Services R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

1. **APPROVES the proposed Stage 2 lighting, adjacent to the western pathway at Britannia Reserve, as shown in Attachments 1 and 2, in accordance with the Britannia Reserve Long-term Implementation Program;**
2. **NOTES that;**
 - 2.1 **\$140,000.00 has been included in the 2015/2016 Budget for the lighting project; and**
 - 2.2 **a tender for the lighting project will be advertised in September 2015.**

PURPOSE OF REPORT:

To seek Council's approval for the lighting type for Stage 2 of the lighting along the western pathway of Britannia Reserve, Leederville.

BACKGROUND:

A long-term implementation program for Britannia Reserve was presented to and approved by Council at its Ordinary Meeting held on 17 December 2013. The program was developed following recommendations contained within the Master Plan completed by PlaceScape consultants.

Year 1 and 2 of the program is nearing completion with the perimeter path installation completed, and Stage 1 of the path lighting along the eastern side of the reserve nearing completion.

Year 3 of the Implementation plan includes lighting to be installed along the western pathway. An electrical consultant has completed the required plans and specifications for this work to proceed.

DETAILS:

Britannia Reserve Reference Group (BRRG):

The last meeting of the group was held on 11 February 2015 where several matters were discussed, including construction of the perimeter pathway, eco-zoning and specifically the proposed lighting of the eastern pathway.

Recent Works:

The following works have been completed, or are nearing completion:

- A 1.65km long perimeter pathway on the west side of the reserve;
- Eco-zoning of the eastern portion of the reserve was completed on National Tree Day, Sunday 26 July 2015 where over 7,000 native shrubs and trees were planted. As the plantings mature, this area, with its informal compacted gravel pathways, will, provide more interest and increase in biodiversity.
- The path (“way finding”/bollard) lighting along the eastern pathway is nearing completion

Lighting of Western Pathway:

The BRRG recommended that the bollard, or “wayfinding” lighting, be installed along the eastern pathway, due to concerns with obtrusive light into nearby neighbouring properties. This was subsequently approved by Council and the works are in progress as stated above.

While lighting of the western pathway was not specifically discussed at the most recent BRRG meeting, it was previously suggested that taller 6.0m high poles, with LED fittings, were more appropriate along the western pathway.

The light depicted in **Attachment 1** is a similar light used along the pathways around Lake Monger (Town of Cambridge). This lighting system was also designed by the City’s appointed electrical consultant and from an onsite inspection at Lake Monger, it was evident that the light is directed onto the pathway, and there is no light spill, or potential obtrusive light issues, with the higher pole and the LED fittings. The proposed lighting layout is shown in **Attachment 2**.

CONSULTATION/ADVERTISING:

The local community, sporting clubs and other reserve users were consulted and provided valuable input into the formulation and completion of the Britannia Reserve Master Plan.

LEGAL/POLICY

Approval of tender by Chief Executive Officer.

RISK MANAGEMENT IMPLICATIONS:

Low: The recommendations of the Master Plan, once implemented over time, will improve the overall amenity and useability of the reserve for both structured and unstructured recreational pursuits.

STRATEGIC IMPLICATIONS:

In accordance with the City’s *Strategic Plan 2013-2023*, Objective’s 1 and 3 states:

- “1.1 *Improve and maintain the natural and built environment and infrastructure.*
 - 1.1.4: *Enhance and maintain the City’s infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.*
 - 1.1.6 *Enhance and maintain the City’s parks, landscaping and the natural environment.*
 - 3.1.2 *Promote and foster community safety and security.*
 - 3.1.3 *Promote health and wellbeing in the community.”*
-

SUSTAINABILITY IMPLICATIONS:

The Master Plan concepts are based on sustainable and eco-friendly design principles. Therefore, as with Stage 1 bollard lighting, the latest technology LED lighting fixtures are proposed for the Stage 2 lighting works and will use minimal power.

FINANCIAL/BUDGET IMPLICATIONS:

The cost of implementing the Stage 1 'bollard lighting' is \$87,550. This involves installing a bollard light every 20 metres along a 780 metre length of pathway. Therefore the cost per lineal metre for the Stage 1 lighting will be in the order of \$112/metre

Stage 2 comprises 990 metres of pathway, of which 820 metres of the path will have lights installed. The section along Britannia Road will not require lighting as the street lights supply sufficient lighting to that section pathway. The project will involve installing a light approximately every 35 metres. The electrical consultant has estimated that to light 820 metres of pathway using the 6.0m high poles (at approximately 35m intervals) with LED luminaires will cost in the order of \$170/metre, or approximately \$6,090 per light. On this basis 23 light poles will need to be installed at an estimated total cost of \$140,000.

The 2015/2016 includes an amount of \$140,000 for lighting in Britannia Reserve

COMMENTS:

It is recommended that Council approve the proposed lighting type to enable a tender to be prepared, advertised and awarded, so the project can proceed as soon as a successful contractor has been approved.

5.2.2 Roads to Recovery Program - AUSLINK Funding Program Update

Ward:	Both	Date:	4 September 2015
Precinct:	Precinct 12 – Hyde Park	File Ref:	FY67-03, SC1883
Attachments:	1 – Plan No. 3228-CP-01		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council;

- NOTES** the increased Roads to Recovery funding allocation in 2015/2016 and 2016/2017, as outlined in the report;
- APPROVES BY ABSOLUTE MAJORITY**, in accordance with Section 6.8 (1) of the Local Government Act 1995, the additional expenditure associated with the 2015/2016 Roads to Recovery Program by including the following project, as shown on attached Plan No. 3228-CP-01 (Attachment 1);

Road	Section	Budget
Anzac Rd	Powis St to Sasse Ave	\$148,652

- NOTES** the following budget adjustment to reconcile the increase in grant funding and expenditure associated with the above project.

Description	Amount
Grant	\$148,652
Expenditure	\$148,652

PURPOSE OF REPORT:

To consider the allocation and expenditure of \$148,652 of additional (unbudgeted) funding that has been provided to the City by the Australian Government, under the Roads to Recovery (R2R) Program.

BACKGROUND:

In November 2000 the Australian Government created a new four year funding program entitled "Roads to Recovery" to be spent on infrastructure improvements on "Local Roads".

The program was extended several times and is still running with the City receiving \$173,115 per annum.

DETAILS:

In late 2014 the Australian Government advised the City that its annual Roads to Recovery allocation for 2015/2016 would be \$346,630.00.

On 24 June 2015 the Australian Government announced additional funding for Roads to Recovery funding for the City of Vincent, with the total funding awarded to the City in 2015/16 now increased to \$495,282 and in 2016/17 to \$572,197.

Council Approved 2015/2016 Roads to Recovery Program:

Council's approved program, based on an allocation of \$346,630 is outlined below:

Road	Section	Budget
Marian St	Loftus St to Shakespeare St	\$ 62,000
Alfonso St	Vincent St to Claverton St	\$ 40,000
Anzac Rd	Shakespeare St to Oxford St	\$ 48,000
Raglan Rd	Fitzgerald St to Leake St	\$ 18,000
Salisbury St	Loftus St to Shakespeare St	\$ 63,630
Paddington St	Walcott St to Hunter St	\$ 115,000
	Total	\$ 346,630

Additional Project/Revised program:

The 2015/2016 Roads to Recovery allocation for Vincent has increased from \$346,630 to \$495,282, an increase of \$148,652.

Administration has undertaken an assessment of potential additional projects and recommends that the additional funding be allocated to upgrading the section of Anzac Road between Powis Street and Sasse Avenue for the following reasons: (Refer to Plan No. 3228-CP-01 as shown on **Attachment 1**).

- The road is in poor condition and in need of rehabilitation;
- Extensive planting is planned along the centre of the road as part of the greening plan. This lends itself to implementing a red asphalt central flush island to complement the planting and reduce the road to two lanes (currently a dual carriageway, which is not warranted);
- The section of road comprises over 5,000^m² of dual carriageway and therefore the additional allocation of \$148,652 would be adequate to complete this project i.e. improve the level of service of the asset while at the same time improving the streetscape and providing traffic safety improvements.

This project is reflected in the proposed (revised) Roads to Recovery Program summarised in the following table:

Road	Section	Budget
Marian St	Loftus St to Shakespeare St	\$ 62,000
Alfonso St	Vincent St to Claverton St	\$ 40,000
Anzac Rd	Shakespeare St to Oxford St	\$ 48,000
Raglan Rd	Fitzgerald St to Leake St	\$ 18,000
Salisbury St	Loftus St to Shakespeare St	\$ 63,630
Paddington St	Walcott St to Hunter St	\$ 115,000
<u>Anzac Rd</u>	<u>Powis St to Sasse Ave</u>	<u>\$ 148,652</u>
Total		<u>\$ 495,282</u>

Administration Comments:

Payments under the program may be used for any project for the construction and/or maintenance of a road and as defined by the Act. The term 'road', includes each of the following:

- Traffic signals and control equipment
- Street lighting equipment
- Vehicular ferries
- Bridges/tunnels
- Separate cycle paths (within a road reserve or providing a shorter route between points on a road (separate approval required)).

The additional funding needs to be expended in 2015/2016. The Anzac Road proposal can be achieved in this timeframe, although other project funding categories that might also be eligible for this expenditure would require design/investigation and would not likely be completed within the required timeframe.

The City has predominantly used the Roads to Recovery funding to maintain its extensive road network.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The roads listed in the program are under the care, control and management of the City of Vincent.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2013-2023*, Objective's 1 and 2 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.*

2.1.3 Develop business strategies that reduce reliance on rates revenue."

FINANCIAL/BUDGET IMPLICATIONS:

In 2000, the City's initial allocation for the life of the program was \$612,450, with an annual allocation of \$153,112.50. This was subsequently increased to \$173,115 per annum. For the financial years 2015/2016 and 2016/2017 the allocation will be further increased to \$495,282 and \$572,157 respectively.

COMMENTS:

It is recommended that Council notes the increased Roads to Recovery allocation to the City in the current and next financial years and approves the additional project (for 2015/16) as detailed in the report.

5.2.3 Proposed On Road Parking Improvements Faraday Street, Mount Hawthorn

Ward:	North	Date:	4 September 2015
Precinct:	Precinct 3 - Leederville	File Ref:	SC997; SC228
Attachments:	1 – Proposed Plan No. 3245-CP-01		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

- APPROVES BY ABSOLUTE MAJORITY, in accordance with Section 6.8 (1) of the Local Government Act 1995, the unbudgeted expenditure of \$28,000 on the proposed parking improvements, as shown on attached Plan No. 3245-CP-01 (Attachment 1) in Faraday Street, Mount Hawthorn, from the Cash in Lieu of Parking Reserve; and**
- AUTHORISES the Director Technical Services to implement the proposal as outlined in 1 above.**

PURPOSE OF REPORT:

To seek Council approval to implement additional parking in Faraday Street, Mount Hawthorn

BACKGROUND:

The north east verge in Faraday Street has been the subject of numerous complaints from residents regarding its unkempt and unsightly appearance as it is currently been used as an informal parking area. Various attempts to contact the owner of the adjoining property regarding the issue have failed and the problem still exists.

In addition the new on-road bike lanes on Scarborough Beach Road have resulted in the removal of parking thus creating a greater need for parking on adjoining roads, such as Faraday Street.

DETAILS:

A plan to formalise the informal verge parking has been prepared (refer **Attachment 1**). The proposal is to create five 90 degree angle parking bays, including improving the appearance of the verge (mulch) at an estimated cost of \$28,000. It is proposed that this be funded from the Cash In Lieu of Parking Reserve.



Existing informal verge parking – Faraday Street

It is proposed that the parking be restricted to 2P 8.00am to 5.30pm Monday to Friday to match the existing restrictions in the streets

Administration Comments:

The Technical Services Directorate has built its 2015/16 Capital Works Schedule around its capacity to deliver projects this year.

While this proposed project does add to the already planned Capital Works Schedule, Administration is satisfied that this project could be delivered in conjunction with the Scarborough Beach Road Stage 2 bike lanes project (due to commence on 22 September 2015), given its relatively minor nature.

CONSULTATION/ADVERTISING:

Faraday Street Residents will be advised of the proposal.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: This proposal will improve the level of service and the amenity of the street by upgrading an unsightly and potentially unsafe part of the road reserve.

STRATEGIC IMPLICATIONS:

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

- "1.1: *Improve and maintain the natural and built environment and infrastructure.*
- 1.1.4 *Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.*
- 1.1.5 *Take action to improve transport and parking in the City and mitigate the effects of traffic."*

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The estimated cost of the proposal is \$28,000 and it is recommended that this be funded from the Cash In Lieu of Parking Reserve.

COMMENTS:

The proposal will improve the amenity of the area and provide formalised time restricted parking, in line with current restrictions, to protect resident's amenity while providing short term parking for visitors to the area.

5.2.4 Proposed Introduction of 2P Parking Restrictions in Jugan Street, Gibney Avenue, Anderson and Milton Streets, Mount Hawthorn

Ward:	North	Date:	3 September 2015
Precinct:	Precinct 1 – Mount Hawthorn	File Ref:	SC1092/SC1089/SC883./SC1077/SC1847
Attachments:	<u>1</u> – Proposed Plan No. 3233-PP-01 <u>2</u> – Proposed Plan No. 3243-PP-01 <u>3</u> – Consultation Comments, Jugan Street and Gibney Avenue <u>4</u> – Consultation Comments, Anderson and Milton Streets		
Tabled Items:	Nil		
Reporting Officer:	C Wilson, Manager Asset and Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

- 1. APPROVES the introduction of 2P parking restrictions 8am to 5.30pm Monday to Friday, in Jugan Street, Gibney Avenue, Anderson and Milton Streets, Mount Hawthorn, as shown on attached Plans Nos. 3233-PP-01 (Attachment 1) and 3243-PP-01 (Attachment 2); and**
- 2. ADVISES the residents of the aforementioned streets, and other respondents, of its decision.**

PURPOSE OF REPORT:

To consider the outcome of the public consultation undertaken regarding a proposal to introduce weekday parking restrictions in Jugan Street, Gibney Avenue, Anderson and Milton Streets, Mount Hawthorn and seek approval to formalise the restrictions.

BACKGROUND:

Since the introduction of a daily \$2.00 parking fee on 1 July 2014, in the Public Transport Authority's (PTA) railway station car parks, the demand for on-road parking in the streets surrounding the Glendalough Station has increased significantly resulting in numerous complaints from residents.

DETAILS:

The Glendalough train station is popular with City commuters and workers of the Osborne Park industrial/service area and as a consequence is one of the busiest stations on the Butler (Joondalup) line.

The PTA has a public car park on the north-western side of the station within the City of Stirling and on 1 July 2015 a daily \$2.00 parking fee was introduced, equating to \$10.00 per typical work week, over and above the train fare. Further a motorist can only use the car park if they are catching the train (as it requires a SmartRider).

In addition the City of Stirling is currently introducing ticket parking machines into the Glendalough Streets surrounding the station. Therefore, once operational it is expected that even more commuters and workers will be looking for alternative 'free' parking within easy walking distance of the station.

Random weekday surveys have shown that in Jugan Street, between Gibney Avenue and Milton Street a majority of the on-road parking is taken up during the day. In addition the western, or Glendalough station end, of Gibney Avenue is in a similar situation.

As a consequence the City wrote to the residents of Jugan Street*, Gibney Ave to Milton Street and Gibney Avenue, Jugan Street to Brady Street, seeking their views on installing a 2P weekday restriction.

Note:* Jugan Street, Gibney Avenue to Scarborough Beach Road already has a 2P 8.00am to 5.30pm Monday to Friday restriction.

Therefore, the proposed restrictions for Jugan Street, Gibney Avenue to Milton Street and Gibney Avenue, Anderson and Milton Streets, between Jugan and Brady Streets, is 2P 8.00am to 5.30pm Monday to Friday, to address the resident’s concerns about commuter parking.

CONSULTATION/ADVERTISING:

Consultation in Jugan and Gibney Street was undertaken with the intention of presenting a report to Council in August 2015. However, the residents of Anderson and Milton Streets became aware of the consultation and as a result the City received a number of submissions from these streets requesting the same restrictions. Their primary concern was that it would merely shift the problem to their respective streets.

The City subsequently wrote the residents of Anderson and Milton Streets, between Jugan and Brady Streets, asking if they too wanted a 2P 8.00am to 5.30pm Monday to Friday restriction.

Required by legislation	No	Required by City of Vincent Policy	Yes
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Jugan Street and Gibney Avenue

Consultation period	24 July 2015 – 7 August 2015
Comments Received	224 consultation packs were distributed in Jugan Street and Gibney Avenue. At the close of consultation 31 responses were received with 26 in favour and four against the proposal and one other (Refer Attachment 2).

Anderson and Milton Streets

Consultation period	21 August 2015 – 4 September 2015
Comments Received	67 consultation packs were distributed in Anderson and Milton Streets. At the close of consultation eight responses were received with five in favour and three against the proposal (Refer Attachment 2).

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: Mainly related to amenity improvements for residents and their visitors to discourage all day “park and ride” commuters.

STRATEGIC IMPLICATIONS:

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

- “1.1: *Improve and maintain the natural and built environment and infrastructure.*
 - 1.1.4 *Enhance and maintain the City’s infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.*
 - 1.1.5(a) *Implement the City’s Car Parking Strategy and associated Precinct Parking Management Plans.”*

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The cost to install signage is estimated at \$1,000.

COMMENTS:

The City is progressively introducing parking restrictions throughout 'Vincent' in response to increased demand for 'free' parking by CBD workers who live outside the City and employees of the nearby businesses. With the introduction of a \$2 daily parking fee in PTA's Glendalough Station car park, and the impending introduction of ticket parking in the streets of Glendalough, within the City of Stirling, the demand for parking in Mount Hawthorn will only increase.

Conclusion:

As a consequence of changes in the PTA car park and introduction of paid parking in the City of Stirling, that commuters have moved across into the City of Vincent to take advantage of the 'free' and unrestricted parking. It is therefore recommended that the proposed 2P weekday parking restriction is supported.

5.2.5 Proposed Introduction of 2P Parking Restrictions in Grosvenor Road, Mount Lawley

Ward:	North	Date:	4 September 2015
Precinct:	Precinct 10 - Norfolk	File Ref:	SC811, SC1847
Attachments:	1 – Proposed Plan No. 3235-PP-01 2 – Consultation Comments 3 – Proposed Plan No. 3235-PP-01A		
Tabled Items:	Nil		
Reporting Officer:	C Wilson, Manager Asset and Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

- APPROVES** the introduction of 2P parking restrictions 8am to 5.30pm Monday to Friday and 8am to 12noon Saturday in Grosvenor Road, Mount Lawley, William Street to Hutt Street, as shown on attached Plan No. 3235-PP-01 and Plan No. 3235-PP-01A (Attachments 1 and 3); and
- ADVISES** the residents of Grosvenor Road, and other respondents, of its decision.

PURPOSE OF REPORT:

To consider the outcome of the public consultation undertaken regarding a proposal to introduce parking restrictions in Grosvenor Road, Mount Lawley, William Street to Hutt Street, and seek approval to formalise the restrictions.

BACKGROUND:

Recently, the City received a number of complaints from residents of Grosvenor Road, between William and Hutt Streets, that their street is being used as a free parking zone by CBD commuters and employees of nearby businesses during the working week.

DETAILS:

Grosvenor Road, William Street to Hutt Street, is a residential street and currently has unrestricted parking. The road pavement is typically 7.6m wide. Anecdotally the street is being used as a 'free parking zone' by non-residents during the week. The William Street end by bus commuters to the CBD, and the Hutt Street end by employees of the Beaufort Street businesses.

The existing parking restrictions in Grosvenor Road, between Hutt Street and Beaufort Street are 2P, *At All Times*, was approved by Council at its Ordinary Meeting held on 26 May 2015.

Further for the corresponding section, William Street to Hutt Street, in the adjacent parallel streets of Raglan Road to the north and Chelmsford Street (to the south) there are existing 2P 8.00am to 5.30pm Monday to Friday and 8am to 12noon Saturday restrictions. As a consequence Grosvenor Road (William Street to Hutt Street) is the only remaining 'unrestricted' street within the immediate area.

Therefore, to address the resident's concerns, and to be consistent with that of the surrounding streets, residents in Grosvenor Road were consulted on a proposed to implement 2P restrictions between 8.00am and 5.30pm Monday to Friday and 8am to 12noon Saturday (Refer Plan No 3235-PP01 **Attachment 1**).

CONSULTATION/ADVERTISING:

Required by legislation	No	Required by City of Vincent Policy	Yes
Consultation period	19 August 2015 – 2 September 2015		
Comments Received	24 consultation packs were distributed in Grosvenor Road. At the close of consultation 8 responses were received with 7 in favour and none against the proposal (Refer Attachment 2).		

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: Mainly related to amenity improvements for residents and their visitors to discourage all day “park and ride” commuters.

STRATEGIC IMPLICATIONS:

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

- “1.1: *Improve and maintain the natural and built environment and infrastructure.*
 - 1.1.4 *Enhance and maintain the City’s infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.*
 - 1.1.5(a) *Implement the City’s Car Parking Strategy and associated Precinct Parking Management Plans.”*

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The cost to install signage is estimated at \$400.

COMMENTS:

The City is progressively introducing parking restrictions throughout the Mount Lawley and Highgate areas in response to increased demand for ‘free’ parking by CBD workers who live outside the City and employees of the nearby businesses. As a result of recent changes in the surrounding streets Grosvenor Road (William Street to Hutt Street) is the only remaining unrestricted street in the immediate area attracting even more commuter parking in the street (Refer Plan No. 3235-PP01A **Attachment 3**).

Conclusion:

It is apparent, with the ever increasing cost of parking in the CBD that City workers are looking for alternative locations in which to park. As a consequence of parking restrictions having been introduced the surrounding streets there is evidence that some of these parkers have merely moved across to Grosvenor Road. It is therefore recommended that the proposed 2P parking restriction be supported.

5.2.6 Proposed Introduction of 2P Parking Restrictions in Victoria Street, West Perth

Ward:	South	Date:	4 September 2015
Precinct:	Precinct 12 – Hyde Park	File Ref:	SC975, SC1847
Attachments:	1 – Proposed Plan No. 3242-PP-01 2 – Consultation Comments		
Tabled Items:	Nil		
Reporting Officer:	C Wilson, Manager Asset and Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

- 1. APPROVES the introduction of 2P parking restrictions 8am to 5.30pm Monday to Friday, in Victoria Street, West Perth, as shown on attached Plan No. 3242-PP-01 (Attachment 1); and**
- 2. ADVISES the residents of Victoria Street, and other respondents, of its decision.**

PURPOSE OF REPORT:

To consider the outcome of the public consultation undertaken regarding a proposal to introduce parking restrictions in Victoria Street, West Perth, and seek approval to formalise the parking restrictions.

BACKGROUND:

The City has received a number of emails from concerned residents of Victoria Street that their street is being used as a free parking zone by CBD commuters and employees of nearby businesses during the working week.

DETAILS:

Victoria Street is a predominately residential street which runs between Bulwer and Cowle Streets, and currently has unrestricted parking. Approximately 50% of the eastern side of the street abuts Dorrien Gardens. The road pavement is typically 6.0m wide other than where it has been specifically widened to create embayed parking. The embayed parking, particularly towards either end of the street, anecdotally is being used a 'free parking zone' by non-residents during the week.

The existing parking restrictions in Bulwer Street and Cowle Street are 2P, 8.00am to 5.30pm Monday to Friday.

Further, at its Ordinary Meeting of 30 June 2015 Council approved the installation of a 2P 8.00am to 5.30pm Monday to Friday restriction in Violet Street for similar reasons. As a consequence Victoria Street is the only remaining 'unrestricted' street within the immediate area.

The proposal for Victoria Street is for a 2P restriction from 8.00am to 5.30pm Monday to Friday so as to address the resident's concerns and to be consistent with that of the surrounding streets.

CONSULTATION/ADVERTISING:

Required by legislation	No	Required by City of Vincent Policy	Yes
Consultation period	21 August 2015 – 4 September 2015		
Comments Received	24 consultation packs were distributed in Victoria Street. At the close of consultation 5 responses were received with 5 in favour and none against the proposal (Refer Attachment 2).		

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: Mainly related to amenity improvements for residents and their visitors to discourage all day “park and ride” commuters.

STRATEGIC IMPLICATIONS:

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

- “1.1: *Improve and maintain the natural and built environment and infrastructure.*
 - 1.1.4 *Enhance and maintain the City’s infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.*
 - 1.1.5(a) *Implement the City’s Car Parking Strategy and associated Precinct Parking Management Plans.”*

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The cost to install signage is estimated at \$600.

COMMENTS:

The City is progressively introducing parking restrictions throughout the West Perth area in response to increased demand for ‘free’ parking by CBD workers who live outside the City. As a result of recent changes in the surrounding streets Victoria Street is sole unrestricted street in the immediate area. Further, if ticket machines are introduced in nearby Lawley Street, as is currently being considered, then even more commuters will be attracted by Victoria Streets unrestricted parking.

Conclusion:

It is apparent, with the ever increasing cost of parking in the CBD that City workers are looking for alternative parking locations. As a consequence of parking restrictions having been introduced in surrounding streets, there is evidence that some of these people have merely moved across to Victoria Street. It is therefore recommended that the proposed 2P weekday parking restriction is supported.

5.2.7 Tender No. 509/15 – Pavement Marking Services

Ward:	Both	Date:	4 September 2015
Precinct:	All	File Ref:	SC2419
Attachments:	1 – Confidential Attachment		
Tabled Items:	Nil		
Reporting Officer:	C Wilson, Manager Asset and Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council **AWARDS** Tender No. 509/15 for the provision of Pavement Marking Services to Bay Corporation Pty Ltd (Line Marking Specialists) and Workzone Pty Ltd, for a period of three years from October 2015 as per the schedule of rates in the tender submission and general conditions of tendering.

PURPOSE OF REPORT:

To obtain Council's approval for awarding of Tender No. 509/15 - Pavement Marking Services, for a three year period.

BACKGROUND:

The City uses specialist contractors to undertake pavement (line) marking for road projects and parking control. Past practice has been to award a contract for a three year period. The current contractor is Line Marking Specialists, with the last tender having expiring in June 2015.

A comprehensive schedule of rates and evaluation is included in **Confidential Attachment 1**.

DETAILS:

Tender No. 509/15 for Pavement Marking Services was advertised on Wednesday 24 June 2015 specifically seeking to appoint a panel of experienced contractors for a fixed three year period (no extensions and no rise and fall pricing), commencing on 1 October 2015 and expiring on 1 September 2018.

Tenders Received:

Tenders were received from the following registered companies:

- Line Marking Specialists (current contractor).
- Workzone
- TJ Linemarking

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
Past Experience in similar projects/works	30%
Contract Price	30%
Quality of product tendered	20%
Financial capacity/organisation structure/resources	10%
Compliance with Tender Specification	5%
References	5%
Total	100%

Tender Evaluation Ranking:

Selection Criteria	Weighting	Line Marking Specialists	Workzone	TJ Linemarking
Past Experience in similar projects/works	30%	28	26	17.0
Contract Price	30%	30	25.5	23
Quality of product tendered	20%	16	17.3	11.3
Financial capacity/organisational structure/resources	10%	8.7	9.3	5.0
Compliance with Tender Specification	5%	4.2	6.3	3.5
References	5%	4.3	6.0	3.2
	100%	91.2	90.4	63.0
Ranking		1st	2nd	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:

Medium: Pavement marking must be undertaken in accordance with various Australian and Main Roads WA standards. By approving a panel of contractors continuity of work can be provided which reduces the risk to the City where urgent works are required.

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:

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

FINANCIAL/BUDGET IMPLICATIONS:

Each pavement marking job is different. A typical scenario for a residential street, with a continuous white edge line such as a Flinders Street (Anzac Road to Scarborough Beach Road), Mt Hawthorn, where there would be a requirement to delineate the parking lane with *No Stopping* stencilling at crossovers and intersections, would involve the following scope of works with a cost comparison of the two highest ranking tenderers:

Work Type	Line Marking Specialists	Workzone
Continuous edge line: 740m	\$1,443	\$1,369
<i>No Stopping</i> stencilling x 30	\$660	\$600
Speed hump <i>piano keys</i> x 4 (both sides)	\$560	\$1,240
Total	\$2,663	\$3,209

Note: The actual scope of work would be determined prior to Administration issuing the job to a specific contractor.

Expenditure for this tender will be incurred under the Capital and Operating budget items and over the three year term of the contract will exceed \$250,000.

In 2014/2015 the City's spend on pavement marking was in the order of \$138,000.

COMMENTS:

Reference checks revealed that all three tenderers are capable of providing the required service. The references for the two highest ranking tenderers, Line Marking Specialists and Workzone, were very positive with particular emphasis on their flexibility and availability at short notice.

Line Marking Specialists were established in 1987 and have a long relationship with the City of Vincent having been awarded the last three tenders extending over the past decade. Their area of expertise is servicing Local Government.

Workzone, ranked second, were established in 1998 and are a national multifaceted Property and Facilities Maintenance services company, of which pavement marking is a division. While they have not undertaken pavement marking for the City they do have Local Government and State Government experience, having worked for the Cities of Perth and Subiaco and the Public Transport Authority. In addition they were engaged by the City of Vincent in 2014 to provide Painting Services under Tender No. 487/14.

TJ Linemarking, ranked third, are a relatively new company (established in 2014). However the proprietor has indicated, (but not verified), that he has many years of experience in the industry. However, price was the deciding factor in not recommending their tender.

Scores were allocated accordingly and the table shown in **Confidential Attachment 1** indicates the prices submitted and detailed selection assessment. The tender evaluation identifies the submission by Line Marking Specialists as being the best value while the submission from Workzone is also recommended for reasons of flexibility and diversity of contractors.

5.2.8 Tender No. 511/15 – Installation of Signage

Ward:	Both	Date:	4 September 2015
Precinct:	All	File Ref:	SC2421
Attachments:	1 – Confidential Attachment		
Tabled Items:	Nil		
Reporting Officers:	C Wilson, Manager Asset and Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council **AMENDS** Tender No. 511/15 for the installation of signage to Corsign (WA) Pty Ltd, Sam's Repairs and Maintenance and Galena Nominees Pty Ltd (Jason Signmakers) for a period of three years from October 2015 as per the schedule of rates in the tender submission and general conditions of tendering.

PURPOSE OF REPORT:

To obtain Council's approval for awarding of Tender No. 511/15 - Installation of Signage, for a three year period.

BACKGROUND:

The City utilities specialist contractors to undertake the installation of signage for road projects, parking control, public events and advisory/advertising signs. Past practice has been to award a three year period. The current contractor is Sam's Repairs and Maintenance, with the current tender having expired in June 2015.

A comprehensive schedule of rates and evaluation is included in **Confidential Attachment 1**.

DETAILS:

Tender No. 511/15 for Installation of Signage was advertised on Wednesday 24 June 2015 specifically seeking to appoint a panel of experienced contractors for a fixed three year period (no extensions and no rise and fall pricing), commencing on 1 October 2015 and expiring on 1 September 2018.

Tenders Received:

Tenders were received from the following registered companies:

- Road Signs Australia
- Corsign (WA) Pty Ltd
- Jason Signmakers
- Sunny Signs
- Sam's Repairs & Maintenance (current contractor)
- TJ Linemarking

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
Past Experience in similar projects/works	30%
Contract Price	30%
Quality of product tendered	20%
Financial capacity/organisation structure/resources	10%
Compliance with Tender Specification	5%
References	5%
Total	100%

Tender Evaluation Ranking:

Selection Criteria	Weighting	Corsign	Jason Signmakers	Sunny Signs	Sam's Repairs and Maintenance	TJ Linemarking	Road Signs Australia
Past Experience in similar projects/works	30%	23.0	21.0	18.0	25.0	17.0	21.0
Contract Price	30%	30.0	28.2	27.9	25.5	25.3	22.2
Quality of product tendered	20%	15.3	14.0	13.3	14.0	11.3	15.3
Financial capacity/organisational structure/resources	10%	8.0	6.3	7.0	7.0	4.3	7.3
Compliance with Tender Specification	5%	3.7	2.5	3.2	3.8	2.0	3.5
References	5%	3.5	2.8	2.8	3.7	2.5	3.2
	100%	83.5	74.9	72.2	79.0	62.5	72.6
Ranking		1st	3rd	5th	2nd	6th	4th

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:

Medium: Signage Installation must be undertaken in accordance with various Australian and Main Roads WA standards. By approving a panel of contractors continuity of work can be provided which reduces the risk to the City where urgent works are required.

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:

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

FINANCIAL/BUDGET IMPLICATIONS:

Each sign installation job is different. A typical scenario for a residential street in which Council has approved the installation of new or amended parking restrictions with *No Stopping* signage at intersections, would involve the following scope of works with a cost comparison of the three highest ranking tenderers:

Work Type	Corsign	Sam's Repairs and Maintenance	Jason Signmakers
Remove (and dispose) of existing parking control sign and installation of new parking control sign x4	\$180	\$240	\$176
Installation of parking control sign and pole x4	\$280	\$320	\$374
Sub total	\$460	\$560	\$550
Additional cost for installation on concrete x 2 (typically near intersections)	\$150	\$40	\$70
Total	\$610	\$600	\$620

As can be seen with the above example for larger scale sign installation involving a combination of new signs on existing poles and new pole and signs, within a standard verge (i.e. lawn, sand etc.) then Corsign would be far cheaper. However, when there are locations where it is more difficult their cost is considerably more than the other two tenderers. Therefore there will be occasions when it will be more cost effective to use one of the other tenderers.

Note: The actual scope of work would be determined prior to Administration issuing the job to a specific contractor.

Expenditure for this tender will be incurred under the Capital and Operating budget items and over the three year term of the Contract will exceed \$250,000.

In 2014/2015 the City's spend on signage installation was in the order of \$140,000.

COMMENTS:

In conjunction with the *Installation of Signage* tender the City also advertised a *Manufacture and Supply of Signage Tender*, closing on the same day. As the total value of the *Manufacture and Supply of Signage* tender over three years is less than \$250,000 it can be approved by the Chief Executive Officer under delegated authority.

However, there is a direct link between the two tenders in that the four sign manufacturing companies (Corsign, Road Signs Australia, Jason Signmakers and Sunny Signs) also submitted a tender for Installation of Signage. While each tender is mutually, it is possible that the aforementioned companies could provide a better level of service when installing their signs.

As a result, some companies provided a very competitive tender to install signs but a less competitive tender to manufacture and supply signs and vice versa.

With this in mind, the Tender Review Panel considered each tender on its merits and selected Corsign, Sam's Repairs and Maintenance and Jason Signmakers as preferred tenderers.

Reference checks revealed that all six tenderers are capable of providing the required service. The references for the recommended tenderers, Corsign, Sam's Repairs and Maintenance and Jason Signmakers, were positive with emphasis on their flexibility. However, as the two larger contractors Corsign and Jason Signmakers, are based in Malaga and Welshpool respectively, the response rates may be slower than the City is accustomed to with its current (local) contractor.

Corsign's appear to be a relatively new entity established in 2011/2012, however the principal officers have extensive experience in both the manufacture and installation of signage. While they have not previously undertaken work for the City of Vincent, the company does have Local Government experience with a current contract with the City of Bayswater, as well as having worked with several of the major mining companies.

Sam's Repairs and Maintenance ranked second and has, to date provided excellent service to the City. However, price was a factor in this tender not being ranked first and therefore the division of work will have to be closely scrutinised to ensure that larger scale sign installation jobs are divided equitably for reasons of cost.

Jason Signmakers, ranked third, are a long established local company with extensive Local Government experience including the City of Vincent and the Cities of Bayswater and Stirling. In addition, they design and manufacture a range of products such as the City's bus shelters and the Public Transport Authority's secure bike shelters at railway stations. They also manufacture and install a significant volume of signs for Main Roads WA including for the Gateway WA Project.

Road Signs Australia, ranked fourth, are a successful company with substantial experience and from whom the City has in the past purchased signs. However, price was the deciding factor in not recommending their tender, as their contract price score was the lowest of the six tenderers.

Sunny Signs, ranked fifth, have in the past worked for the City, primarily in the supply of signage rather than installation. Again, and as above, price was the deciding factor in not recommending their tender.

TJ Linemarking, ranked sixth, are a relatively new company (established in 2014). However the proprietor has indicated, (but not verified), that he has many years of experience in the industry.

Scores were allocated accordingly and the table included in **Confidential Attachment 1** indicates the prices submitted and summary. The evaluation of the qualitative criteria submitted supports the submission by Corsign (WA) Pty Ltd as being the best value, whilst Sam's Repairs and Maintenance and Jason Signmakers are also recommended for reasons of flexibility and diversity of contractors.

5.2.9 Final Adoption of Amendments to Draft Policy No. 2.2.13 – Parklets

Ward:	All	Date:	4 September 2015
Precinct:	All	File Ref:	SC2169
Attachments:	<p>1 – Draft Policy No. 2.2.13 – Parklets (as advertised) 2 – Content Version of Advertised Policy No. 2.2.13 – Parklets (with tracked changes) 3 – Draft Policy No. 2.2.13 – Parklets (clean copy without tracked changes) 4 – Summary of Submissions</p>		
Tabled Items:	Nil		
Reporting Officers:	<p>G Lawrence, Place Manager D Doy, Place Manager Y Coyne, Coordinator Arts & Creativity J O’Keefe, Manager Policy & Place</p>		
Responsible Officer:	<p>G Poezyn, Director Planning Services R Lotznicker, Director Technical Services</p>		

OFFICER RECOMMENDATION:

That Council:

- APPROVES to adopt Draft Policy No. 2.2.13 – Parklets with modifications (Attachment 3);**
- NOTES the submissions received in relation to the advertising of Draft Policy No. 2.2.13 – Parklets, included in Attachment 1 and ENDORSES Administration’s responses to those submissions; and**
- AUTHORISES the Chief Executive Officer to include the above Policy in the City’s Policy Manual.**

PURPOSE OF REPORT:

To consider:

- Substantial revisions to Draft Policy No. 2.2.13 – Parklets (the original draft Policy) following the public advertising period; and
- Submissions received during advertising of the original Draft Policy.

BACKGROUND:

The table below provides a summary of the key dates relating to the City’s Parklet Policy.

History:

Date	Comment
27 July 2010	Council adopted a notice of motion from Cr Maier requesting the City’s Administration investigate alternative uses for car parking bays in Town Centres.
26 October 2010	Council requested a further report investigating design considerations for the installation of an On Road Café (ORC).
27 March 2012	Council approved using ORC’s in appropriate locations and the establishment of an in-house <i>alternative uses for car bays ‘working group’</i> .
9 October 2012	Council approved a four month ORC trial in front of Foam Café on Oxford Street in Leederville.

Date	Comment
11 June 2013	Council authorised the CEO to invite businesses, community members or groups in select locations to submit an Expression of Interest (EOI) to be considered for a temporary ORC.
24 September 2013	Council authorised the CEO to enter into legal agreements with a number of businesses and then workshop an alternative Parklet model.
19 November 2013	Council rescinded Clause 2 of their resolution from 24 September, by relocating the ORC from Foam Café on Oxford Street in Leederville to an alternate location and deferred entering into a legal agreement with Foam Café. Council also requested a draft policy be prepared to guide the location and management of Parklets.
10 December 2013	Administration presented to a Council Forum outlining progress to date, proposed concept designs and a draft Policy for the alternate use of car bays.
25 February 2014	Council approved by an absolute majority to adopt Draft Policy No. 2.2.13 – Alternative Uses for On Road Car Bays subject to advertising.
10 March 2015	Council endorsed proposed amendments which included its renaming to Policy No. 2.2.13 – Parklets and authorised the CEO to advertise the Policy.
14 July 2015	Administration presented a series of recommended amendments to the original draft Policy to a Council Forum.
14 July 2015 – present	Administration refines and completes the amendments to the original draft Policy in consideration of Council's comments at the 14 July 2015 Council Forum.

Previous Reports to Council:

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

DETAILS:

The revised Policy No. 2.2.13 – Parklets (revised Policy) is a Technical Services Policy that will be administered by the City's Place Management Team with the support of the City's Technical Services directorate.

Parklets are considered to be minor nature development under the provisions of Local Planning Policy No. 7.5.1 – Minor Nature Development. Any Parklet that proposes a structure over 3 metres in height will require both a Planning Approval and a Building Permit.

CONSULTATION/ADVERTISING:

Consultation of **Attachment 1** was undertaken in accordance with the City's Policy No. 4.1.5 – Community Consultation as follows:

Consultation Period:	25 March 2015 – 15 April 2015
Consultation Type:	Notice on the City's Website
Comments Received:	Two submissions were received as a result of the advertising of the original draft Policy.

These submissions were taken into account and with further changes made by Administration resulted in the draft Policy shown in **Attachment 2**.

OUTCOMES OF ADVERTISING:

Summary of Comments Received:	Officer Comment:
Parklets are a great initiative as long as they are well maintained.	Noted.
There are a variety of Clauses which repeat content within the original draft Policy and can be rationalised. The format and presentation of the Policy is not user friendly. Some of design and technical guidelines require further thought and clarification. Some of the community consultation information requires further thought and clarification.	These matters have been addressed in the revised Policy. A detailed breakdown of this submission and the City's responses is contained in Attachment 4 .

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

COMMENTS:

After reviewing these submissions and taking into account the feedback received at the 14 July 2015 Council Forum, a series of changes to the content and design of the Policy are proposed.

A benefit of these changes is that the revised Policy is simpler to read and apply including the use of images, diagrams and checklists.

The comments below highlight the changes made to each section of the Policy as a result of the previous consultation:

Section 1 – About

The section titled 'About' includes four sub sections titled:

- *What is a Parklet?* This was formerly outlined in the Definition section of the original draft Policy. This has been refined to simply state what a Parklet is and how it adds value to a place. This sub-section outlines the difference between City and Hosted Parklets and provides a link to the highly successful Pavement to Parks initiative in San Francisco.
- *Why a Parklet?* This sub-section outlines the Project Objectives. This was formerly outlined in the Policy Statement section of the original draft Policy. The Policy Statement has been refined from seven clauses down five simple objectives explained through the use of images.
- *Who Can Host a Parklet?* This sub-section outlines who is eligible to host a Parklet.
- *Approval Process:* This sub-section provides an easy to understand 12 step approval process including requirements of the applicant at each step. The approvals process in the original draft Policy was difficult to find and understand.
- *Fees & Charges:* This sub-section clearly outlines the Fees & Charges involved in having a Parklet.
- *Public Liability Insurance:* This sub-section also outlines insurance requirements. The City's insurers have recommended that Public Liability Insurance cover is to not be less than \$20 million, which is \$10 million more than was required in the original draft Policy.
- *Selection Process:* This subsection outlines administrations considerations when selecting and assessing applications, and a checklist outlining the features of successful applications. This information was scattered throughout the original draft Policy.

Section 2 – Technical Guidelines

The revised Policy refines and rationalises the technical guidance provided in the original draft Policy.

- *Location Criteria:*
 - *Speed limits:* As per the original draft Policy, Parklets can only be placed on roads where the speed limit does not exceed 40 kmph or roads with traffic calming where limits do not exceed 50kmph;
 - *Parking spaces:* This sub-section outlines which car bays are eligible for a Parklet and provides diagrams showing how Parklets can be set out in different parking locations.
- *Platform and Installation Requirements:*
 - *The Platform:* This sub-section provides design guidance for the construction of the platform.
 - *Parklets are Semi-Permanent:* This sub-section clearly states that Parklets must be able to be removed within 24 hours. Should the Parklet need to be removed due to planned maintenance by the City, the applicant will be responsible for the removal, storage and reinstallation of the Parklet.
 - *Parklets are Accessible for People of All Abilities:* As per the original draft Policy this sub-section requires universally accessible Parklets.
 - *Commencement of Construction:* The revised Policy requires construction of the Parklet to commence within six months of the permit being issued.
 - *Pre-Installation On-Site Inspection:* A pre-installation site inspection is required so the City can identify and resolve any site specific issues.
 - *Required Materials:* the original draft Policy did not clearly outline required elements for all Parklets, which are wheel stops, soft hit posts and signage.
 - *Building Permit & Installation:* The revised Policy requires a Traffic Management Plan to be prepared to ensure the safe installation of the Parklet. There are also instances where a Building Permit may be required.
 - *Post-Construction On-Site Inspection:* This inspection occurs to ensure that any remaining issues with the Parklet post construction are identified and resolved.

Section 3 – Design Guidelines

The revised Policy refines and rationalises the design guidelines provided in the original draft Policy.

- *Design Requirements:*
 - *Parklets are Public:* The revised Policy clearly states that all Parklets are public spaces for everyone.
 - *Safety Materials:* The original draft Policy did not clearly outline required safety materials for all Parklets, which are wheel stops and soft hit posts.
 - *No Advertising:* This sub-section clearly outlines the revised Policy's view to prohibit advertising, which was also contained in the original draft Policy.
-

- *Name Your Parklet:* The revised Policy encourages applicants to provide location based names for each Parklet. This gives Parklets their own sense of identity.
- *Greenery:* This sub-section ensures that an element of greenery is incorporated into each Parklet.
- *Include 'Public Parklet' Signage:* This outlines the requirements for Parklet signage. Signage must state that Parklets are to be accessible to the public at all times. The requirements and process for this signage was not clearly outlined in the original draft Policy.
- *Enclosures and Vertical Elements:* This sub-section substantially rationalises the design guidance in the original draft Policy, and provides a series of diagrams to assist the general public understand the meaning of the text.
- *Design Criteria:* This section provides advice for the applicant during the design process. It is simpler and the images provide excellent Parklet precedents for applicants.
- *Maintenance:* This section rationalises the management requirements outlined in the original draft Policy.

Section 4 – Application Form

Section 4 of the revised Policy simplifies the Application Form. It is now clearer and easier to navigate for the user. This section outlines all of the information that is required in an application to the City. The Application Form outlines the Site Plan and Concept Plan we require to assess the application. It also provides the safety requirements and relevant dimensions.

Implications of Changes and Further Consultation

The recommended amendments result from both the submissions received during the advertising period and additional changes put forward by Administration following another review.

The changes made as a result of the submissions are highlighted in **Attachment 2**.

Administration takes a view the Policy is not required to be re-advertised for the following reasons:

- Although the recommended changes are substantial, they do not detrimentally alter the provisions, standards or requirements which were advertised in the original draft Policy; and
- Re-advertising the Policy is unlikely to yield any further major modifications to the design or procedural requirements outlined in the revised Policy.

LEGAL/POLICY:

Local Roads and Local and District distributors are under the care, control and management of local government.

RISK MANAGEMENT IMPLICATIONS:

The revised Policy will set the guidelines and standards for the safe installation of Parklets ensuring the approvals process is efficient and transparent.

STRATEGIC IMPLICATIONS:

The revised Policy is consistent with following objectives outlined in the City's Strategic Plan 2013-2023:

"1. 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;*

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

2. Economic Development

2.1 *Progress economic development with adequate financial resources*

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

3. Community Development and Wellbeing

3.1 *Enhance and promote community development and wellbeing*

3.1.3 *Promote health and wellbeing in the community;*

4. Leadership, Governance and Management

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

4.1.4 *Plan effectively for the future."*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Any further expenditure to update the Policy will be paid out of the operating budget – Place Management.

CONCLUSION:

It is recommended that Council approves to adopt the revised Policy No. 2.2.13 – Parklets.

5.3 CORPORATE SERVICES

5.3.1 Investment Report as at 31 August 2015

Ward:	Both	Date:	4 September 2015
Precinct:	All	File Ref:	SC1530
Attachments:	1 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	N Makwana, Accounting Officer B Wong, Accountant G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council **NOTES** the Investment Report for the month ended 31 August 2015 as detailed in Attachment 1.

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

DETAILS:

Total funds held for the period ended 31 August 2015 were \$32,600,029 as compared to \$24,830,844 at the end of 31 August 2014.

Total Investments for the period ended 31 August 2015 were \$26,961,000 as compared to \$14,961,000 at the end of July 2015. At 31 August 2014, \$23,111,000 was invested.

Investment comparison table:

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

Total accrued interest earned on Investments as at 31 August 2015:

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$320,000	\$53,334	\$56,851	17.77
Reserve	\$203,680	\$33,946	\$35,390	17.38

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%	34%	30%	Nil	90%	82.2%
A Category	A1	20%	6.7%	30%	Nil	80%	17.8%
BBB Category	A2	10%	Nil	n/a	Nil	20%	Nil

RISK MANAGEMENT IMPLICATIONS:

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

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

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

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

STRATEGIC IMPLICATIONS:

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

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

4.1.2 Manage the organisation in a responsible, efficient and accountable manner;
(a) Continue to adopt best practice to ensure the financial resources and assets of the City are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced."

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

The funds invested have increased from the previous period due to excess funds available from receipt of rates revenue after creditors and other payments. However, as per the City's policy, investments that have matured during this period have been transferred across various financial institutions to obtain the best interest rates.

The City has obtained an average interest rate for investments of 2.30% which includes the City's operating account. When the investments are calculated excluding the operating account, the average investment rate achieved is 2.78% as compared to the Reserve Bank 90 days Accepted Bill rate of 2.14%. As of 31 August 2015, our actuals are over budget estimates.

Funds invested in the Commonwealth Bank exceeded 30% on 31 August due to rates revenue in excess of \$3 million being received in the bank overnight on 31 August 2015.

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

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

5.3.2 Authorisation of Expenditure for the Period 1 to 31 August 2015

Ward:	Both	Date:	4 September 2015
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:	R Tang, Accounts Payable Officer; G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

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

Cheque numbers 78651,78723-78821	\$138,517.61
EFT Documents 1828-1838	\$2,397,475.58
Payroll	\$1,025,698.43
Credit Cards	\$10,398.78
Direct Debits	
• Lease Fees	\$8,100.12
• Loan Repayment	\$144,399.75
• Bank Fees and Charges	\$7,586.05
• Reject Fees	\$5.00
Total Accounts Paid	\$3,732,181.32

PURPOSE OF REPORT:

To present to Council the expenditure and list of accounts paid for the period 1 August 2015 to 31 August 2015.

BACKGROUND:

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

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

DETAILS:

The Schedule of Accounts paid, covers the following:

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account (Attachment 1 and 2)		
Automatic Cheques	78651,78723-78821	\$138,867.61
Cancelled Cheques	78760	- \$350.00
EFT Payments	1828-1838	\$2,397,475.58
Sub Total		\$2,535,993.19
Transfer of Payroll by EFT	August 2015	\$1,025,698.43
Corporate Credit Cards (Attachment 3)		10,398.78
Bank Charges & Other Direct Debits		
Lease Fees		\$8,100.12
Loan Repayment		\$144,399.75
Bank Charges – CBA		\$7,586.05
Rejection fees		\$5.00
Total Bank Charges & Other Direct Debits		\$160,090.92
Less GST effect on Advance Account		0.00
Total Payments		\$3,732,181.32

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:

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:

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

ADVERTISING/CONSULTATION:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

All Municipal Fund expenditure included in the list of payments is in accordance with Council's adopted Annual Budget or has been authorised in advance by Council where applicable.

COMMENT:

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

5.3.3 Australian Local Government Association request for support to restore the indexation of Financial Assistance Grants

Ward:	Both	Date:	4 September 2015
Precinct:	All	File Ref:	SC1209
Attachments:	Nil.		
Tabled Items:	Nil.		
Reporting Officer:	J Paton, Director Corporate Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council:

- 1. ACKNOWLEDGES the importance of Federal funding through the Financial Assistance Grants program for the continued delivery of Local Governments services and infrastructure;**
- 2. ACKNOWLEDGES that the City of Vincent allocation under the Financial Assistance Grant program for 2014/15 was \$1,128,986 and has been confirmed as \$1,110,290 for 2015/16;**
- 3. NOTES that this Federal funding, and other funding provided by the Federal Government under relevant grant programs, is appropriately identified as Commonwealth grant funding in council publications, including annual reports; and**
- 4. REQUESTS the Mayor write to local Federal Government representatives seeking their support for the immediate re-introduction of indexation of Financial Assistance Grants.**

PURPOSE OF REPORT:

To consider supporting the Australian Local Government Association (ALGA) campaign to have the indexation of the Financial Assistance Grants restored by the Federal Government.

BACKGROUND:

The Australian Government has provided funding through the Financial Assistance Grant programme to local government since 1974/75. The grant is provided under the *Local Government (Financial Assistance) Act 1995*.

The Financial Assistance Grant programme consists of two components:

- a general purpose component which is distributed between the states and territories according to population (i.e. on a per capita basis), and
- an identified local road component which is distributed between the states and territories according to fixed historical shares.

Both components of the grant are 'untied', allowing councils to spend the grants according to local priorities.

Local government grants commissions have been established in each state and the Northern Territory to recommend the distribution of the Financial Assistance Grants (FAGs) to local governing bodies in accordance with the legislation and the National Principles for allocating grants.

The grant is normally paid in quarterly instalments to state and territory governments for immediate distribution to local governing bodies.

The quantum of the grant pool changes annually in line with changes in population and the Consumer Price Index (CPI), so as to maintain its real per capita value (the Act provides discretion to the Treasurer to alter this annual indexation).

DETAILS:

The Western Australian share of Commonwealth funding for 2014/15 was \$280,989,640 being 12.28% of the national allocation of \$2.288 billion. The allocation increased from \$274 million in 2013/14.

As part of the 2014 Federal Budget, the Australian Government announced there would be a freeze on indexation of the FAGs for the next three years (2014/15 to 2016/17). As a result, the annual national funding allocation has remained at \$2.288 billion for 2015/16, however Western Australia's share has reduced to \$280,138,996 due to an adjustment to the population used to determine the allocation of funds to the States.

At a local level, the City of Vincent's share of the State's FAG allocation for the past has been:

Financial Year	FAG Allocation	Increase \$	Increase %
2012/13	\$ 964,975		
2013/14	\$ 1,092,744	\$ 127,769	13%
2014/15	\$ 1,128,986	\$ 36,242	3%
2015/16	\$ 1,110,290	\$ (18,696)	-2%

Note: \$576,865 of the 2015/16 Grant was received in advanced in 2014/15

FAGs are a vital part of the revenue base of all councils, given they are not linked to specific projects and are available generally, to support the provision of services to each local government community.

The Government's decision in the 2014 Federal Budget to freeze the indexation of FAGs for three years will unfortunately cost councils across Australia an estimated \$925 million by 2017/18. This shortfall will either mean a reduction in services or the funding shortfall will need to be made up from other sources, which would ordinarily mean the amount needing to be made up from Rates.

The Australian Local Government Association (ALGA), with the support of state local government associations is conducting a national campaign to highlight the importance of FAGs to local governments. The campaign aims to reverse the damaging three year indexation freeze on FAG payments. ALGA is seeking the support of Councils for advocacy to have the Federal Government reverse the decision to freeze the indexation of FAGs.

In a letter dated 6 July 2015 from Cr Lynne Craigie, President of the Western Australian Local Government Association, it was stated:

“Alga, in its 2015 Federal Budget submission, has called for the FAGs indexation to be restored immediately and for the Federal Government to consider the adequacy of the quantum of FAGs and the indexation methodology. Whilst the Federal Government recently announced an additional \$1.105B funding additional to the Roads to Recovery (R2R) program, this funding is only allocated for two years and is not guaranteed to continue. Further, R2R is a tied grant program and unlike FAGs funds, cannot be used for general purposes. Any shift away from general purpose funding could seriously impact Local Government’s financial sustainability.

In order to guard against the risk, ALGA has previously asked Councils to support the FAGs campaign by passing a resolution similar to the attached draft.

The success of the national campaign relies on more WA Councils passing resolutions to highlight the importance of FAGs. If your Council has not done so already, I ask that you pass such a resolution at the earliest opportunity.”

While the FAGs are paid through each state’s Local Government Grants Commission, the funding originates from the Commonwealth and it is important it is recognised as such. Council and every other council in Australia, have been asked to pass a resolution acknowledging the importance of the Commonwealth’s Financial Assistance Grants in assisting Council to provide important community infrastructure.

Council is also being asked to acknowledge the receipt of Financial Assistance Grants from the Commonwealth in media releases and council publications, including the annual report and to highlight to the media a council project costing a similar size to the FAGs received by Council so that the importance and impact of the grants can be more broadly appreciated.

CONSULTATION/ADVERTISING:

Support for the ALGA campaign will lead to the City including relevant messages within existing media campaigns.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: There is no risk in the Council advocating the restoration of the indexation of FAGs.

STRATEGIC IMPLICATIONS:

In keeping with the City’s Strategic Plan 2013 – 2023:

2.1.2 Develop and promote partnerships and alliances with key stakeholders

- (a) Establish public/private/government alliances and partnerships to attract external funding and investment to enhance the strategic direction of the City.*

2.1.3 Develop business strategies that reduce reliance on rates revenue

- (a) Identify and develop opportunities to, pursue other income streams to increase the overall revenue of the City to reduce the City’s reliance on rates income.*

ALGA are seeking the support of Council for advocacy to have the Federal Government reverse the decision to freeze the indexation of FAGs.

FINANCIAL/BUDGET IMPLICATIONS:

Whilst there are certainly budget implications associated with Australian Government's decision to freeze indexation of the FAGs, there are no cost implications associated with the support of ALGA's campaign. If Council supports the proposal, any media presence will be incorporated into existing advertising material.

COMMENTS:

Any freezing of the FAGs funding pool results in a real reduction in funding for services, when CPI and other applicable cost indices are considered. For Vincent, the 2015/16 allocation would have needed to increase by 1.2% to maintain parity with CPI, so the actual allocation is a 3.2% reduction in real value.

WALGA has indicated that the FAGs funding is not currently keeping pace with demand for services and infrastructure in local communities and the freeze will worsen this. Freezing the FAGs at their current level until 2017/18 may result in a permanent reduction in the FAGs base of 13%.

It is recommended that Council supports the ALGA campaign.

5.3.4 LATE ITEM: Litis Stadium – Status of Change room facility

TO BE ISSUED PRIOR TO THE MEETING.

5.3.5 Perth Soccer Club – Redevelopment Update

Ward:	South	Date:	4 September 2015
Precinct:	Hyde Park Precinct - 12	File Ref:	SC529
Attachments:	1 – Dorrien Gardens site 2 – Letter of Request from Perth Soccer Club & Project Site Plan		
Tabled Items:	-		
Reporting Officer:	J Paton, Director Corporate Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council:

1. **CONSENTS** in accordance with Clause 5(y) of the Lease between the City of Vincent and Perth Soccer Club to the facility improvements proposed to be undertaken by the Perth Soccer Club as outlined in Attachment 2, subject to:
 - 1.1 All necessary approvals first being obtained by the Club; and
 - 1.2 All works being undertaken and project managed by appropriately qualified persons/companies; and
2. **AUTHORISES** the Chief Executive Officer to negotiate a new draft lease with the Perth Soccer Club and **NOTES** that a further report on the same will be presented to Council for consideration once negotiations have progressed.

PURPOSE OF REPORT:

To provide Council with an update on the proposed Perth Soccer Club (the Club) redevelopment at Dorrien Gardens.

BACKGROUND:

The Property

Dorrien Gardens is situated at 3 Lawley Street, West Perth and comprises multiple individual lots owned by the City of Vincent and reserved as “parks and recreation” under Town Planning Scheme No. 1

The Lease

The City of Vincent and the Perth Soccer Club Inc. entered into a lease agreement on 26 October 1988 over the portion of land comprising the grandstand and clubrooms. A subsequent lease was executed on 22 June 1989 over a further portion of the land.

In July 1999, the previous two leases were surrendered and a new lease (the Lease) executed over the Dorrien Gardens site (**Attachment 1**). The lease provided the following term:

Original Term:	10 years commencing 1/01/1998 and expiring 31/12/2007
First Further Term	five years commencing 1/01/2008 and expiring 31/12/2012
Second Further Term	five years commencing 1/01/2013 and expiring 31/12/2017

A Deed of Extension to exercise the second and the final option term was executed on 3 October 2012.

Facility Upgrade Proposal

At the Ordinary Meeting of Council held on 23 September 2014, Council considered a report (Item 9.4.1) seeking Council's approval to endorse the Community Sport and Recreation Facility Fund (CSRFF) Forward Planning Grants application from the Perth Soccer Club. The project proposal was for a multifaceted upgrade to the facility to increase the useability of Dorrien Gardens throughout summer and winter seasons by a range of sporting groups including touch football, gridiron and lacrosse. The proposal included:

Main Pitch

Replacement of natural turf and installation of FIFA 1 certified synthetic turf to the main playing arena. This turf will allow temporary line marking during summer months as required by other sporting groups, which will be easily removable and reapplied without impact to the synthetic turf.

Warm-up Pitches

The warm-up pitch areas to the west of the clubroom buildings are proposed to be replaced with FIFA 1 certified synthetic turf. The layout for this area will cater for two junior full size pitches, four junior half size pitches and eight small sized pitches. The turf in this area will be marked for multiple configurations in differing colours to allow for use by a variety of sporting groups.

Lighting

Lighting to the main pitch is proposed to be upgraded to minimum standards for training and community programs to be played in safety, as well as State League soccer and gridiron matches.

It is proposed to also upgrade the lighting for the multi-sport area to minimum standards for evening safety.

Base and Surrounds

Both the main pitch and warm-up pitch areas are proposed to be developed to include a suitable base with drainage. Hose cocks are recommended to be provided at various locations around the grounds and misting fans to be provided in the main pitch dugout areas.

It is proposed to install shoe cleaning zones in at the entry to playing areas, to minimise the damage to the synthetic turf.

Fencing around the main pitch is also proposed to meet minimum National Premier League standards and will be suitable for sponsor signage.

Change Rooms

It is proposed to develop additional change room facilities for the main and warm-up pitches for use during tournaments, multiple back to back matches and to cater for female participation. Larger generic change rooms are also proposed for users of the warm-up pitches, which will be used by alternate sporting groups in soccer's off season. Change room facilities will be provided for male and female referees with secure access to both the main pitch and warm-up pitches.

Following consideration, Council resolved:

“That Council APPROVES BY ABSOLUTE MAJORITY;

1. *The lodgement of the following application to the Department of Sport and Recreation (DSR) to benefit from the Community Sport and Recreation Facility Fund (CSRFF); and*

<i>Ranking</i>	<i>Facility</i>	<i>Project</i>	<i>Amount</i>
1	<i>Perth Soccer Club</i>	<i>Replacement of natural turf on main pitch and warm up pitches with FIFA 1 certified synthetic turf, upgrade of lighting to minimum standards, development of base and surrounds and the addition of further change rooms</i>	<i>\$3,086,500 (exclusive of GST)</i>

2. *LISTS for consideration an amount of \$250,000 (excl. GST) on the Draft Budget 2015/2016, subject to matching funds being approved by DSR.”*

In a letter dated 30 March 2015, the City was advised the Club’s application for CSRFF funding had been successful, with a grant of \$850,000 to be paid over two financial years.

DETAILS:

Section 5 of the Lease deals with ‘Lessee’s Covenants, with Clause 5(y) specifically addressing the issue of ‘Alterations and Improvements’ and states:

“Not without prior written consent of the Lessor to make or permit to be made any alteration in or additions to the premises or any building of which the premises form part or to remove from the premises or such building any improvements or to cut main or injure or suffer to be cut maimed or injured any of the walls floors ceilings plumbing gas or electrical fixtures or fittings therein or timbers thereof.”

In view of this, in a letter dated 29 July 2015 (See Attachment 1), the Club has broadly outlined the project and formally requested permission to proceed with the construction of the project.

The project is to be undertaken over two years to align with the Club’s playing seasons, with the following project stages:

Stage 1 – 2015/16

- Soccer Pitches No’s 2 & 3 including fencing (western end)
- Car Park No.1 (entrance - extension)
- All Lighting
- Landscaping adjacent to Cowle Street property
- Change Room Additions

Stage 2 – 2016/17

- Soccer Pitch No. 1 including fencing (main pitch)
- Car Park No. 2 (eastern end - new)

The Club will be managing the project and appointing appropriately qualified and experienced project managers and contractors for relevant segments of the project, which the Club has estimated to be in the order of \$3 million. In addition to the formal statutory Planning and Building requirements that must be adhered to by the Club, relevant officers from the City's Technical Services Directorate are also supporting the project as required.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

This decision of Council is required pursuant to the terms of the existing lease. The Club will separately need to apply for, obtain and comply with all relevant statutory approvals – including planning and building.

RISK MANAGEMENT IMPLICATIONS:

High: The project represents a major capital work undertaking for an incorporated sporting Club. There is a risk that the project could jeopardise the Club's financial security and ability to finance, complete or maintain the new facilities. If the project is not carefully managed or if insufficient funds are raised. This in turn could expose the City to an ongoing cost and management burden.

STRATEGIC IMPLICATIONS:

This proposal is in line with the City's Strategic Plan 2013 – 2023:

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The City has listed \$250,000 in the 2015/16 Budget as a contribution towards the upgrade of the infrastructure. There are no other costs associated with this request.

COMMENTS:

The Club's proposal demonstrates a very high level of commitment, professionalism and financial resourcing on the part of the Club. The actual project will deliver a substantial improvement to the facility and broaden the use of the site.

Whilst the project is significant in terms of effort and cost, the works and impact is restricted to within the leased premise. The works impacting on the clubroom building structure will make a significant difference to the functionality of the Club, however in respect to the building, do not impact on the building envelope as the new change rooms are to be located within the undercroft section of the building.

The improvements are deemed to be an improvement to the City's property and it is therefore recommended the Council grant permission for the works in accordance with clause 5(y) of the Lease. It is of note that the development will progress separately through formal Development Application and Building Licence approval processes.

It is also of note, that given the significant investment, the Club has requested an extension to the Lease which is due to expire on 31 December 2017. Early renewal of the Lease is considered appropriate and the Chief Executive Officer is proposing to initiate negotiations and present a report to Council for consideration once those negotiations have progressed to an appropriate point.

5.4 COMMUNITY SERVICES

5.4.1 Leederville Gardens Retirement Village Board Membership

TO BE ISSUED PRIOR TO MEETING.

**5.4.2 Community Sporting and Recreation Facility Fund (CSRFF) – Floreat
Athena Soccer Club**

TO BE ISSUED PRIOR TO MEETING.

5.4.3 Write-off of Infringement Notices/Costs from 1 January 2015 to 30 June 2015

Ward:	Both	Date:	4 September 2015
Precinct:	All	File Ref:	SC210
Attachments:	1 – Pound Fees Modified 2 – Individual Parking Infringements Withdrawn 3 – Pie Chart: Write-off of Infringements for Jan-Jun 2015 4 – Graph: Write-off of Infringements by Quarter 2014/2015 5 – Table: Write-off of Infringements by Quarter 2014/2015 6 – Table: Write-off of Infringements Comparison 2010–2015 7 – Guidelines: Appeal of a Parking Infringement 8 – Policy No. 3.9.2 Parking Enforcement and Review/Appeal of Infringement Notices		
Tabled Items:	Nil		
Reporting Officers:	P Morrice, Team Leader Ranger Administration R Boardman, Director Community Services		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That Council:

- ENDORSES** the write-off of Infringement Notices for the period 1 January 2015 to 30 June 2015, as shown in Attachments 1 and 2; and
- APPROVES BY AN ABSOLUTE MAJORITY** to write-off Infringement Notices/Costs to the value of \$102,375 for the reasons as detailed below:

Description	Amount
Breakdown/Stolen (Proof Produced)	\$3,305
Details Unknown/Vehicle Mismatched	\$1,535
Equipment Faulty (Confirmed by Technicians)	\$1,495
Failure to Display Resident or Visitor Permit	\$36,435
Interstate or Overseas Driver	\$600
Ranger/Administrative Adjustment	\$24,740
Signage Incorrect or Insufficient	\$4,230
Ticket Purchased but not Displayed (Valid Ticket Produced)	\$6,280
Other (Financial Hardship, Disability, Police On-duty, Etc)	\$22,965
Pound Fees Modified	\$790
TOTAL	\$102,375

PURPOSE OF REPORT:

To consider writing off Infringement Notices/Costs amounting to \$102,375 for the period 1 January 2015 to 30 June 2015.

BACKGROUND:

The City's Officers strictly adhere to Council Policy No. 3.9.2 'Parking Enforcement and Review/Appeal of Infringement Notices', when considering appeals. Clause 2 of the Policy Procedure and Guidelines govern the Review/Appeal of Parking Infringement Notices including the grounds for upholding an appeal and Clause 3 stipulates the Review/Appeal process as shown in **Attachment 8**.

In addition, Guidelines identifying the circumstances that will be considered by the City to withdraw an Infringement Notice are included with the City's online appeal form, as shown in **Attachment 7**, and available at the Customer Service Centre.

DETAILS:

Reason for Withdrawal		January – June 2015 (3rd & 4th Quarters)	
		Number	Amount
1	Ranger/Administrative Adjustment	284	\$24,740
2	Other (Financial Hardship, Disability, Police On-duty, etc)	228	\$22,965
3	Ticket Purchased but not Displayed (Valid Ticket Produced)	89	\$6,280
4	Breakdown/Stolen (Proof Produced)	19	\$3,305
5	Details Unknown/Vehicle Mismatched	16	\$1,535
6	Interstate or Overseas Driver	6	\$600
7	Signage Incorrect or Insufficient	41	\$4,230
8	Equipment Faulty (Confirmed by Technicians)	21	\$1,495
9	Resident or Visitor Permit issued but not Displayed (Valid permit Produced)	442	\$36,435
10	Statutory Barred/Written off through the Fines Enforcement Registry as unenforceable	0	\$0
TOTAL		1,146	\$101,585

Table 1: Write-off of Infringement Notices 1 January – 30 June 2015
(as shown in **Attachments 2**).

The area where most Infringement Notices are withdrawn, as shown in **Attachment 3**, is where a resident or visitor is not displaying the necessary parking permit. However, as shown in **Attachments 4 and 5**, the number of infringements withdrawn as a result of a resident or visitor not displaying the necessary permit tends to fluctuate with the number of events being held at nib Stadium in a particular quarter. It is envisaged the number of infringements withdrawn in this category will be reduced over the next 12 months, through greater enforcement and less leniency on first offences where a visitor or resident permit is produced. Previously all infringements issued to Residents and Visitors for a first offence were withdrawn on confirmation that a valid permit was held.

The reasons for withdrawal are explained in detail as follows:

- (1) Where an incorrect clause, street, date or time has been entered or where there has been an error in the entered information, the notice is withdrawn. The number of Ranger Error withdrawals can also be attributed to the fact that the City has engaged new Rangers and employs Temporary Rangers when events are held at nib Stadium to enforce the residential parking exclusion zone, which has resulted in more mistakes than normal. Of the 284 that have been identified as being withdrawn for "Ranger/Administrative Adjustments", in 79 cases the Ranger identified the problem at the time and re-issued another corrected infringement notice;
- (2) Sometimes, an infringement notice is withdrawn on compassionate grounds, or because of a disability, or where it is clear that the driver was unable to comply with restrictions for a valid reason. The City confirms details prior to withdrawal;

- (3) Where a driver has purchased a ticket and has failed to display it, whether because it had blown off the dash, it was displayed upside down or the driver took it with them, the City's practice has been to withdraw the notice if a valid ticket is produced. While the offence is "*Failure to display a valid ticket*", it is unlikely that a Magistrate would find in favour of the City, if the matter was pursued;
- (4) A withdrawal because of vehicle breakdown must be substantiated by documentary proof in the form of a towage receipt or mechanical repair receipt. Confirmation is obtained from the Police that a vehicle has been reported stolen before it is withdrawn;
- (5) When a notice has not been paid, owner details are requested from the Department of Transport. Where the vehicle has been unregistered for some time, it is common for no owner to be supplied and it is, therefore, impossible to identify the offender. Occasionally, the make or type of vehicle shown on the Ranger's report does not match that supplied by the Department of Transport and it is therefore impossible to prove the case in a Court. In both the above circumstances, the notice is withdrawn;
- (6) Where the driver of a vehicle is identified as being from another State or another Country, it is often impractical to pursue the matter. Usually a letter is sent to the address provided but, if it is not paid, the notice is withdrawn;
- (7) Where a driver complains of inadequate or damaged signage, the area is checked and if there can be any doubt cast on the adequacy of the signs, the notice is withdrawn;
- (8) A technician checks ticket machines daily and any faults are recorded. Where a driver complains of a Faulty Machine, the Technician's report is checked and if found to be substantiated, the notice is withdrawn;
- (9) Where a resident or visitor parking in a street and did not display the appropriate permit, upon proof of residency, the notice is usually withdrawn. It is envisaged the number of infringements withdrawn in this category will be reduced over the next 12 months, as the City's withdrawal policy in respect of Residential and Visitor Parking Permits will be enforced; and
- (10) Infringements which have been lodged with the Fines Enforcement Registry and it has not been possible to locate the offender. In some cases, the offender has died, or moved interstate/overseas.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Policy No. 3.9.2 – Parking Enforcement and Review/Appeal of Infringement Notices outlines the enforcement of the City's parking and traffic requirements, provides a process for the handling and determination of requests for review/appeal of parking Infringement Notices and/or withdrawal.

It is considered appropriate to report to Council on a quarterly basis on the delegations utilised by the City's Administration.

RISK MANAGEMENT IMPLICATIONS:

Low: It is a statutory requirement to report matters approved under Delegation Authority to the Council.

STRATEGIC IMPLICATIONS:

The above is in accordance 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:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

There will always be a proportion of offences that require withdrawal and this will affect overall parking revenue. During this period (January to June 2015) the total value of Infringements issued for the 3rd and 4th quarter are as follows:

Quarter	Total Value of Infringements Issued
January to March 2015	\$577,130
April to June 2015	\$606,930
TOTAL	\$1,184,060

Table 2: Total Value of Infringements Issued for 3rd and 4th Quarter

During this period 1,146 Infringements were withdrawn (totalling \$101,855) representing 8.58% of all infringements issued. This is generally the same for each quarterly period, although this will fluctuate slightly depending on seasonal and other factors.

COMMENTS:

This Report indicates from available statistics, that the level of repeat offending is not significant in terms of the overall number of infringements issued by the City. Furthermore, it is noted that there are valid reasons for the withdrawal of Parking Infringement Notices and that the current steps undertaken by the City in dealing with appeals and withdrawal of Infringement Notices is effective and administered in accordance with the Council's Policy No. 3.9.2 relating to Parking Enforcement and Review/Appeal of Infringement Notices.

5.5 CHIEF EXECUTIVE OFFICER

5.5.1 Use of the Council's Common Seal

Ward:	-	Date:	4 September 2015
Precinct:	-	File Ref:	SC406
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	L Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

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

BACKGROUND:

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

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

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

Date	Document	No of copies	Details
28/08/2015	Deed of Indemnity and Release	1	City of Vincent and Western Australian Sports Centre Trust (“VW”) in relation to statue of Dylan Tombides to be erected on land owned by or vested in the City of Vincent (nib Stadium). <i>VW to bear all liability associated with the Statue, its erection and maintenance</i>
08/09/2015	Management Statement	1	City of Vincent and Norwindsor Pty Ltd re Norwood Development at No. 280 (Lot 800; D/P: 402555) Lord Street, Perth – Management Statement for Strata Plan No. 67874 noting the Strata By-Laws for Occupants and Owners of the subject property – <i>Date of Development Approval Panels (DAP) decision – 15 August 2013</i>
08/09/2015	Withdrawal of Caveat	2	City of Vincent and Equitas Lawyers of 156-158 Edward Street, Perth WA 6000 re: No. 158 Edward Street, Perth — <i>To satisfy Clause 6 “Amalgamation” of Conditional Approval dated 5 January 2015 for Additions and Alterations to Existing Office/Warehouse (Retrospective)</i>

5.5.2 Strategic Plan 2013-2023 – Progress Report for the Period 1 April 2015 – 31 July 2015

Ward:	-	Date:	4 September 2015
Precinct:	-	File Ref:	-
Attachments:	1 – Strategic Plan Quarterly Progress Report		
Tabled Items:	-		
Reporting Officer:	J Highfield, Executive Assistant		
Responsible Officer:	Len Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

That Council **RECEIVES** the progress report on the Strategic Community Plan 2013 2023 (SCP) for the period 1 April 2015 – 31 July 2015 (Attachment 1).

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly report to the Council to keep it informed of progress of strategies in the Corporate Business Plan 2013-2017 (CBP) for the period 1 April 2015 to 31 July 2015, which align to objectives in the SCP.

BACKGROUND:

At the Ordinary meeting of Council dated 10 September 2013, Council considered a report dealing with the Statutory Review of the City of Vincent Strategic Community Plan 2011-2021 and Corporate Business Plan 2011 - 2016 and resolved as follows:

“That the Council;

1. *NOTES that in accordance with the Local Government (Administration) Regulations 1996 a Statutory review is required to be carried out of its Strategic Community Plan,*
2. *APPROVES BY AN ABSOLUTE MAJORITY to adopt the amended City of Vincent Strategic Community Plan 2013 – 2023 and Corporate Business Plan 2013 – 2017, as shown in Appendix 9.5.2;*
3. *ACKNOWLEDGES that the implementation of the City’s Plan for the Future maybe significantly impacted by the State Government’s proposal for amalgamations of Metropolitan Local Governments and the splitting of the City of Vincent; and*
4. *REQUESTS the Chief Executive Officer to write to the Department of Local Government and Communities seeking clarification as to the need to conduct the statutory comprehensive four (4) yearly review of the Plan for the Future, as required by the Local Government (Administration) Regulations 1996, due to the State Government’s proposal for amalgamations.”*

DETAILS:

Progress reports are traditionally reported to Council for each quarter as follows:

Period	Report to Council
1 October 2014 - 31 December 2014	March
1 January 2015 - 31 March 2015	May
1 April 2015 – 31 July 2015	September
1 August 2015 – 31 October 2015	November

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Section 5.56 of the Local Government Act 1995 requires a Local Government to plan for the future of the District. Division 3 of the Local Government (administration) Regulations 1996 deals with "Planning for the future", the Regulations prescribe that a Local Government is to:

- Prepare and adopt a Strategic Community Plan which is to cover at least 10 years; and
- Make a corporate business Plan of at least 4 financial years, which sets out the Local Government Priorities for dealing with the objectives of the Community outlined in the SCP.

RISK MANAGEMENT IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

The SCP provides the Council and administration with its aims, goals and objectives (key result areas) for the period 2013-2023. The CBP provides the operational priorities to activate the SCP during the four year period 2013-2017. The reporting on a quarterly basis is in accordance with the Strategic Plan 2013-2023 Key Result Area.

This is in keeping with the City's Strategic Community Plan 2013-2023- *"Leadership, Governance and Management"*, in particular, Objective 4.1.2 - *"Manage the Organisation in a responsible, efficient and accountable manner"*.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The progress report for the SCP indicates that the City's administration is progressing with the various strategies in accordance with the Council's adopted programs and adopted budget.

5.5.3 LATE ITEM: Review of Advisory and Working Group Committees

REPORT TO BE ISSUED PRIOR TO MEETING.

5.5.4 Proposed Change to October 2015 Meeting Dates

Ward:	-	Date:	4 September 2015
Precinct:	-	File Ref:	ADM0016 & ADM0066
Attachments:	1 – Amended Council Meeting and Forum Schedule 2015		
Tabled Items:	-		
Reporting Officer:	J Highfield, Executive Assistant		
Responsible Officer:	Len Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

That Council **AMENDS** the current adopted Council Meeting and Forum Schedule 2015 as follows:

1. Council Briefing Session rescheduled from 13 October 2015 to 20 October 2015;
2. Council Meeting rescheduled from 20 October 2015 to 27 October 2015; and
3. Council Forum rescheduled from 27 October 2015 to 13 October 2015.

PURPOSE OF REPORT:

To consider and adopt an amended Council Meeting and Forum Schedule due to local government elections falling on 17 October 2015 between the scheduled October Council Briefing and Council meeting.

BACKGROUND:

Council at its meeting held on 4 November 2014 (Item 9.5.2), adopted the Council Meeting and forum schedule for 2015.

DETAILS:

The Council Briefing Session, Council Meeting and Council Forum were scheduled to be held on 13 October 2015, 20 October 2015 and 27 October 2015 respectively. However due to the Local Government Elections being held on 17 October 2015, it is proposed to amend the schedule to avoid the October Council Briefing/Meeting Agenda straddling the local government elections and the swearing in of the new Council.

CONSULTATION/ADVERTISING:

The amended Meeting dates will be publicised on the City's website. Local public notice of the amended dates will also be required in accordance with Regulation 12 of the Local Government (Administration) Regulations 1996.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Plan – Plan for the Future 2013-2017, Objective 4.1 – *“Provide Good Strategic Decision Making, Governance, Leadership and Professional Management”* and, in particular, Objective 4.1.2 – *“Manage the organisation in a responsible, efficient and accountable manner”*.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is recommended that Council amends the Meeting Schedule for October 2015 as shown in Attachment 1.

5.5.5 Information Bulletin

Ward:	-	Date:	4 September 2015
Precinct:	-	File Ref:	-
Attachments:	1 – Information Bulletin		
Tabled Items:	-		
Reporting Officer:	J Highfield, Executive Assistant		
Responsible Officer:	Len Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the Information Bulletin dated 4 September 2015 as distributed with the Agenda.

DETAILS:

The items included in the Information Bulletin dated 4 September 2015 are as follows:

ITEM	DESCRIPTION
IB01	State Administrative Tribunal Orders for Hyde Park Management Pty Ltd v City of Vincent, DR 145 of 2015
IB02	Tamala Park Regional Council Meeting of Council Minutes held on 13 August 2015
IB03	Design Advisory Committee Minutes held on 19 August 2015
IB04	Mindarie Regional Council Minutes of Ordinary Council Meeting held on 20 August 2015
IB05	WALGA Central Metropolitan Zone Minutes held on 27 August 2015
IB06	Ranger Services Statistics for April, May and June 2015
IB07	Delegations of Authority exercised for the period 1 April 2015 to 31 July 2015
IB08	Register of Petitions – Progress Report – September 2015
IB09	Register of Notices of Motion – Progress Report – September 2015
IB10	Register of Reports to be Actioned – Progress Report – September 2015
IB11	Register of Legal Action (Confidential – Council Members Only) – Monthly Report as at 7 August 2015
IB12	Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 3 September 2015
IB13	Register of Applications Referred to the Design Advisory Committee – 2015
IB14	Register of Applications Referred to the MetroWest Development Assessment Panel – Current
IB15	WALGA Annual General Meeting Minutes held on 5 August 2015
IB16	Forum Notes – 4 August 2015

6. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

6.1 NOTICE OF MOTION: Mayor John Carey – Request to Reinstate Transperth Service Route 15

That Council:

- 1. NOTES the negative impact, on some of the City’s residents, resulting from the recent the No. 15 bus route changes;**
- 2. AUTHORISES the Chief Executive Officer to write to the Public Transport Authority to;**
 - 2.1 expresses disappointment for making changes to the No. 15 bus route with seemingly insufficient consideration of the flow on patrons effect on local bus users;**
 - 2.2 reverse its decision and reinstate the previous No. 15 bus route; and**
 - 2.3 attend a community forum with affected residents, at the City of Vincent, to address resident concerns and provide a solution; and**
- 3. ADVISES the Local State Member and Minister for Transport of its decision.**

REASON:

A number of concerns have been expressed by Mount Hawthorn Residents regarding the recent changes to the No. 15 bus route. The residents do not feel as though the Tasman St community, in particular, had been adequately informed or consulted with regard to the changes.

The residents indicated that they used the No 15 bus throughout the working week to access their employment and also frequently use the No 15 bus in the evenings and during the weekends to access the various services and facilities in both Mt Hawthorn and Leederville.

They further considered that the No. 15 bus route change had been poorly managed and poorly publicised and that the most affected streets/s had not received any communications from Transperth regarding the proposed changes nor were they contacted by any Transperth staff member.

ADMINISTRATION COMMENT:

Transperth, advised Administration that they make in excess of 1,000 service changes every year to cater for the changing public transport demand in Perth and almost without exception, each change has the potential to negatively impact some passengers. Transperth further advised that prior to making changes to Route 15 they undertook consultation sessions with the community in February 2015, which included one session at Glendalough Station (February 19) and two at The Mezz Shopping Centre (February 19 and 21).

They advertised in The Guardian Express and The Stirling Times, as well as through Transport’s My Alerts system. A notice was posted on the Transperth website and poster/bulletins were made available on-board buses in the area. In addition letters advising of the consultation sessions were sent to over 16 public and private organisations.

Transperth finally advised that they will continue to monitor the service, have no plans to amend the route so soon after the change and do not believe there is any value in participating in a public forum when members of the community who have benefited from the changes are unlikely to attend.

7. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

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

8.1 CONFIDENTIAL REPORT: No. 124 (Lot: 41 D/P: 1879) Wright Street, corner of Phelps Lane, Highgate – Proposed Demolition of Existing Single House and Construction of Four Grouped Dwellings – Reconsideration under s31 of the State Administrative Tribunal (SAT) Act 2004 (DR 212 of 2015)

Ward:	South	Date:	4 September 2015
Precinct:	Precinct 14 – Forrest	File Ref:	PR27428; 5.2014.501.1
Attachments:	Confidential – Development Application Plans Confidential – State Administrative Tribunal Orders Confidential – Applicants Justification dated 26 August 2015 Confidential – Marked up plans showing proposed versus required setbacks		
Tabled Items:	Nil		
Reporting Officer:	A Groom, Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Planning Services		

DETAILS:

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

LEGAL:

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

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

“2.14 Confidential business

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

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

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

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

9. CLOSURE
