



**CITY OF VINCENT**

# **ORDINARY COUNCIL MEETING**

**25 AUGUST 2015**

## **Notice of Meeting and Agenda**

Notice is hereby given that an Ordinary Meeting of the Council of the City of Vincent will be held at the Administration and Civic Centre, at 244 Vincent Street (corner Loftus Street) Leederville, on **Tuesday 25 August 2015** at 6.00pm.

Len Kosova  
CHIEF EXECUTIVE OFFICER

21 August 2015

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

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

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

## **RECORDING OF COUNCIL MEETINGS**

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

## ORDER OF BUSINESS

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

*“Today we meet on the lands of the Nyoongar people and we honour them as the traditional custodians of this land”.*
  2. **Apologies/Members on Approved Leave of Absence**

Nil.
  3. **(a) Public Question Time and Receiving of Public Statements**
    - (b) Response to Previous Public Questions Taken On Notice**

Nil.
  4. **Applications for Leave of Absence**

Nil.
  5. **The Receiving of Petitions, Deputations and Presentations**
    - 5.1 Deputation received from Mr Paul McQueen of Lavan Legal in relation to Confidential Item 14.1.
    - 5.2 Deputation received from M Kruize of 41a Salisbury Street, Leederville in relation to Item 9.1.3.
  6. **Confirmation of Minutes**
    - 6.1 Ordinary Meeting of Council held on 28 July 2015.
  7. **Announcements by the Presiding Member (Without Discussion)**

Nil.
  8. **Declarations of Interest**

Nil.
  9. **Reports**

As listed in the Index.
  10. **Motions of which Previous Notice has been given**
    - 10.1 NOTICE OF MOTION: Cr Josh Topelberg – Live Streaming of Council Briefings and Council Meetings.
  11. **Questions by Members of which Due Notice has been given (Without Discussion)**

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

Nil.

**13. Urgent Business**

Nil.

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

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14.2 CONFIDENTIAL REPORT: No. 45 (Lot: 770 D/P: 301693) Cowle Street, West Perth – Proposed Demolition of Existing Single House and Construction of Four Storey Development – Reconsideration under s31 of the State Administrative Tribunal (SAT) Act 2004 (DR 178 of 2015) (PR25043; 5.2014.540.1)

14.3 CONFIDENTIAL REPORT: No. 49 (Lot: 86 D/P: 6064) Milton Street, Mount Hawthorn – Proposed Demolition of Existing Single House and Construction of Four Two-Storey Grouped Dwellings – Reconsideration under s31 of the State Administrative Tribunal (SAT) Act 2004 (DR 219 of 2015) (PR50115; 5.2014.645.1)

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## 9.1 PLANNING SERVICES

### 9.1.1 No. 62 (Lot: 26 D/P: 450) (part of) Frame Court Car Park, Leederville – Proposed Farmers’ Market (Unlisted Use)

Ward:	South	Date:	7 August 2015
Precinct:	Precinct 4 – Oxford Centre	File Ref:	PR52592; 5.2015.206.1
Attachments:	<a href="#">1</a> – Consultation Map <a href="#">2</a> – Site Layout <a href="#">3</a> – Operational Guidelines		
Tabled Items:	Nil		
Reporting Officer:	S Laming, 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 Farmers Markets W.A. PTY. LTD. for a Proposed Farmers’ Market (Unlisted Use) at No. 62 (Lot: 26 D/P: 450) (part of) Frame Court Car Park, Leederville and as shown on plan date stamped 11 August 2015, included as Attachment 2, subject to the following conditions:

#### 1. Day and Hours of Operation

- 1.1 The Farmers’ Market is permitted to operate on Sundays only; and
- 1.2 The hours of operation for the Outdoor Farmers’ Market shall be as follows:
  - 1.2.1 Stallholder “set - up” shall occur no earlier than 6.30am;
  - 1.2.2 Public access and sales shall only be conducted between 7.30am and 12.00pm; and
  - 1.2.3 Stallholder “pack – up” shall cease no later than 12.30pm on market day;

#### 2. Number and Type of Stalls

- 2.1 A maximum of 60 stalls shall be in operation at any one time;
- 2.2 Subject to Condition 2.3, the type of stalls shall be limited to those specified in the “*Leederville Farmers Market Operational Guidelines and Market Rules*” (as shown in Attachment 3) and to the satisfaction of the City; and
- 2.3 The market shall not include stalls that sell coffee or hot drinks;

#### 3. Approval Period

This approval for the Farmers’ Market is valid for 18 months from the date of issue and does not allow continuation of the use beyond that date;

4. **Public Indemnity**

The applicant shall hold a current Public Liability Insurance Cover for not less than \$20 million and shall indemnify the City against any claims, damages, writs, summonses or other legal proceedings and any associated costs, expenses, losses or other liabilities as a result of loss of life, personal injury or damage to property arising from an occurrence in or connected with the outdoor market. A copy of the Certificate of Currency shall be provided to the City at least seven days prior to the commencement of the first Market day;

5. Prior to the commencement of the Farmers' Market use, the Applicant shall:

5.1 **Waste Management Plan**

Submit and obtain approval from the City for an updated Waste Management Plan; and

5.2 **Special Events Permit**

Obtain a Special Events Permit from the City for all temporary food stalls and vans; and

6. During operation of the Farmers' Market, the applicant shall comply with the following:

6.1 **Responsible Representative**

A responsible representative of the Farmers' Market WA shall be present on-site during the operation of the market (i.e. 6.30am – 12.30pm) to respond to any complaints or concerns;

6.2 **Complaints**

A Complaints and Information "Hot-line" mobile phone number shall be made available to the public and displayed at the markets, to enable persons to seek information or lodge any complaints;

6.3 **Compliance**

The applicant shall comply, and also ensure that all stall holders comply at all times with the "*Leederville Farmers Market Operational Guidelines and Market Rules*", the *Food Act 2008* and Australia New Zealand Food Standards Code;

6.4 **Sound Levels**

Sound levels created shall not exceed the provisions of the *Environmental Protection Act 1986* and the Environmental Protection (Noise) Regulations 1997; and

6.5 **Cleaning of Market Area**

The market area shall be in a clean and tidy condition during the market hours and will be cleaned to a standard that is to the satisfaction of the City by 12.30pm on market days.

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**ADVICE NOTES:**

1. The Applicant shall:
  - 1.1 Ensure full compliance with the provisions of *Health Act 1911* (as amended), Health (Food Hygiene) Regulations 1993, and compliance with the FSANZ Food Safety Standards is required for all temporary food stalls/food vans. No food shall be sold to the public unless approved by the City;
  - 1.2 Obtain a Special Events Permit from the City for all temporary food stalls/food vans. Application forms together with the relevant fees shall be submitted at least seven days prior to the commencement of trade;
  - 1.3 Ensure that any buskers operating in the market area comply with the following requirements. The buskers must:
    - 1.3.1 Be in possession of a valid permit obtained from the City when busking (can be passed from one busker to the next, when the first busker finishes their act);
    - 1.3.2 Not use inappropriate language, material, etc.;
    - 1.3.3 Remain within the subject site while undertaking their act;
    - 1.3.4 Not impede or prevent any persons or pedestrians from going about their normal business; and
    - 1.3.5 Not restrict ready access to the premises;
  - 1.4 Apply for Public Building Approval under the *Health Act 1911*. Please note that the provision of on-site public toilets may be required in order to obtain Public Building Approval; and
  - 1.5 Submit an updated Food Safety Plan to the City satisfying requirements of the Food Act 2010; and
2. With regards to Condition 3 above, should the applicant wish to continue the use after this period, it shall be necessary to re-apply to and obtain planning approval from the City prior to continuation of the use.

**PURPOSE OF REPORT:**

To determine a proposal to use a part of the Frame Court Car Park for a Farmers' Market (Unlisted Use) every Sunday.

**BACKGROUND:**

**History:**

The Applicant has been operating at 'Leederville Village' since 2013 under the following approvals.

Date	Comment
10 December 2013	The Proposed Change of Use to an Outdoor Market at No. 663 Newcastle Street, Leederville (Leederville Village) was presented at a Council Forum.
17 December 2013	Council approved the Leederville Farmers' Market to operate at No. 663 Newcastle Street, Leederville (Leederville Village) for a period of 1 year.

Date	Comment
16 December 2014	The Leederville Farmers' Market was approved to operate at No. 663 Newcastle Street, Leederville (Leederville Village). The approval was extended for 5 years, concluding on 31 December 2019.
28 July 2015	Council at its Ordinary Meeting considered a request from Farmers' Market (WA) Pty Ltd T/A Leederville Farmers' Markets to commence trading on the subject site, with particular consideration as to whether the City was prepared to enter into a licence agreement with the applicant for the use of the land.  Council resolved to authorise the Chief Executive Officer to negotiate a licence agreement with the applicant.

This report is for Council consideration of the planning application for the proposed Farmers' Market use on the subject site.

**Previous Reports to Council:**

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

**DETAILS:**

<b>Landowner:</b>	City of Vincent
<b>Applicant:</b>	Farmers Markets W.A. PTY. LTD.
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): District Centre Draft Town Planning Scheme No. 2 (TPS2): Regional Centre
<b>Existing Land Use:</b>	Car Park
<b>Use Class:</b>	Farmers' Market
<b>Use Classification:</b>	Unlisted Use
<b>Lot Area:</b>	60 car bays
<b>Right of Way:</b>	Not applicable
<b>Date of Application:</b>	8 May 2015

This application proposes to relocate the Farmers' Market from its previous location at No. 1/663 Newcastle Street, Leederville to the eastern section of the Frame Car Park abutting the skate park and Oxford Street Reserve.

The Farmers' Market proposes to occupy 60 fee paying parking bays and operate on Sundays between the hours of 6.30am and 12.30pm.

All matters associated with the use of Council land are addressed as part of an agreement that will be entered into between the City and the applicant.

**ASSESSMENT:**

Under the City's Town Planning Scheme No. 1 a Farmers' Market is classified as an Unlisted Use.

Design Element	Complies	Requires the Discretion of Council
Land use		✓

**CONSULTATION/ADVERTISING:**

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	11 May 2015 to 24 May 2015		
Comments Received:	25 support submissions and 2 objections were received during the community consultation process.		

The number of submissions in support and comments received illustrate the popularity of the market amongst the local residents and business community. The general consensus of support comments received is that the Farmers' Market provides a good community service, where there are alternative products and services available creating a positive and engaging experience in the heart of Leederville.

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

Summary of Comments Received:	Officer Technical Comment:
<p><u>Public Toilet Facilities</u></p> <p>The proposal does not include the provision for on-site public toilets for patrons visiting the farmers' market. Previously, patrons of the farmers' market would use toilet facilities of nearby businesses, often without making any purchases.</p>	<p>The City is currently constructing a new public toilet facility located directly adjacent the Oxford Street Reserve nature playground. The facility will be open for use to all visitors to the Leederville Town Centre, including patrons of the Market.</p>
<p><u>Car Parking Shortfall</u></p> <p>The parking shortfall is impractical because the surrounding parking areas are always full on weekends.</p>	<p>The City's Ranger Services conducted a survey of the surrounding public car parking facilities in the Leederville Town Centre. It was found that there is adequate parking at different times throughout the morning on Sundays to accommodate the reduced car parking availability as a result of the Farmers' Market relocation.</p>
<p><u>Competition with Surrounding Businesses</u></p> <p>The farmers' market stalls provide goods and services that compete with other business in the town centre, resulting in an oversupply of the same products and services. In particular, the existing Farmers' Market operational manual includes a clause that prohibits market stall from selling coffee. However, it is noticed there is no such prohibition in the Frame Court Car Park proposal. Allowing people to wheel in transportable coffee carts and directly compete with permanent cafes in Leederville is unfair and inconsistent with the principle of supporting local businesses.</p>	<p>To address this concern it is recommended that a condition is imposed that prohibits the market from including stalls that sell coffee and hot beverages.</p>
<p><u>Power Supply</u></p> <p>The proposal does not include any details on the provision of power supply to the stalls. Will there be an on-site generator? If so, how will noise from the generator be mitigated?</p>	<p>The applicant is not proposing to use portable generators and will obtain power by linking into the network via private arrangements with surrounding landowners/occupiers.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><u>Key Performance Indicators (KPI's)</u></p> <p>If the farmers' market is permitted to operate on a public car park, there should be Key Performance Indicators (KPI's) that measure the success of the market in providing a good community service and attracting patrons to the town centre. The operator must be held accountable for the success of the market.</p>	<p>The City is currently developing a policy to guide and control the use of Council owned land for other non-council related purposes. The new policy will include parameters that operators need to meet when using Council owned land. This approval is limited to 18 months and any subsequent approval would be assessed under the new policy.</p>
<p><u>Health and Hygiene Requirements</u></p> <p>There is no detail around food operations which may also compete with local cafes without being subject to the same health and hygiene obligations.</p>	<p>All facilities producing food must comply with the <i>Food Act 2008</i> and Australia and New Zealand Food Standards Code.</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:**

The following legislation and policies apply to the proposed Farmers' Market (Unlisted Use).

- *Planning and Development Act 2005*;
- City of Vincent Town Planning Scheme No. 1 – Clause 39(2)(b) requires an absolute majority decision for an Unlisted Use;
- Policy No. 7.1.4 – Oxford Centre Precinct;
- Policy No. 7.7.1 – Parking and Access; and
- Leederville Masterplan Built Form Guidelines Appendix No. 19.

**RISK MANAGEMENT IMPLICATIONS:**

The risk of not supporting the Farmers' Market's relocation to Frame Court Car Park is that the City will lose this anchor event, which has proved to be popular. The Licence Agreement will cover the risks associated with the Market relocating to the Frame Court Car Park including damage to Council property and the inability of the market to meet its obligations to the City and expectations of the City.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013 – 2023 states:

“Community Development and Wellbeing

3.1 *Enhance and promote community development and wellbeing;*

3.1.3 *Promote and provide a range of community events to bring people together and to foster a community way of life.*

Leadership, Governance and Management

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;*

4.1.4 *Plan effectively for the future.”*

**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:

<b>ENVIRONMENTAL</b>
The adaptive alternative use of this existing space has a lower environmental impact than the creation of a new space for the market.

<b>SOCIAL</b>
The relocation of the farmers' market will provide a better use experience to patrons.

<b>ECONOMIC</b>
The farmers' market will continue to attract patrons to the Leederville Town Centre and provide a wider clientele base for local businesses.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The Farmers' Market previously operated for 18 months at the nearby 'Leederville Village' car park and has demonstrated its popularity by drawing people from the wider Perth community to the local precinct. Relocating the Farmers' Market into Frame Court Car Park will make the Farmers' Market more appealing as it will provide a better user experience to patrons.

The proposed markets will not have a negative impact on car parking availability within the local precinct and will continue to make a positive contribution to the Leederville Town Centre.

To ensure that the market does not impact on the amenity of the area it is recommended that conditions relating to the management of the market, including waste management and cleaning, are imposed.

Given the scale and frequency of operation of the market the proposed use will not interfere with the orderly and proper planning of the locality and is considered to be an acceptable use for this area.

**CONCLUSION:**

It is recommended that this proposal is supported.

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**9.1.2 No. 21 (Lot: 221 D/P: 2001) Pakenham Street, Mount Lawley – Proposed Alterations and Additions to Existing Single House with Ancillary Accommodation**

<b>Ward:</b>	South	<b>Date:</b>	7 August 2015
<b>Precinct:</b>	Precinct 15 – Banks	<b>File Ref:</b>	PR24457; 5.2015.238.1
<b>Attachments:</b>	<u>1</u> – Consultation Map <u>2</u> – Development Application Plans (updated) <u>3</u> – Marked up Plans showing variations and where the development extends to 3 Storey's		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	C Sullivan, Statutory Planning Officer		
<b>Responsible Officer:</b>	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 & S King, for the proposed alterations including the addition of a second and third storey to an Existing Single House with Ancillary Accommodation at No. 21 (Lot: 221 D/P: 2001) Pakenham Street, Mount Lawley as shown on plans date stamped 18 August 2015, included as Attachment 2, subject to the following conditions:

1. **Building Appearance**

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

2. Any new street/front wall, fence and gate within the Pakenham Street setback areas, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences;

3. **Street Verge Trees**

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

4. **Stormwater**

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

**ADVICE NOTES**

1. 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; and

2. **A Road and Verge security bond for the sum of \$2,000 shall be lodged with the City by the applicant, prior to the issue of a building permit, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City's Technical Services Directorate. 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 upper floor additions, including a partial third storey, to an existing single house with ancillary accommodation.

This application is referred to Council because the City's current instrument of delegation requires that three storey developments are determined by Council.

**BACKGROUND:**

**History:**

Date	Comment
9 May 2006	Council Approval granted for alterations and additions, including an ancillary accommodation, to existing single house.
19 November 2009	Delegated Approval granted for deck addition to single house
20 February 2014	Delegated Approval granted for the reconsideration of a condition in relation to the Ancillary Accommodation to remove a Caveat.

**Previous Reports to Council:**

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

**DETAILS:**

<b>Landowner:</b>	A & S King
<b>Applicant:</b>	Audhu Pty Ltd T/As NuChange Building
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R20 Draft Town Planning Scheme No. 2 (TPS2): Residential R20
<b>Existing Land Use:</b>	Residential
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	626 square metres
<b>Right of Way:</b>	Not Applicable
<b>Date of Application:</b>	28 May 2015

The site has a steep slope of approximately 6 metres from Pakenham Street to the rear boundary.

The existing dwelling, located at street level includes three bedrooms and a study. The lower level accommodates a one bedroom ancillary accommodation unit that was approved by Council in 2006.

The proposal requests an additional storey to the existing building. As a result of the addition, the building will be three storeys when viewed from the rear and two storeys when viewed from the street. The alterations include providing a new staircase to the proposed upper level, which will accommodate a new master suite in place of the existing study.

The location of the existing dwelling does not allow any additional car parking to be provided on site. Council has previously supported this reduction in parking in 2006.

**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 2013 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	✓	
Front Setback		✓
Front Fence	✓	
Boundary Wall	N/A	
Building Setbacks	✓	
Building Height & Storeys		✓
Roof Form		✓
Open Space	✓	
Privacy	✓	
Access & Parking	✓	
Bicycles	✓	
Solar Access	✓	
Site Works	✓	
Essential Facilities	✓	
Surveillance	✓	

**Detailed Assessment**

**Acceptable Variations**

Issue/Design Element:	Front Setback
Requirement:	<b>Residential Design Elements SADC 5. Street Setbacks</b>  Walls on upper floors facing the street are to be setback a minimum of two metres behind each portion of the ground floor setback.
Applicant's Proposal:	Upper floor setback between 0.2 metres – 1.3 metres setback behind ground floor (variation of 0.7 metres – 1.8 metres).
Design Principles:	<b>Residential Design Elements SADC 5. Street Setbacks</b>  (i) Development is to be appropriately located on site to: <ul style="list-style-type: none"> <li>• Maintain streetscape character;</li> <li>• Ensure the amenity of neighbouring properties is maintained;</li> <li>• Allow for the provision of landscaping and space for additional tree plantings to grow to maturity;</li> <li>• Facilitate solar access for the development site and adjoining properties;</li> <li>• Protect significant vegetation; and</li> <li>• Facilitate efficient use of the site.</li> </ul>
Summary of Applicant's Justification:	Nil.

<b>Issue/Design Element:</b>	<b>Front Setback</b>
Officer Technical Comment:	<p>The development proposed an upper floor setback of between 0.2 metres and 1.3 metres (not including the existing verandah). This is a variation of between 1.8 metres and 0.7 metres in lieu of the required 2 metre setback.</p> <p>To avoid having additional height and bulk towards the rear of the dwelling due to the significant change in levels, the applicant has located the upper floor additions closer to the street. The development appears as two storeys when reviewed from the street.</p> <p>This variation is acceptable as the existing verandah is 2.1 metres deep and is enclosed on three sides. When viewed from the street, this gives the impression that the upper floor is set back further from its actual set back.</p>

<b>Issue/Design Element:</b>	<b>Building Storeys and Height</b>
Requirement:	<p><b>Residential Design Elements BDADC 5. Building Height</b></p> <ul style="list-style-type: none"> <li>• The maximum height of a dwelling is to be 2 storeys (including any garage, loft or the like)</li> <li>• Maximum building height with pitched roof = 9 metres</li> <li>• Maximum wall height with pitched roof above = 6 metres</li> </ul>
Applicant's Proposal:	<ul style="list-style-type: none"> <li>• Three storeys proposed over part of the development</li> <li>• Maximum building height = 9.8 metres (variation of 0.8 metres)</li> <li>• Maximum wall height = 8.5 metres (variation of 2.5 metres)</li> </ul>
Design Principles:	<p><b>Residential Design Elements BDPC 5. Building Height</b></p> <p>(i) Building height is to be considered to:</p> <ul style="list-style-type: none"> <li>• Limit the height of dwellings so that no individual dwelling dominates the streetscape;</li> <li>• Limit the extent of overshadowing and visual intrusion on the private space of neighbouring properties; and</li> <li>• Maintain the character and integrity of the existing streetscape.</li> </ul>
Summary of Applicant's Justification:	Nil.
Officer Technical Comment:	<p>The site has a steep slope, with the highest point being level with Pakenham Street at an AHD of 9.6 metres, and the lowest point to the rear of the site at an AHD of 3.5 metres. The slope on the site from front to rear is therefore over 6 metres. The dwelling currently appears as a single storey dwelling from the street, but a two storey dwelling from the rear as it is a split level home where the lower level accommodates the ancillary accommodation.</p> <p>The additional level would appear as a second storey from the street and a third storey from the rear due to the change in levels across the site. The positioning of the additional level towards the street has allowed for only a small portion of the dwelling to be classified as three-storey reducing the potential height and bulk that would have resulted if the upper floor had been pushed further to the back of the lot.</p> <p>The orientation of the site means that the additional level would create minimal additional overshadowing to the adjoining properties.</p>

<b>Issue/Design Element:</b>	<b>Roof Form</b>
Requirement:	<b>Residential Design Elements BDPC 3. Roof Form</b>  Roof Pitch is to be between 30 and 45 degrees
Applicant's Proposal:	Roof Pitch of 25 degrees
Design Principles:	<b>Residential Design Elements BDPC 3. Roof Form</b>  (i) The roof of a building is to be designed so that: <ul style="list-style-type: none"> <li>• It does not unduly increase the bulk of the building;</li> <li>• In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and</li> <li>• It does not cause undue overshadowing of adjacent properties and open space.</li> </ul>
Summary of Applicant's Justification:	Nil.
Officer Technical Comment:	The existing dwelling has a roof pitch of 25 degrees. The roof of the proposed extension has the same pitch to match the existing dwelling. The proposed variation is supported in this instance.

**CONSULTATION/ADVERTISING:**

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	19 June 2015 – 2 July 2015		
Comments Received:	Two objections were received		

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

<b>Summary of Comments Received:</b>	<b>Officer Technical Comment:</b>
<u>Previous Damage</u>  Previous works at the application site have caused damage (during building process) and inconvenience to adjoining properties which were not rectified without considerable expense to the adjoining property owner.	The concerns relating to previous damage to adjoining properties from building work are noted but cannot be considered as part of this valid planning approval.
<u>Zoning</u>  The property is zoned as Residential R20, but the proposal appears to be pushing the zoning towards R40 with larger properties inappropriate in this area (only dwelling at two storey)	The existing lot size, open space, outdoor living area and proposed overshadowing comply with the requirements of the R20 zoning.
<u>Overshadowing</u>  Direction of true north incorrectly indicated on plans therefore overshadowing would be more than shown.	The submitted overshadowing plan is correctly orientated with the front of the property facing north east. The deemed-to-comply overshadowing for a property zoned R20 is 25% of the adjoining property. The adjoining property (lot size of 653 square metres), is overshadowed by this proposal by 85.87 square metres (13.15%) which complies with the requirements.

Summary of Comments Received:	Officer Technical Comment:
<p><u>Non-compliance with Residential Design Codes</u></p> <p>A large number of variations are proposed which do not meet the performance based criteria and therefore should not be supported.</p>	<p>The current proposal includes minimal variations. The roof form variation matches the existing dwelling and is therefore supported. The overall height and number of storeys occur due to the large level changes on the lot and are acceptable for this reason. The variation to the upper floor setback has been assessed against the performance criteria and is supported in this instance.</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:**

The following legislation and policies apply to the proposed development:

- *Planning and Development Act 2005;*
- 2013 Residential Design Codes;
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 7.1.15 – Banks Precinct; and
- Policy No. 7.2.1 – Residential Design Elements.

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

**RISK MANAGEMENT IMPLICATIONS:**

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

<b>ENVIRONMENTAL</b>
The design of the dwelling allows for adequate natural light and cross ventilation.

<b>SOCIAL</b>
Nil.

<b>ECONOMIC</b>
The construction of the building will provide short term employment opportunities.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The proposed variations relate to setback of the upper floor from the street, roof form and the overall building and wall height in metres and number of storeys.

The variation of the upper floor street setback is supported, as the proposal still appears to provide for articulation as per the requirements Policy No. 7.2.1 – Residential Design Elements Policy, due to the existing verandah and does not result in an overall design that would have a detrimental impact to the streetscape.

The proposed roof form matches that of the existing dwelling.

The proposed building height is as a result of the steep slope of the site and is acceptable. The three storey element is not visible from the street level and will not have a negative impact on adjoining properties in terms of overshadowing and overlooking, or on the streetscape. Although the proposal will be one of the first dwellings to include an upper level when viewed from the street, two storeys are permitted under the R20 density coding.

**CONCLUSION:**

The proposed alterations and upper level additions are therefore supported subject to relevant conditions and advice notes.

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**9.1.3 No. 41 (Lot: 67 D/P: 2358) Salisbury Street, Leederville – Proposed Demolition of Existing Building and Construction of a Multiple Dwelling Development comprising of Four Two-Bedroom Dwellings and Associated Car Parking**

<b>Ward:</b>	North	<b>Date:</b>	7 August 2015
<b>Precinct:</b>	Precinct 3 – Leederville	<b>File Ref:</b>	PR16184; 5.2015.256.1
<b>Attachments:</b>	<a href="#">1</a> – Consultation Map <a href="#">2</a> – Development Application Plans <a href="#">3</a> – Applicant’s Response to Objections <a href="#">4</a> – Marked up plans showing proposed versus required setbacks		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	P Stuart, Statutory Planning Officer		
<b>Responsible Officer:</b>	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 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 four Two-Bedroom Dwellings and Associated Car Parking at No. 41 (Lot 67) Salisbury Street, Leederville as shown on plans date stamped 5 August 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, 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. Prior to the issue of a Building Permit, the following shall be submitted to and approved by the City:**

**5.1 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:

- 5.1.1 The location and type of existing and proposed trees and plants;
- 5.1.2 Screening trees along the southern lot boundary are to be evergreen;
- 5.1.3 Areas to be irrigated or reticulated; and
- 5.1.4 The removal of redundant crossovers;

**5.2 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;

**5.3 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

**5.4 Waste Management**

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

**6. Prior to occupation of the development, the following shall be completed to the satisfaction of the City:**

**6.1 Clothes Drying Facility**

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

**6.2 Car Parking**

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

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**6.3 Stormwater**

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

**6.4 Landscape Plan and Verge Upgrade Plan**

With reference to Condition 5.1, 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

**6.5 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. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site;
  2. 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;
  3. 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;
  4. 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;
  5. A security bond for the sum of \$3,000, shall be lodged with the City by the applicant, prior to the issue of a building permit. This bond will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure in the Right of Way and the Verge along Salisbury Street, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the security bond shall be made in writing. The bond is non-transferable;
  6. With reference to Condition 6.4, the City encourages landscaping methods and species selection which do not rely on reticulation;
  7. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5m) 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;
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8. **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**
9. **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.**

**PURPOSE OF REPORT:**

To consider a two storey multiple dwelling building consisting of four two bedroom dwellings.

**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. The revisions were made to bring the building height, fill and retaining walls and privacy requirements into compliance.

**History:**

Nil.

**Previous Reports to Council:**

Nil.

**DETAILS:**

<b>Landowner:</b>	D & G Bridge
<b>Applicant:</b>	A Sice
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential (R30) Draft Town Planning Scheme No. 2 (TPS2): Residential (R30)
<b>Existing Land Use:</b>	Single Residential House
<b>Use Class:</b>	Multiple Dwellings
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	546 square metres
<b>Right of Way:</b>	South, 5 metres wide, City owned land
<b>Date of Application:</b>	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 two bedrooms per dwelling on the upper floor. The dwellings range in size from approximately 71 square metres at ground level to 64 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.

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 2013 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	✓	
Bicycles	✓	
Solar Access	✓	
Site Works		
Essential Facilities	✓	
Surveillance	✓	

**Detailed Assessment**

**Acceptable Variations**

Planning Element:	Front Setback
Requirement:	<p><b>Policy No. 7.2.1 – Residential Design Elements</b></p> <p>Buildings are to be setback from the street alignment such distance as is generally consistent with the building setback on adjoining land and in the immediate locality.</p> <p><u>Upper floors</u></p> <ul style="list-style-type: none"> <li>Upper floors are to be setback 2 metres from the ground floor setback which equates to an expected setback of 7.034 metres from the existing street boundary.</li> </ul> <p><u>Upper floor balconies</u></p> <ul style="list-style-type: none"> <li>Balconies are to be setback 1 metre from the ground floor setback; which equates to an expected setback of 6.034 metres from the existing street boundary.</li> </ul>
Applicant's Proposal:	<p><u>Upper floor</u></p> <ul style="list-style-type: none"> <li>0 metres from the ground floor setback, and 5.034m from the boundary with the street (variation of 2 metres); and</li> </ul> <p><u>Upper floor balconies</u></p> <ul style="list-style-type: none"> <li>1.024 metres forward from the ground floor setback, and 4.01 metres from the street (variation of 2.024 metres).</li> </ul>

Planning Element:	Front Setback
Design Principles	Variations to the Deemed-to-Comply criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to: varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.
Comments:	<p>The proposed upper floor street setback distances are acceptable for the following reasons:</p> <ul style="list-style-type: none"> <li>(a) the reduced setbacks are integral to the contemporary design of the development. It should be noted that the building otherwise complies with the setback from the street boundary;</li> <li>(b) the impacts of bulk onto the streetscape are further reduced by a choice of light, timber based finishes for the upper floor and face brick on the ground floor, which has a heavier appearance; and</li> <li>(c) the open style of the balcony ensures the façade is articulated such that it moderates the impact of the building on the existing streetscape.</li> </ul>

Planning Element:	Building Setbacks
Requirement:	<p><b>2013 Residential Design Codes Clause 6.1.4</b></p> <p><u>Eastern Boundary</u></p> <ul style="list-style-type: none"> <li>• Ground Floor (balance wall) required to be set back 2.0 metres; and</li> <li>• First floor (balance wall) required to be set back 2.8 metres.</li> </ul>
Applicant's Proposal:	<p><u>Eastern Boundary</u></p> <ul style="list-style-type: none"> <li>• Ground floor (balance wall) set back 1.52 metres, (variation of 0.48 metres); and</li> <li>• First floor (balance wall) set back 2.14 metres, (variation of 0.66 metres).</li> </ul>
Design Principles	<p>Buildings set back from lot boundaries so as to:</p> <ul style="list-style-type: none"> <li>• reduce impacts of building bulk on adjoining properties;</li> <li>• provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</li> <li>• minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</li> </ul>
Comments:	<p>The proposed variations on both the ground and upper floor are minor and considered to satisfy the design principles.</p> <p>This portion of the wall is vertically and horizontally articulated which reduces the impact of building bulk. There are no major openings on the wall, so the proposed variation will not reduce the privacy of the adjoining property.</p> <p>The orientation of the site is north-south. The proposed variation will not result in either this property or the neighbouring property losing access to sunlight and ventilation.</p>

**CONSULTATION/ADVERTISING:**

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
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. The changes were made to bring the proposal into compliance with building height, fill and associated retaining walls, and privacy requirements.

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 2013 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 0.498 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 and streetscape topography and would have the same impact if it were grouped dwellings.</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>

<b>Summary of Comments Received:</b>	<b>Officer Technical Comment:</b>
<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 2013 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 2013 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 north-south orientation of this lot results in shadows cast from the development to be contained entirely within the property boundaries of the lot. This means that there is no loss of sunlight to adjoining properties. The proposed setback variations are minor and given the articulation of the building the proposal satisfies the design principles of the 2013 Residential Design Codes and is accordingly considered acceptable.</p> <p>The building height and fence heights comply with the required applicable standards. The setbacks are considered to satisfy the design principles of the 2013 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 2013 Residential Design Codes. The overall building height has been reduced from 9.3 to 9 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 ground floor setback of the building complies with the required standard, and matches with its surroundings. The upper floor setbacks, while a variation to the standards, are considered acceptable as the design satisfies the design principles contained in the City's Policy No 7.2.1 – Residential Design Elements. The proposal has achieved design excellence.</p>

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

**Design Advisory Committee (DAC):**

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. The revised plans submitted on 5 August 2015 currently being considered reduce the height of the building, the cut/fill and associated retaining and address privacy provisions, but do not change the 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 2013;
- City of Vincent Policy No. 4.2.13 – Design Advisory Committee;
- City of Vincent Policy No. 7.1.3 – Leederville Precinct;
- City of Vincent Policy 7.2.1 – Residential Design Elements;
- City of Vincent Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings;
- City of Vincent Policy No. 7.5.23 – Construction Management Plans; and
- City of Vincent Policy No. 7.6.2 – Heritage Management – Assessment.

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:

<b>ENVIRONMENTAL</b>
The development will assist in offsetting urban sprawl and associated negative impacts.
<b>SOCIAL</b>
The development contributes positively to the social sustainability of the area by increasing density, social mix and the diversity of dwelling types.
<b>ECONOMIC</b>
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 0.498 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 2013 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.

The two variations proposed are minor and do not detrimentally affect the neighbouring properties or the streetscape.

The proposed design achieves a quality development that relates in a sensitive manner to the residential area within which it is located and as such the proposed variations are deemed to be acceptable.

**CONCLUSION:**

It is therefore recommended that the proposal is supported.

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**9.1.4 No. 172 (Lot: 5 D/P: 10539) Loftus Street, North Perth – Proposed Demolition of Existing Single House and Construction of Eight Multiple Dwellings**

<b>Ward:</b>	North	<b>Date:</b>	7 August 2015
<b>Precinct:</b>	Precinct 6 – Smith’s Lake	<b>File Ref:</b>	PR14621; 5.2015.193.1
<b>Attachments:</b>	<a href="#">1</a> – Consultation Map <a href="#">2</a> – Development Application Plans <a href="#">3</a> – Extract of Design Advisory Committee Minutes & Comments <a href="#">4</a> – Car Parking Table <a href="#">5</a> – Marked up plans showing proposed versus required setbacks		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	T Wright, Statutory Planning Officer		
<b>Responsible Officer:</b>	G Poezyn, Director Planning Services		

**OFFICER RECOMMENDATION:**

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by Harden Jones Architects on behalf of the owner Markovic Developments Pty Ltd, for the proposed Demolition of an existing Single House and construction of a four storey development comprising of eight Multiple Dwellings and associated car parking at No. 172 (Lot 10539) Loftus Street, North Perth as shown on plans date stamped 18 June 2015, included as Attachment 2, subject to the following conditions:

**1. Car Parking and Accessways**

- 1.1 A minimum of eight resident and two visitor bays shall be provided onsite;
- 1.2 The car park shall be used only by residents and visitors directly associated with the development;
- 1.3 The visitor bays are to be marked accordingly;
- 1.4 The car parking and access areas are to comply with the requirements of AS2890.1;
- 1.5 Vehicle and pedestrian access points are required to match into existing footpath levels; and
- 1.6 All new crossovers shall be constructed in accordance with the City’s Standard Crossover Specifications;

**2. External Fixtures**

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

**3. Verge Trees**

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

**4. Car Parking Permits**

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

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

**5.1 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;

**5.2 Landscape and Reticulation Plan**

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

- 5.2.1 The location and type of existing and proposed trees and plants;
- 5.2.2 Mature screening trees within the rear setback area;
- 5.2.3 Areas to be irrigated or reticulated; and
- 5.2.4 The removal of redundant crossovers;

**5.3 Schedule of External Finishes**

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

**5.4 Construction Management Plan**

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

**5.5 Waste Management**

- 5.5.1 A Waste Management Plan prepared to the satisfaction of the City shall be submitted and approved;
  - 5.5.2 A bin store area of sufficient size to accommodate the City's bin requirements shall be provided, to the satisfaction of the City; and
  - 5.5.3 Waste management for the development shall thereafter comply with the approved Waste Management Plan;
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6. Prior to occupation of the development, the following shall be completed to the satisfaction of the City:

6.1 Clothes Drying Facility

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

6.2 Car Parking

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

6.3 Stormwater

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

6.4 Acoustic Report Certification

With reference to Condition 5.1, certification from an acoustic consultant that the recommended measures have been undertaken shall be provided to the City;

6.5 Landscape Plan and Verge Upgrade Plan

With reference to Condition 5.2, all works shown in the plans approved with the Building Permit shall be undertaken in accordance with the approved plans and maintained thereafter to the satisfaction of the City at the applicant's expense; and

6.6 Bicycle Bays

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

ADVICE NOTES:

1. With reference to Condition 1.5, the portion of the existing footpath traversing the proposed crossover must be retained. The proposed crossover levels shall match into the existing footpath levels. Should the footpath not be deemed to be in satisfactory condition, it must be replaced with in-situ concrete panels in accordance with the City's specification for reinstatement of concrete paths;
  2. With reference to Condition 1.6, all new crossovers to the development site are subject to a separate application to be approved by the City;
  3. A Road and Verge security bond for the sum of \$2,500 shall be lodged with the City by the applicant, prior to the issue of a building permit, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City's Technical Services Directorate. An application for the refund of the security bond shall be made in writing. The bond is non-transferable;
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4. With reference to Condition 5.2, the City encourages landscaping methods and species selection which do not rely on reticulation;
5. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5 metres) shall be maintained for all users at all times during construction works. If the safety of the path is compromised resulting from either construction damage or as a result of a temporary obstruction appropriate warning signs (in accordance with AS1742.3) shall be erected. Should a continuous path not be able to be maintained, an 'approved' temporary pedestrian facility suitable for all path users shall be put in place. If there is a request to erect scaffolding, site fencing etc. or if building materials are required to be stored within the road reserve, once a formal request has been received, the matter will be assessed by the City and if considered appropriate a permit shall be issued by the City's Ranger Services Section. No permit will be issued if the proposed encroachment into the road reserve is deemed to be inappropriate;
6. With reference to Condition 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;
7. 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; and
8. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site;

**PURPOSE OF REPORT:**

To determine the proposal for the construction of eight multiple dwellings.

**BACKGROUND:**

Nil.

**DETAILS:**

<b>Landowner:</b>	Markovic Developments Pty Ltd
<b>Applicant:</b>	Harden Jones Architects
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R60 Draft Town Planning Scheme No. 2 (TPS2): Residential R60
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Multiple Dwellings
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	748 square metres
<b>Right of Way:</b>	N/A
<b>Date of Application:</b>	1 May 2015

The proposal is to demolish an existing single house and construct a four storey development which will comprise of an eight two-bedroom multiple dwellings and associated car parking.

The site slopes considerably from Loftus Street to the eastern lot boundary by approximately 4.2 metres.

The gradient of the site is reflected in the building form which steps down from the front boundary and results in the building appearing as three storeys from Loftus Street.

The main bulk of the development is setback 7.5 metres from the rear lot boundary and the top storey is setback 15 metres, providing a substantial rear setback from the R30 zoned single residential neighbouring properties to the east. The setback area will be landscaped with large trees to soften and screen the development.

A sloping driveway runs along the southern lot boundary and connects to the basement car parking area. The driveway provides separation between the proposed development and the neighbouring single residential property.

The proposal achieved Design Excellence from the City's Design Advisory Committee.

## 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 2013 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	N/A	
Building Setbacks		✓
Building Height & Storeys		✓
Roof Form		✓
Open Space	✓	
Privacy	✓	
Access & Parking	✓	
Bicycles	✓	
Solar Access	✓	
Site Works	✓	
Essential Facilities	✓	
Surveillance	✓	
Retaining Walls		✓

### Detailed Assessment

#### Acceptable Variations

Issue/Design Element:	Density/Plot Ratio
Requirement:	<b>2013 Residential Design Codes Clause 6.1.1</b> Required Plot Ratio: 0.7 or 523.6 square metres.
Applicant's Proposal:	Proposed Plot Ratio: 0.82 or 613 square metres, (variation of 0.12 or 89.4 square metres).

<b>Issue/Design Element:</b>	<b>Density/Plot Ratio</b>
Design Principles:	<p><b>2013 Residential Design Codes Clause 6.1.1</b></p> <p>P1 Development of the building is at a bulk and scale indicated in the local planning framework and is consistent with the existing or future desired built form of the locality.</p>
Applicant's Justification:	<p><i>"The proposed building is of a bulk and scale consistent with the future desired built form for this sector of Loftus Street. Such a scaled development would not be out of context with development abutting an arterial road."</i></p>
Officer Technical Comment:	<p>The additional plot ratio will not impact the amenity of the adjoining properties and the streetscape for the following reasons:</p> <ul style="list-style-type: none"> <li>(a) The majority of the development mass is positioned towards the centre of the site in order to minimise the effects of bulk and scale on the streetscape and the neighbouring properties to the rear.</li> <li>(b) The development is setback significantly from the rear boundary, creating a large area of open space, which is landscaped with trees to soften and screen the development from neighbouring properties to the rear.</li> <li>(c) The proposed development is broken up into three distinct sections to moderate the aesthetic impact of the built form and enhance the amenity of the development.</li> <li>(d) The elevations are well articulated with the use of different materials and colours and are visually staggered.</li> </ul>

<b>Issue/Design Element:</b>	<b>Front Setbacks</b>
Requirement:	<p><b>Policy No. 7.2.1 – Residential Design Elements</b></p> <p>Buildings are to be setback from the street alignment to be generally consistent with the building setback on adjoining land and in the immediate locality.</p> <p>This equates to 12.2 metres for the ground floor.</p> <p>In addition:</p> <ul style="list-style-type: none"> <li>• Upper floors are to be setback 2 metres from the ground floor setback (equates to 14.2 metres from the street boundary); and</li> <li>• Balconies are to be setback 1 metre from the ground floor setback (equates to 13.2 metres from the street boundary).</li> </ul>
Applicant's Proposal:	<ul style="list-style-type: none"> <li>• 5.1 metres for the ground floor, (variation of 7.1 metres to the street boundary);</li> <li>• Nil for the upper floors, (variation of 2 metres from the ground level setback and 9.1 metres from the street boundary); and</li> <li>• 2.1 metres forward of the ground floor for the upper floor balconies, (variation of 3.1 metres from the ground level setback and 10.1 metres from the street boundary).</li> </ul>

Issue/Design Element:	Front Setbacks
Design Principles:	<p><b>Policy No. 7.2.1 – Residential Design Elements</b></p> <p>SPC 5</p> <p>(i) Development is to be appropriately located on site to:</p> <ul style="list-style-type: none"> <li>• Maintain streetscape character;</li> <li>• Ensure the amenity of neighbouring properties is maintained;</li> <li>• Allow for the provision of landscaping and space for additional tree plantings to grow to maturity;</li> <li>• Facilitate solar access for the development site and adjoining properties;</li> <li>• Protect significant vegetation; and</li> <li>• Facilitate efficient use of the site.</li> </ul> <p>(ii) Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>
Applicant's Justification:	<p><i>"The building has been deliberately brought forwards as much as practically possible to create a bigger 'gap' in the built form at the rear/East Elevation, which is a Transition from the R50 Zoning to R20. This puts the bulk and scale of the proposed building to Loftus Street, which is an arterial road, where impact would be considered as minimal. The reduced street setback will have minimal or no adverse effects on the amenity of the adjoining properties on the side boundaries, but a major and positive impact to the R20 Properties at the rear." [sic]</i></p>
Officer Technical Comment:	<p>The street setbacks in the locality are inconsistent due to the transitioning nature of the street created by the influx of new development.</p> <p>The proposed reduced setback is consistent with other recently developed medium density developments in the area, such as developments at Nos. 182 (3.7 metre front setback), 190 (5.95 metre front setback) and 192 Loftus Street (4 metre front setback) and the recently approved neighbouring development to the north at No. 174 Loftus Street (4 metre front setback).</p> <p>The proposed setback variations are acceptable as they will contribute to establish the new streetscape for Loftus Street as development along this section of the street intensifies.</p>

Issue/Design Element:	Building Setbacks
Requirement:	<p><b>2013 Residential Design Codes Clause 6.1.4</b></p> <p><u>Northern Boundary</u></p> <ul style="list-style-type: none"> <li>• Ground floor Unit 1 wall required to be setback 1.7 metres;</li> </ul>

Issue/Design Element:	Building Setbacks
	<ul style="list-style-type: none"> <li>• First floor Unit 4 wall required to be setback 2.2 metres;</li> <li>• First floor Unit 6 wall required to be setback 1.9 metres;</li> <li>• First floor bulk wall required to be setback 4.8 metres;</li> <li>• Second floor Unit 7 wall required to be setback 3.2 metres; and</li> <li>• Second floor bulk wall required to be setback 4.5 metres.</li> </ul>
Applicant's Proposal:	<p><u>Northern Boundary</u></p> <ul style="list-style-type: none"> <li>• Ground floor Unit 1 wall setback 1.5 metres (variation of 0.2 metres);</li> <li>• First floor Unit 4 wall setback 1.5 metres (variation of 0.7 metres);</li> <li>• First floor Unit 6 wall setback 1.5 metres (variation of 0.4 metres);</li> <li>• First floor bulk wall setback 3 metres (variation of 1.8 metres);</li> <li>• Second floor Unit 7 wall setback 1.5 metres (variation of 1.7 metres); and</li> <li>• Second floor bulk wall setback 2.5 metres (variation of 2 metres).</li> </ul>
Design Principles:	<p><b>2013 Residential Design Codes Clause 6.1.4</b></p> <p>P3.1 Buildings set back from lot boundaries so as to:</p> <ul style="list-style-type: none"> <li>• reduce impacts of building bulk on adjoining properties;</li> <li>• provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</li> <li>• minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</li> </ul>
Applicant's Justification:	<p><i>"The Reduced Northern Setback will meet the provisions of Clause 6.1.4 (P4.1) insofar that the reduced setbacks:</i></p> <ul style="list-style-type: none"> <li>• <i>Ensure adequate sunlight to the adjoining (northern) Property which is being developed into multiple dwellings)</i></li> <li>• <i>The Elevation of the proposed built form has considerable relief and therefore visual interest to reduce the apparent bulk and scale."</i></li> </ul>
Officer Technical Comment:	<p>The reduced northern side setbacks abut a common driveway on the adjoining lot that is situated along the length of a nine unit multiple dwelling development.</p> <p>The variations are minor and both side elevations are well articulated with open balcony and staircase areas, differing building heights and setbacks along the side elevations and contrasting colours and materials to reduce the perceived bulk to the neighbouring properties to the north and south.</p> <p>The development is articulated in a way that breaks down the mass of the development into three distinct components, which serves to reduce the effect of bulk and scale on the neighbouring properties and the streetscape.</p> <p>The proposal is fully compliant with the privacy and overshadowing requirements of the 2013 Residential Design Codes.</p>

Issue/Design Element:	Building Height/Storeys
Requirement:	<p><b>Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings</b></p> <p>3 storeys to a maximum height of 10 metres.</p> <p>The City’s Policy No. 7.5.11 – Exercise of Discretion allows for an additional one storey (at an additional height of 3.5 metres) when:</p> <ul style="list-style-type: none"> <li>• the site is zoned R60 and above;</li> <li>• the proposal receives Design Excellence from the City’s DAC; and</li> <li>• the variation will not be detrimental to the amenity of the locality.</li> </ul>
Applicant’s Proposal:	4 storeys to a maximum height of 12.2 metres, (variation from permitted requirements: 1 storey and 2.2 metres).
Design Principles:	<p><b>2013 Residential Design Codes Clause 6.1.2</b></p> <p>P2 Building height that creates no adverse impact on the amenity of adjoining properties or the streetscape, including road reserves and public open space reserves; and where appropriate maintains:</p> <ul style="list-style-type: none"> <li>• adequate access to direct sun into buildings and appurtenant open spaces;</li> <li>• adequate daylight to major openings into habitable rooms;</li> <li>• access to views of significance;</li> <li>• buildings present a human scale for pedestrians;</li> <li>• building façades designed to reduce the perception of height through design measures; and</li> <li>• podium style development is provided where appropriate.</li> </ul>
Applicant’s Justification:	<p><i>“In Discussions with the City of Vincent and the City of Vincent DAC, it was considered that the additional height proposed and visual mass in the centre portion of the building would reduce the visual impact and increase the setbacks to the Eastern Elevation, where the R Code Zoning changes from R60 to R30. This was considered as an appropriate outcome/planning solution.”</i></p>
Officer Technical Comment:	<p>The total number of storeys and the overall height proposed is permitted under the current planning framework as the proposal meets the requirements of the City’s Variations Policy, in that the site is zoned R60 and above, the proposal has received Design Excellence from the City’s DAC and the variation will not be detrimental to the amenity of the locality as:</p> <p>(a) From Loftus Street the height of the development will appear as three storeys and as a result, this development aligns with the current and future character of the locality;</p> <p>(b) The fourth storey is setback 14.7 metres from the rear boundary, which reduces the perception of building bulk on the lower zoned neighbouring properties to the rear of the site;</p>

Issue/Design Element:	Building Height/Storeys
	<p>(c) The rear setback area will be planted with mature trees to screen the development from neighbouring properties to the rear.</p> <p>(d) Significant articulation has been incorporated into the design of the elevations to reduce the perceived height and visual impact; and</p> <p>(e) The development is fully compliant with the overshadowing and privacy requirements of the 2013 Residential Design Codes.</p>

Issue/Design Element:	Roof Forms
Requirement:	<p><b>Policy No. 7.2.1 – Residential Design Elements</b></p> <p>Roof pitch to be between 30-45 degrees.</p>
Applicant's Proposal:	Flat Roof
Design Principles:	<p><b>Policy No. 7.2.1 – Residential Design Elements</b></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"> <li>• It does not unduly increase the bulk of the building;</li> <li>• In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and</li> <li>• It does not cause undue overshadowing of adjacent properties and open space.</li> </ul>
Applicant's Justification:	<p><i>"The proposed building is simple, sculptured, includes visual relief and has scale and proportion. It will set a good design precedent for this section of Loftus Street as this area continues to develop."</i></p>
Officer Technical Comment:	<p>Loftus Street is in transition from low to medium density development. There is little consistency between older and newer developments and many newer developments approved on the street include flat roofs. As there is no established development form that needs to be preserved or protected along the street the proposed roof form is acceptable.</p>

Issue/Design Element:	Retaining Wall
Requirement:	<p><b>2013 Residential Design Codes Clause 6.3.7</b></p> <p>Maximum retaining wall height of 0.5 metres above natural ground level within 1 metre of a lot boundary.</p>
Applicant's Proposal:	Retaining wall height of 1.2 metres above natural ground level on the northern boundary.
Design Principles:	<p><b>2013 Residential Design Codes Clause 6.3.7</b></p> <p>P7 Retaining walls that result in land which can be effectively used for the benefits of residents and do not detrimentally affect adjoining properties and are designed, engineered and adequately landscaped having regard to clauses 6.3.6 and 6.4.1.</p>

Issue/Design Element:	Retaining Wall
Applicant's Justification:	<i>"The site falls West to East by approximately 3.0m. The proposed development takes advantage of the land fall to contain the car parking in a semi under-croft type scenario. The proposed retaining heights will have no adverse impact on the adjoining properties."</i>
Officer Technical Comment:	<p>The variation relates to a small section of retaining wall required where the pedestrian walkway and staircase is situated next to the bin store area along the northern lot boundary.</p> <p>This retaining wall is required to level off the pedestrian walkway and bin store area, which needs to be accessible to Loftus Street to ensure functional movement of bins from the bin store to the Loftus Street pick-up area.</p> <p>The proposed retaining wall abuts No. 174 Loftus Street. A development approval has recently been granted on this site for nine multiple dwellings and includes a driveway running along the common boundary between the properties. The retaining wall abuts the driveway on the adjoining property and therefore has no effect on the amenity of this neighbouring property.</p>

**CONSULTATION/ADVERTISING:**

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	26 June 2015 to 16 July 2015		
Comments Received:	One submission in support and 23 objections were received out of the 208 consultation letters sent to the local community.		

The single submission in support of the application states that the dwellings in the area are in need of a revamp and Loftus Street provides an ideal canvas for urban infill.

The table below discusses the issues raised during consultation.

Summary of Comments Received:	Officer Technical Comment:
<p><u>Building Height, Scale and Character</u></p> <p>Four storeys is too high and not in harmony with the surrounding area. The development should not be higher than three storeys.</p>	<p>The fourth storey of the development is 2.2 metres higher than the permitted building height and is located centrally on the site and will have no impact to the amenity of the properties to the rear of the site or the streetscape.</p>
<p><u>Streetscape and Character</u></p> <p>The height and scale is inconsistent with the streetscape and density of the area.</p> <p>The character and charm of the building styles in the area will be affected. The scale is out of character with the predominantly one storey dwellings in the area.</p>	<p>The height of the development appears as three storeys from Loftus Street, which is the permitted height for Loftus Street.</p> <p>Loftus Street is in transition with medium density infill developments being approved and constructed, which is consistent with Council's vision for locating higher density development along main arterial roads. As a consequence, the character of the established built form and streetscape is also changing.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><u>Number of Dwellings</u></p> <p>Eight dwellings is too many for the site and will set an unwanted precedent for the area.</p>	<p>The site is earmarked for medium density development, which can accommodate a density yield of eight dwellings provided the design is of a high quality and there are minimal impacts to the amenity of the streetscape and neighbouring properties.</p>
<p><u>Parking</u></p> <p>The development will increase parking problems that already exist due to other unit developments in the area.</p>	<p>The proposed development is fully compliant with the car parking requirements of the 2013 Residential Design Codes.</p>
<p><u>Noise</u></p> <p>Noise will increase leading to more aggression and complaints. Surrounding residents will be denied the quiet enjoyment of the homes.</p>	<p>It is recommended that a condition is imposed on the approval that requires an acoustic report be prepared, submitted and approved and that the measures recommended by the report are implemented.</p>
<p><u>Privacy and Overshadowing</u></p> <p>Privacy and overshadowing concerns will occur due to the height of the building.</p>	<p>The proposed development is fully compliant with the privacy and overshadowing requirements of the 2013 Residential Design Codes.</p>
<p><u>Property Value</u></p> <p>Surrounding property values will decrease.</p>	<p>The effect on property value is not a planning consideration.</p>
<p><u>Views and Outlook</u></p> <p>The building will disrupt views and outlook for surrounding properties.</p>	<p>Views and the outlook enjoyed by neighbouring properties are not planning considerations.</p>
<p><u>Open Space and Landscaping</u></p> <p>The development will leave little room for open space and landscaping.</p>	<p>The proposed development is fully compliant with the open space and landscaping requirements of the 2013 Residential Design Codes and Council Policy.</p>

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

**Design Advisory Committee (DAC):**

Referred to Design Advisory Committee: Yes

The proposal was considered by the City's DAC on three occasions – 1 April 2015, 20 May 2015 and 1 July 2015. Refer to **Attachment 3** for an extract of the minutes of the meetings.

The applicant engaged with the DAC process to achieve a superior design outcome.

The proposal has achieved Design Excellence.

**LEGAL/POLICY:**

The following legislation and policies apply:

- *Planning and Development Act 2005*;
- City of Vincent Town Planning Scheme No. 1;
- 2013 Residential Design Codes;
- Policy No. 7.1.6 – Smith’s Lake Precinct;
- Policy No. 7.2.1 – Residential Design Elements;
- Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings;
- Policy No. 7.5.11 – Exercise of Discretion for Development Guidelines; and
- Policy No. 7.6.2 – Heritage Management – Assessment.

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:

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

<b>SOCIAL</b>
The proposal allows for an increase in housing diversity and provides dwellings for smaller households within the City which are anticipated to grow and become a significant proportion of the households.

<b>ECONOMIC</b>
The construction of the building will provide short term employment opportunities.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

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**COMMENTS:**

The existing single home is considered not to have any heritage significance and demolition can therefore be supported.

The proposed development aligns with the City's vision of locating high density development along main arterial roads.

The proposal is consistent with other recently approved multiple dwelling developments on Loftus Street, in particular a development for nine multiple dwellings on the adjoining lot to the north at No. 174 Loftus Street, which was approved at the Ordinary Council Meeting on 5 May 2015 and included variations to the plot ratio, front setback, side setback, rear setback and car parking requirements.

The proposed scale and height is acceptable given that the proposal has received design excellence, provides extensive setbacks from the rear boundary and the building appears as three storeys from Loftus Street.

The breaking up of the building mass into three parts and the contrasting materials and colours of the elevations help to reduce the visual impact of the building's scale.

The landscaping provisions comply and include mature trees in the rear setback area that will soften the appearance and screen the development from the neighbouring single residential properties.

As the proposal has been awarded design excellence it will make a positive contribution to the streetscape of Loftus Street.

**CONCLUSION:**

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

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**9.1.5 Nos. 102 – 104 (Lot: 145 & 146 D/P: 1237) Grosvenor Road Cnr Hyde Street, Mount Lawley – Application for Eating House – Retrospective Approval**

<b>Ward:</b>	South	<b>Date:</b>	7 August 2015
<b>Precinct:</b>	Precinct 10 – Norfolk	<b>File Ref:</b>	PR21903; 5.2015.308.1
<b>Attachments:</b>	<a href="#">1</a> – Consultation Map <a href="#">2</a> – Development Application Plans		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Terni, Statutory Planning Officer		
<b>Responsible Officer:</b>	G Poezyn, Director Planning Services		

**OFFICER RECOMMENDATION:**

That Council, in accordance with the provision of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by G Anile, for the Application for Eating House – Retrospective Approval at Nos. 102 – 104 (Lot: 145 & 146 D/P 1237) Grosvenor Road Cnr Hyde Street, Mount Lawley as shown on plans stamp dated 8 July 2015, included as Attachment 2, subject to the following conditions:

1. **Use of the Premises**

The maximum number of patrons for the eating house at any one time shall be limited to 30 persons; and

2. **Building**

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

2.2 The windows, doors and adjacent floor area facing Grosvenor Road shall maintain an active and interactive frontage to this street with clear glazing provided; and

2.3 Any additional structures in relation to toilets, car parking or bin store, will require additional approval.

**ADVICE NOTE:**

- All signage that does not comply with the City's Policy No. 7.5.2 – Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Building Permit application, being submitted to and approved by the City prior to the erection of the signage.

**PURPOSE OF REPORT:**

For Council to consider the permanent use of the site as an Eating House.

**BACKGROUND:**

An approval was issued in August 2008 to use the premises as an eating house. In 2009, the City received an application to reconsider the conditions of the previous approval especially in relation to the operating hours of the business. Council resolved to allow flexibility in the opening hours by not limiting the hours but imposed a condition to limit the validity of the approval to 2 years.

The City and the applicant only recently became aware that the previous approval had lapsed. This application is for Retrospective Approval to enable the continuation of the existing Eating House use on a permanent basis.

The previous approval for the original change of use application resulted in a car parking shortfall of 3.59 bays for which a cash-in-lieu contribution of \$15,092 was payable. On 13 May 2009, Council resolved to delete the condition for cash-in-lieu for car parking from the planning approval.

The applicant has advised the City that the intensity of the use will remain as per the previous planning approval. No additional patrons are proposed and the hours of operation will remain unchanged.

**History:**

Date	Comment
26 August 2008	Council resolved to approve a Change of Use from Local Shop to Eating House and Associated Alterations (Application for Retrospective Approval)
28 April 2009	Council resolved to approve a Change of Use from Local Shop to Eating House and Associated Alterations (Reconsideration of Conditions)
13 May 2009	Council resolved to delete the condition for cash-in-lieu for car parking from the planning approval dated 28 April 2009

**Previous Reports to Council:**

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

**DETAILS:**

<b>Landowner:</b>	G Anile
<b>Applicant:</b>	G Anile
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R40 Draft Town Planning Scheme No. 2 (TPS2): Residential R40
<b>Existing Land Use:</b>	Eating House
<b>Use Class:</b>	"SA"
<b>Use Classification:</b>	Eating House
<b>Lot Area:</b>	598 square metres
<b>Right of Way:</b>	N/A
<b>Date of Application:</b>	8 July 2015

The application is to permit the permanent use of this site for an Eating House. The proposal relates to an "SA" use under the City's Town Planning Scheme No. 1.

The current application proposes the same intensity of use as the previous approval and therefore does not result in an increase in car parking requirements.

**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
Land Use		✓
Access & Parking	✓	
Bicycles	✓	

**Detailed Assessment**

**Acceptable Variation**

Issue/Design Element:	Use
Requirement:	<b>Town Planning Scheme No. 1</b>
Applicant's Proposal:	Eating House – "SA" use
Design Principles:	<p><b>Town Planning Scheme No. 1</b></p> <p><b>"Clause 6 – Objectives and Intentions</b></p> <p>3. <i>The general objectives of this Scheme are:</i></p> <p>(a) <i>to cater for the diversity of demands, interests and lifestyles by facilitating and encouraging the provision of a wide range of choices in housing, business, employment, education, leisure, transport and access opportunities;</i></p> <p><b>Clause 38 – Determination of Application – General Provisions</b></p> <p>"5. <i>Without limiting the scope of the Council's discretion to determine an application under subclause (3), the Council is to have regard to:</i></p> <p>(g) <i>the orderly and proper planning of the locality; and</i></p> <p>(h) <i>the conservation of the amenities of the locality."</i></p>
Summary of Applicant's Justification:	The premises have been approved and utilised as an Eating House since 2008 and are a vibrant meeting place for the surrounding community. According to the applicants, there have been no complaints received or issues observed during the operation of the eating house over the past 7 years. The applicant submitted an inspection report which was conducted by the City's Health Services on 24 June 2015 which confirms that the premises continues to be maintained to a high standard.
Officer Technical Comment:	<p>The existing use has operated on the subject site since 2008.</p> <p>Neighbours have previously identified that the tenants and patrons of the restaurant are considerate in relation to noise and parking. The City's Ranger Services only received one complaint (in 2012) in relation to inconsiderate parking of the tenant which was resolved. No further complaints have been received regarding the premises.</p>

Issue/Design Element:	Use
	The proposed continuation of the Eating House is supported as it is evident from the past seven years that the use has no negative impacts on neighbouring residential properties and the locality.

**CONSULTATION/ADVERTISING:**

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period:	27 July 2015 to 9 August 2015
Comments Received:	No submissions received.

**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; 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:

"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:

<b>ENVIRONMENTAL</b>
The adaptive re-use of the existing space has a lower environmental impact compared to the creation of a new building.

**SOCIAL**

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

**ECONOMIC**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

Since the establishment of the Eating House in 2008, the City has received only one complaint from an adjoining property owner/occupier. The City's Health Services Department confirmed there has never been any major issues with this operation to date.

The current application does not propose an intensification of the previous approval, there is no increase in car parking requirements and the existing car parking is compliant.

The applicant has referenced the operating hours in the application, it is recommended that the hours of operation remain unrestricted as per the previous approval given that no complaints have been received.

There have been no objections to the business during the community consultation period, it is recommended that the change of use approval is granted without any limitations on the period of validity.

**CONCLUSION:**

It is recommended that this proposal be approved subject to conditions that are identical to the previous Council approval.

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**9.1.6 No. 300 (Lot: 36 D/P: 1417) Bulwer Street, Perth – Proposed Construction of a Three-Storey Grouped Dwelling**

<b>Ward:</b>	South	<b>Date:</b>	7 August 2015
<b>Precinct:</b>	Precinct 12 – Hyde Park	<b>File Ref:</b>	PR19340; 5.2015.184.1
<b>Attachments:</b>	<a href="#">1</a> – Consultation Map <a href="#">2</a> – Development Application Plans <a href="#">3</a> – Marked up plans showing proposed versus required setbacks <a href="#">4</a> – Applicants Justification <a href="#">5</a> – Subdivision Approved Plan		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Groom – Statutory Planning Officer		
<b>Responsible Officer:</b>	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 Brewer Constructions Pty Ltd on behalf of the owner L R Swinfield and N D Jacobs, for the proposed Construction of a Three-Storey Grouped Dwelling at No. 300 (Lot 36) Bulwer Street, Perth as shown on plans date stamped 28 July 2015 and revised plan date stamped 5 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 (parapet) walls facing No. 298 Bulwer Street, in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork to the satisfaction of the City;

2. **Building Appearance**

All external fixtures shall be designed integrally with the development and shall not be visually obtrusive from Bulwer 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. **Stormwater**

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

4. **Verge Tree**

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

**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 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

3. A security bond for the sum of \$2,000, shall be lodged with the City by the applicant, prior to the issue of a building permit. This bond will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure in the Right of Way and the Verge along Bulwer Street, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the security bond shall be made in writing. The bond is non-transferable.

**PURPOSE OF REPORT:**

To consider the construction of a three-storey grouped dwelling.

**BACKGROUND:**

Nil.

**DETAILS:**

<b>Landowner:</b>	L R Swinfield and N D Jacobs
<b>Applicant:</b>	Brewer Constructions Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R50 Draft Town Planning Scheme No. 2 (TPS2): Residential R50
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	"P" Use
<b>Use Classification:</b>	Grouped Dwelling
<b>Lot Area:</b>	477 square metres (combined sites) – 227 square metres (rear lot)
<b>Right of Way:</b>	Not Applicable
<b>Date of Application:</b>	22 April 2015

The proposed development is for the construction of a three-storey grouped dwelling at the rear of the existing property at No. 300 Bulwer Street. The proposed dwelling contains a dining/living room and courtyard on the ground floor, two bedrooms on the first floor and a study on the top floor.

The original application (dated 22 April 2015 and advertised during the public consultation period) included a three-storey parapet wall on the boundary with No. 298 Bulwer Street and a flat roof design. Following the community consultation the applicant made changes to the plans including removing the third storey boundary wall from the boundary which reduced the height of this wall from 8.851 metres to 6.601 metres), but maintained the flat roof design. The proposal was subsequently further amended to create the current proposal (plans dated 28 July 2015) to include a pitch roof which partially contains the third level as a 'loft'.

The subject site is surrounded by a number of single storey dwellings which front Bulwer Street and have garages and carports located off Ioppolo Lane. Within the surrounding context of the site, a number of three-storey and two-storey properties with lofts have been developed. Many of these properties have been designed and built with two-storey parapet walls to make efficient use of the size of the lots.

Subdivision Approval was granted on 5 December 2014 subject to conditions. The approval includes the requirement to provide a pedestrian access way for the rear lot to Bulwer Street and a car parking bay for the existing front property accessible from the Right of Way. Due to these provisions the width of the rear block is reduced to 8.85 metres and has an unusual shape. The approved subdivision plan is contained within **Attachment 5**.

**ASSESSMENT:**

**Summary Assessment**

The table below summarises of the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1, the 2013 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	N/A	
Boundary Walls		✓
Building Setbacks		✓
Building Height & Storeys		✓
Roof Form		✓
Open Space	✓	
Privacy		✓
Access & Parking	✓	
Bicycles	✓	
Solar Access	✓	
Site Works	✓	
Essential Facilities	✓	
Surveillance	✓	

**Detailed Assessment**

**Acceptable Variations**

Issue/Design Element:	Street Setback
Requirement:	<p><b>Policy No. 7.2.1 – Residential Design Elements</b></p> <p>Porch – 1.5 metres</p> <p>Upper floor – 1 metre behind each portion of the ground floor setback which equates to a setback of 3 metres from Right of Way.</p>
Applicant's Proposal:	<p>Taken from the new boundary of the Right of Way after the 1 metre road widening has been taken.</p> <p>Porch – 0.9 metres (proposed variation of 0.6 metres).</p> <p>Upper floors – Walls – directly above ground floor which is setback 1.5 metres from the boundary (proposed variation of 1 metre from the ground floor or 0.8 metres from Right of Way).</p>
Design Principles:	<p>SPC 9</p> <p>(ii) The minimum width of a Right of Way is to be 6 metres, in accordance with the Western Australian Planning Commission's Policy DC 2.6 – 'Residential Road Planning'. However, there are a number of Right of Ways within the Town that are less than 6 metres wide. Where this is the case, the minimum manoeuvring distance of 6 metres still needs to be met.</p>

Issue/Design Element:	Street Setback
Applicant's Justification:	<p><i>"The R-Codes for R50 allows for primary street setback 2.00m and secondary street setback 1.00m therefore the setback of 1.90m to the R.O.W is not unreasonable, it is consistent with the established pattern of setbacks in Town of Vincent i.e. 264a Bulwer Street, 1a Primrose St, 136a Glendower Street. The width of the block is very narrow at 8.85m on the R.O.W, the design is to optimise comfortable living also providing adequate sunlight and ventilation to the rear living courtyard. There is NO impact on adjoining property.</i></p> <p><i>The upper floor is actually setback 300mm from lower garage and complies with performance criteria. The overall design and style of the proposed development is modern and contemporary with minor geometric intrusions with various finishes, consistent with a progressive developing Perth. To achieve the style and maximum living space the walls need to be above one another although the corbelled intrusions create visual breaks".</i></p>
Officer Technical Comment:	<p><u>Ground floor:</u></p> <p>The required setback from the Right of Way to the building line (excluding garage) of the ground floor is 2 metres. The portico is permitted to encroach into this area by 0.5 metres. As the entry of the dwelling is located more than 3.2 metres from the Right of Way after the road widening has been taken this setback complies.</p> <p>The applicant references a setback of 1.9 metres to the Right of Way. However this amount has not taken the one metre Right of Way widening into consideration. The setback from the Right of Way to the front of the porch of the new development will ultimately be 0.9 metres and is a setback variation. This variation is considered to be minor at 0.6 metres and is considered acceptable for the following reasons:</p> <p>There is very little 'streetscape' in loppolo Lane as the proposed development is the first property facing the Right of Way. Nearby developments facing Bulwer Street and Glendower Street use the Right of Way to access their parking areas.</p> <p>Many of the old garages along the Right of Way are built up to the boundary with the Right of Way. The proposed 0.9 metre setback increases the setback to the Right of Way in comparison to that of the surrounding properties. This proposed setback is consistent with the future Right of Way widening requirements.</p> <p><u>Upper floor:</u></p> <p>The applicant has referenced a 300mm setback to the ground floor. This 300mm setback is only evident in a small portion of the walk in robe on the upper floor with the remainder of the floor being located directly above the ground floor and comprising the variation. This variation is acceptable for the following reasons:</p>

<b>Issue/Design Element:</b>	<b>Street Setback</b>
	<p>The design is consistent with the design of the contemporary properties within close proximity to the proposed development (Bulwer Street and Glendower Street).</p> <p>The design has incorporated varying articulation along with different materials and finishes such as polished concrete and obscure glazing to break up its appearance.</p>
<b>Issue/Design Element:</b>	<b>Boundary Walls</b>
Requirement:	<p><b>2013 Residential Design Codes Clause 5.1.3</b></p> <p><b>Walls on the boundary:</b> Maximum height of 3.5 metres Average height of 3 metres One side only</p>
Applicant's Proposal:	<p><b>Walls on the boundary</b> Two walls on the boundary: Eastern and Southern boundary <b>Southern Boundary:</b> Maximum and average height of 3.5 metres (proposed variation of 0.4 metres) <b>Eastern Boundary:</b> Maximum height and average height of 6.465 metres (proposed variation of 2.965 metres).</p>
Design Principles:	<p>P3.1 Buildings set back from lot boundaries so as to:</p> <ul style="list-style-type: none"> <li>• reduce impacts of building bulk on adjoining properties;</li> <li>• provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</li> <li>• minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</li> </ul> <p>P3.2 Buildings built up to boundaries (other than the street boundary) where this:</p> <ul style="list-style-type: none"> <li>• makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;</li> <li>• does not compromise the design principle contained in clause 5.1.3 P3.1;</li> <li>• does not have any adverse impact on the amenity of the adjoining property;</li> <li>• ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and</li> <li>• positively contributes to the prevailing development context and streetscape.</li> </ul>
Applicant's Justification:	<p><i>"The R-Codes for R50 allows for zero lot setback where it improves the privacy for design and adjoining lots, is consistent with the local area and does not have an impact on adjoining properties. East boundary is necessary to make most effective use of space on a narrow 10.8m lot, provide comfortable and optimise living while also providing adequate sunlight and ventilation to the rear living courtyard on a narrow block".</i></p>

Issue/Design Element:	Boundary Walls
Officer Technical Comment:	<p>The area is characterised by terrace style homes and grouped dwellings with shared boundary walls. The setback variations from boundaries and the walls on the southern and eastern boundary are consistent with the intensity of the surrounding area particularly given that the average width of the surrounding blocks is narrow at 10 metres (Glendower Street, Lake Street and Primrose Street).</p> <p>Walls on the boundary:  <u>Southern Boundary Wall:</u>            Although the southern boundary wall is considered the “as of right” boundary wall its proposed height includes a variation of 400mm as its proposed height exceeds the permitted average height by 400mm. The variation only affects the adjoining existing single storey dwelling located on the front portion of this grouped dwelling site, which is setback 2.8 metres, this variation is considered to be acceptable.</p> <p><u>Eastern Boundary Wall:</u>            The proposed wall on the eastern boundary is a significant variation because it is an additional boundary wall and it exceeds the permitted average height for boundary walls by 3.61 metres.</p> <p>This wall accommodates the double-storey component of the development.</p> <p>The variation is acceptable as it has no overshadowing implications, there have been no objections from the affected neighbour and it will continue the trend of the locality for boundary to boundary development in Ippolo Lane.</p>

Issue/Design Element:	Building Setbacks
Requirement:	<p><b>2013 Residential Design Codes Clause 5.1.3</b></p> <p><b>Boundary Setbacks</b></p> <p><b>South</b>            Ground Floor – 1 metre            First Floor – 2.8 metres</p> <p><b>East</b>            Ground floor – 1.5 metres            First Floor – 1.8 metres            Second Floor – 1.4 metres</p>
Applicant’s Proposal:	<p><b>Boundary Setback</b></p> <p><b>South</b>            Ground Floor – Nil (proposed variation of 1 metre)            First Floor – 1.5 metres (proposed variation of 1.3 metres)</p> <p><b>East</b>            Ground Floor – Nil (Proposed variation of 1.5 metres)            First Floor – Nil (proposed variation of 1.8 metres)            Second Floor – 1.04 metres (proposed variation of 0.36 metres)</p>

Issue/Design Element:	Building Setbacks
Design Principles:	<p>P3.1 Buildings set back from lot boundaries so as to:</p> <ul style="list-style-type: none"> <li>• reduce impacts of building bulk on adjoining properties;</li> <li>• provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</li> <li>• minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</li> </ul> <p>P3.2 Buildings built up to boundaries (other than the street boundary) where this:</p> <ul style="list-style-type: none"> <li>• makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;</li> <li>• does not compromise the design principle contained in clause 5.1.3 P3.1;</li> <li>• does not have any adverse impact on the amenity of the adjoining property;</li> <li>• ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and</li> <li>• positively contributes to the prevailing development context and streetscape.</li> </ul>
Applicant's Justification:	<p><i>"The R-Codes for R50 allows for zero lot setback where it improves the privacy for design and adjoining lots, is consistent with the local area and does not have an impact on adjoining properties. East boundary is necessary to make most effective use of space on a narrow 10.8m lot, provide comfortable and optimise living while also providing adequate sunlight and ventilation to the rear living courtyard on a narrow block".</i></p>
Officer Technical Comment:	<p>Setback Variations:</p> <p><u>South:</u> The setback variations in relation to the southern boundary affects the existing single storey dwelling located on the front portion of this grouped dwelling site, which is setback 2.8 metres from the new boundary. Given this existing setback the proposed variation as a result of the proposed wall on the boundary will not interfere with access to sunlight and ventilation for either properties and is therefore acceptable.</p> <p><u>East:</u> There are three setback variations along this boundary. The variation for the ground and first floor is as a result of the proposed wall on the boundary and there is a setback to the upper floor. This setback has come about in order to accommodate the stairwell on the two lower floors. The variation is minor and has no negative impact on the adjoining neighbour and is therefore supported.</p>

Issue/Design Element:	Building Height and Building Storeys
Requirement:	<p><b>Policy No. 7.2.1 – Residential Design Elements Clause BDADC 5</b></p> <p>Two Storeys plus loft Maximum height of wall (roof above) – 6 metres Maximum height for pitched roof – 9 metres</p>

<b>Issue/Design Element:</b>	<b>Building Height and Building Storeys</b>
Applicant's Proposal:	Three-Storeys Maximum height of wall (roof above) – 7.7 metres (proposed variation of 1.7 metres) Maximum height of pitched roof – 8.8 metres (no variation proposed)
Design Principles:	<b>BDPC 5</b> (i) Building height is to be considered to: <ul style="list-style-type: none"> <li>• Limit the height of dwellings so that no individual dwelling dominates the streetscape;</li> <li>• Limit the extent of overshadowing and visual intrusion on the private space of neighbouring properties; and</li> <li>• Maintain the character and integrity of the existing streetscape.</li> </ul>
Applicant's Justification:	<i>"Based on performance criteria the proposed design is an acceptable development. Dwelling is consistent with streetscape, has minimal overshadowing to adjoining lot, loft has been changed to 3<sup>rd</sup> level but staying within the overall height as per table 3 of 9m-12m. This is also similar to 264a Bulwer Street."</i>
Officer Technical Comment:	<p>In its current form the proposal presents as a three storey dwelling to Bulwer Street and two storeys to the lane with the only variation proposed to height being in regard to the proposed wall height which is only visible from the properties either side of the development.</p> <p>This increased wall height and the skillion design of the roof enables the third level to be effectively tucked away as a loft. Although this design has resulted in an additional 1.7 metre wall height (when measured from the side elevations) this is acceptable as this space could alternatively have been roof space.</p> <p>The loft design and the inclusion of windows on the southern elevation ensures that sufficient light and ventilation is available to the loft floor.</p> <p>The proposed design is innovative as it complies in overall height and yet makes efficient use of all available space through the unique design of the roof which allows for the loft addition.</p> <p>Additionally the proposed development retains the existing streetscape appearance of Bulwer Street through the retention of the existing building and sets a new tone for loppolo Lane and recognises the modern features of the surrounding residential properties.</p> <p>The proposal also complies with the overshadowing provisions of the 2013 Residential Design Codes.</p>
<b>Issue/Design Element:</b>	<b>Roof Forms</b>
Requirement:	<b>Policy No. 7.2.1 – Residential Design Elements</b>  The use of roof pitches between 30 degrees and 45 degrees (inclusive) being encouraged.
Applicant's Proposal:	10 degrees and 30 degrees

<b>Issue/Design Element:</b>	<b>Roof Forms</b>
Design Principles:	<p>BDPC 3</p> <p>(i) The roof of a building is to be designed so that:</p> <ul style="list-style-type: none"> <li>• It does not unduly increase the bulk of the building;</li> <li>• In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and</li> <li>• It does not cause undue overshadowing of adjacent properties and open space.</li> </ul>
Applicant's Justification:	<p><i>"The roof design is 3.5 degree pitch which is consistent with existing developments i.e. exactly like 1a Primrose Street, 3 Glendower Street, 136A Bulwer Street. Bulk is reduced and it complements the emerging streetscape and creates no overshadowing".</i></p>
Officer Technical Comment:	<p>Bulwer Street has recently seen a transition from older housing stock to contemporary additions and new modern dwellings, and is characterised by a variety of roof forms.</p> <p>The proposed roof form not only allows for effective use of space, but also relates to the built form in the locality.</p> <p>The proposed variation to the roof form is therefore considered to be acceptable.</p>

<b>Issue/Design Element:</b>	<b>Street Surveillance</b>
Requirement:	<p><b>Policy No. 7.2.1 – Residential Design Elements</b></p> <p>At least one major opening to a habitable room facing the street and Right of Way, on the ground and upper floors.</p>
Applicant's Proposal:	<p>No major opening provided. Entry and Garage only.</p>
Design Principles:	<p>SPC 12 Surveillance</p> <p>(a) The design of a development is to facilitate passive surveillance by:</p> <ul style="list-style-type: none"> <li>• Ensuring clear sight lines to the public realm from adjacent buildings;</li> <li>• Lighting primary pedestrian routes into and out of a property/dwelling;</li> <li>• Ensuring that site level changes on a property do not result in the obscuring of public places;</li> <li>• Street walls and fences being visually permeable; and</li> <li>• At least one major opening window to a habitable room facing the street and Right of Way (where practical), on the ground and upper floors.</li> </ul> <p>(b) Access Control and Target Hardening The design of a development is to facilitate access control by:</p> <ul style="list-style-type: none"> <li>• Providing secure access against offenders with gates and such defining structures; and</li> <li>• Integrating security screens and bars to windows as design elements and not as afterthoughts.</li> </ul>

Issue/Design Element:	Street Surveillance
Applicant's Justification:	<i>"The width of the lot facing the R.O.W is 8.5m which does not allow space for a habitable room once you have 6.0m for the garage (providing sensible parking) and 2m for entry therefore not practical. The entry sidelight has been increase and the screen wall has glass panels. The screen walls are to provide secure access against offenders with a gate, as the street front is a R.O.W and is consistent with neighbouring streetscape".</i>
Officer Technical Comment:	Due to the width of the lot and the requirement to provide car parking for both the front dwelling and the proposed development, the ability to provide visual surveillance to loppolo Lane on the ground floor has been restricted. In order to still provide passive surveillance onto the lane, Bed 2 on the first floor incorporates a large window that has clear sight lines along the Lane.

Issue/Design Element:	Visual Privacy
Requirement:	<b>2013 Residential Design Codes Clause 5.4.1 C1.1</b>  Visual Privacy – Bedrooms – 4.5 metres
Applicant's Proposal:	Bed 2 – 1.2 metre in lieu of 4.5 metres to No. 298 Bulwer Street (proposed variation of 3.3 metres)
Design Principles:	<p>P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:</p> <ul style="list-style-type: none"> <li>• building layout and location;</li> <li>• design of major openings;</li> <li>• landscape screening of outdoor active habitable spaces; and/or</li> <li>• location of screening devices.</li> </ul> <p>P1.2 Maximum visual privacy to side and rear boundaries through measures such as:</p> <ul style="list-style-type: none"> <li>• offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;</li> <li>• building to the boundary where appropriate;</li> <li>• setting back the first floor from the side boundary;</li> <li>• providing higher or opaque and fixed windows; and/or</li> <li>• screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).</li> </ul>
Applicant's Justification:	<i>"Bed 2 overlooking adjoining No. 298, the cone of vision as indicated on upper floor plan is very minimal, 3.2sqm in the very far corner not overlooking adjoining outdoor area. To compromise the light and ventilation for bed 2 is not practical and has no adverse effect on neighbours".</i>
Officer Technical Comment:	The overlooking currently affects a small corner of the extensive rear yard of the adjoining property to the east and an area devoted to future Right of Way widening. The variation is minor and will therefore not have an impact on the adjoining property in its current form or if it was developed at a later date as this area would become the front yard of any new dwelling which is visible from the Right of Way in any event.

**CONSULTATION/ADVERTISING:**

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	14 May 2015 to 27 May 2015.		
Comments Received:	Three objections were received during the community consultation process.		

Since the community consultation, several changes have been made to the plans including the reduction in the boundary wall height between the development and No. 298 Bulwer Street and the change to the roof pitch. These plans were not readvertised as they respond to the concerns raised.

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

Summary of Comments Received:	Officer Technical Comment:
<p><u>Privacy:</u></p> <p><i>"The laneway is too long and the width is too narrow at 3m thus any tall building breaches my privacy".</i></p>	<p>Overlooking only occurs partially to the adjoining property at No. 298 Bulwer Street. This overlooking falls across a rear corner portion of the site and there has been no objection from the affected property owner.</p> <p>All other privacy requirements of the 2013 Residential Design Codes have been met.</p>
<p><u>Height:</u></p> <p><i>"This is too high. No other building in this area is this high".</i></p> <p><i>"Building bulk will be overwhelming in context".</i></p>	<p>New development within this area is characterised by three-storey development.</p> <p>Given the zoning of the sites and the restriction of Multiple dwellings, new development is likely to occur in this pattern.</p> <p>The design of the development incorporates varying articulation and openings along all elevations to minimise any appearance of building bulk.</p>
<p><u>Streetscape:</u></p> <p><i>"The proposed building will not complement the existing streetscape character".</i></p> <p><i>"The building is the only building of its scale in the immediate vicinity and will dominate the streetscape on that side of the street. The proposed building looks like nothing in the immediate vicinity and therefore will not maintain the character and integrity of the existing streetscape on that side of the street. It will visually intrude on the private space of this property and other neighbouring properties".</i></p>	<p>The proposed dwelling is located at the rear of an existing property. The proposal will not have any adverse impact on the existing streetscapes of Bulwer Street and Glendower Street.</p> <p>The streetscape of Ippolo Lane is currently garages and carports with solid roller doors and no setbacks.</p> <p>The design of the proposed property is consistent with the newer contemporary designed properties and rear additions to existing dwellings located along Lake Street, Glendower Street and Primrose Street.</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;
- 2013 Residential Design Codes;
- Policy No. 7.1.10 – Hyde Park Precinct; and
- Policy No. 7.2.1 – Residential Design Elements.

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

**RISK MANAGEMENT IMPLICATIONS:**

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

<b>ENVIRONMENTAL</b>
The development will assist in offsetting urban sprawl and the associated negative impacts.

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

<b>ECONOMIC</b>
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.

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**COMMENTS:**

In the context of the area the variations to street setback to the Right of Way, building setbacks, roof form, visual privacy and street surveillance are considered acceptable. The boundary wall variations, while significant can be supported as they reflect the existing trend of on the boundary development within the area.

No comments were received from either of the adjoining properties.

Concern was raised regarding the building height and storeys during the community consultation process. Several amendments have since been made to the plans to address these concerns including the reduction in height of the boundary wall and changes to the roof pitch which now allows for the loft to be contained within the roof space. As a result of these amendments the proposal responds more appropriately to the existing locality and is acceptable.

Whilst there are several examples of three-storey developments along Bulwer Street, Glendower Street and Lake Street, this proposal more closely represents a two-storey development with loft which relates sensitively to the future streetscape of Bulwer Street and Ioppolo Lane.

**CONCLUSION:**

It is therefore recommended that the proposal is approved.

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**9.1.7 No. 7A (Lot: 1 D/P: STR: 59480) Throssell Street, Perth – Proposed Two Grouped Dwellings**

<b>Ward:</b>	South	<b>Date:</b>	7 August 2015
<b>Precinct:</b>	Precinct 12 – Hyde Park	<b>File Ref:</b>	PR4170; 5.2014.423.1
<b>Attachments:</b>	<a href="#">1</a> – Consultation Map <a href="#">2</a> – Development Application Plans <a href="#">3</a> – Applicant’s Justification <a href="#">4</a> – Marked up plans showing proposed versus required setbacks		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	P Stuart, Statutory Planning Officer		
<b>Responsible Officer:</b>	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, REFUSES the application submitted by Bruce Arnold Architect on behalf of the owner P A Burns, for the proposed Two Grouped Dwellings at No. 7A (Lot: 1, D/P: STR59480) Throssell Street, Perth as shown on revised plans date stamped 4 May 2015, included as Attachment 2, for the following reasons:

1. The proposal does not satisfy Clause 40(3)(i) and (ii) of Town Planning Scheme No.1 as the development does not comply with the development standards expected of the locality; and
2. The development is contrary to the orderly and proper planning of the locality both within its current and future context for the following reasons:
  - 2.1 The development does not satisfy the Deemed to Comply Provisions and Design Principles of Clause 6.1.1 of the Residential Design Codes 2013 and Clause SADC9 and SPC9 of Policy No. 7.2.1 – Residential Design Elements relating to the bulk and scale indicated in the local planning framework as:
    - 2.1.1 The proposal is inconsistent with the existing or future desired built form of the locality in relation to bulk, scale and height; and
    - 2.1.2 The bulk and scale of the development in relation to its surroundings negatively affects the amenity of the neighbouring properties and the streetscape;
  - 2.2 The development does not comply with Policies Clause BDADC5 and BDPC5 of the City’s Policy No. 7.2.1 – Residential Design Elements relating to Building Height as the proposed building height is excessive in terms of bulk and scale onto the predominantly single storey residential area.

**PURPOSE OF REPORT:**

To consider an application to construct two, three storey grouped dwellings on an existing lot.

**BACKGROUND:**

**History:**

Date	Comment
22 April 2008	An application for the proposed partial demolition of and alterations and additions to an existing single house, and the construction of a three storey single house is withdrawn from the Ordinary Council Meeting of 22 April 2008 at the request of the applicant.
27 May 2008	Council resolves to approve the partial demolition of and additions and alterations to an existing home, and the construction of a three storey single dwelling at the rear of the property. The alterations to the existing home are completed, but the construction the three storey building is not commenced.
5 November 2008	The original parent lot is subdivided according to the approved plans of 27 May 2008.
19 April 2008	The City confirmed that Council approval of 27 May 2008 has been substantially commenced despite not undertaking any works to construct the three storey building.
27 January 2015	Although adopted by Council in June 2014, the site was formally recoded from R80 to R50 as part of the gazettal of Scheme Amendment 37.
June/July 2015	Administration intended to have this matter considered at the Ordinary Council Meeting of 30 June 2015. The applicant however requested that the matter not be considered at the June or July 2015 Council Meetings.

**Previous Reports to Council:**

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

**DETAILS:**

<b>Landowner:</b>	P A Burns
<b>Applicant:</b>	Bruce Arnold Architect
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R50 Draft Town Planning Scheme No. 2 (TPS2): Residential R50
<b>Existing Land Use:</b>	Vacant Rear Lots
<b>Use Class:</b>	Grouped Dwellings
<b>Use Classification:</b>	'P'
<b>Lot Area:</b>	Effective development area: 243 square metres; Development site including 12.5 square metres of common property access leg (lot 3) totals 255.5 square metres.
<b>Right of Way:</b>	Located at the rear of the lot; five metres wide (additional 0.5 metres ceded as part of subdivision).
<b>Date of Application:</b>	1 August 2014

The proposal is for the construction of two grouped dwellings each three storeys in height on an existing Strata Lot 1. The dwellings will have views onto Hyde Park from the upper levels.

The development site adjoins an existing single storey home on the front portion of the original lot which was improved as part of the works associated with the approval granted in May 2008.

The proposed three storey terrace homes each have two bedrooms on the top floor, with main living areas on the first floor. The homes differ from one-another at ground level where unit one on the northern side contains a study room and a gym. Unit two contains a third bedroom and additional washroom amenities. While the laundries are on the ground floor, the drying areas are proposed outside the respective kitchens on the first floor. In this way the design meets the minimum open space requirements for each dwelling.

Since advertising, the City has received three revisions of the proposal, which included reducing the impacts of the proposed building bulk. The received dates of the revisions are 20 November 2014, 4 February 2015 and 4 May 2015.

**ASSESSMENT:**

**Summary Assessment**

The table below summaries the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1, the 2013 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		✓
Streetscape (ROW)		✓
Front Setback	N/A	
Front Fence	✓	
Boundary Wall		✓
Building Setbacks		✓
Building Height & Storeys		✓
Roof Form		✓
Open Space	✓	
Privacy		✓
Access & Parking	✓	
Bicycles	✓	
Solar Access	✓	
Site Works	✓	
Essential Facilities	✓	
Surveillance	✓	

**Detailed Assessment**

**Acceptable Variations**

Issue/Design Element:	Density
Requirement:	R50 – an average site are of 180 square metres and a minimum 160 square metres.
Applicant's Proposal:	Average site area of 120 square metres and a minimum site area of 100 square metres.
Town Planning Scheme No.1 Clause 20 (2)	Subject to compliance with the procedures set out in the Residential Planning Codes for notifying affected owners and occupiers, Council may grant an increase in the permitted dwelling density by up to 50% if: (a) the proposed development effects the discontinuance of a non-conforming use; or (b) the proposed development conserves or enhances an existing dwelling or existing dwellings worthy of retention; or

Issue/Design Element:	Density
	(c) the proposed development would remove all existing vehicular access to and from the site from a road shown on the functional road hierarchy map as a primary distributor or district distributor (A).
Applicant's Justification:	<p><i>"In August 2013, the Residential Design Codes were amended to allow subdivision of grouped dwellings at R80 standards, rather than at R60. In 2014, application was made in accordance with these standards for two new dwellings. During the assessment process the density was revised to R50, however the application had surpassed the 90 days deemed refusal period.</i></p> <p><i>Notwithstanding, Clause 20(2) allows up to 50% bonus density which can be applied in this instance as the existing dwelling at No. 7 Throssell Street is of heritage value."</i></p>
Officer Technical Comment:	<p>The applicant is seeking discretion to allow the additional density on the rear strata in accordance with Clause 20(2) of Town Planning Scheme No. 1 (TPS1) which permits a density bonus of up to 50% where an existing home worthy of retention is retained or enhanced by the development.</p> <p>The existing dwelling at No. 7 Throssell Street is not heritage listed however the clause simply relates to the enhancement of an existing dwelling worthy of retention. The existing dwelling satisfies this clause through the upgrades completed in 2008. Therefore the density bonus applies.</p> <p>In this regard, the proposal achieves the acceptable density and as such is considered to be acceptable.</p>

Issue/Design Element:	Roof Forms
Requirement:	<p><b>Policy No. 7.2.1 – Residential Design Elements</b></p> <p>The use of roof pitches between 30 degrees and 45 degrees (inclusive) being encouraged.</p>
Applicant's Proposal:	Flat roof.
Design Principles:	<p>BDPC 3</p> <p>(i) The roof of a building is to be designed so that:</p> <ul style="list-style-type: none"> <li>• It does not unduly increase the bulk of the building;</li> <li>• In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and</li> <li>• It does not cause undue overshadowing of adjacent properties and open space.</li> </ul>
Summary of Applicant's Justification:	Nil.
Officer Technical Comment:	A flat roof is considered acceptable as it aligns with the contemporary design of the proposed development and compliments other development in the area.

**Unacceptable Variations**

<b>Issue/Design Element:</b>	<b>Streetscape</b>
Requirement:	<b>Policy No. 7.2.1 – Residential Design Elements</b>  Acceptable development criteria clause SADC9 provides that balconies on upper floors are to be set back a minimum of 2.5 metres from the boundary.
Applicant's Proposal:	House 1 and 2: Upper floor balcony set 0.5 metres from boundary (variation of 2 metres in each instance).
Design Principles:	The setback is to be compatible and consistent with the established pattern of setbacks presenting to the Right of Way.
Summary of Applicant's Justification:	No justification has been provided for variation.
Officer Technical Comment:	The massing of three storeys with reduced setbacks to the ROW is not consistent or compatible with the current established pattern of setbacks presenting to this ROW. The intrusion of the balconies into the setback area creates a massing effect, which towers over the two storey buildings fronting the ROW opposite the subject site. This massing effect causes a significant impact in terms of building bulk onto the ROW.  This variation is therefore not acceptable.

<b>Issue/Design Element:</b>	<b>Boundary Wall</b>
Requirement:	<b>2013 Residential Design Codes Clause 5.1.3 C3.2</b>  Walls located behind the street setback as follows: <ul style="list-style-type: none"> <li>• max height of 3.5 metres;</li> <li>• average height of 3 metres;</li> <li>• maximum 2/3 of the length of the boundary which equates to 26.82 metres for both boundaries; and</li> <li>• to one boundary wall only or otherwise where matching an existing wall of similar dimensions.</li> </ul>
Applicant's Proposal:	Walls with 'nil' setbacks on two sides, as follows:  Northern side wall (to Unit 1): <ul style="list-style-type: none"> <li>• maximum height 4.6 metres;</li> <li>• average height 3.6 metres;</li> </ul> (variation is in relation to the portion of wall that extends beyond the existing wall on the boundary by approximately 1.9 metres)  Southern side boundary walls (to Unit 2) Bedroom 3 <ul style="list-style-type: none"> <li>• maximum height 3.8 metres;</li> <li>• average height 3.7 metres;</li> </ul> (variation is in relation to the portion of wall that extends beyond the existing wall on the boundary by approximately 800mm)  Garage <ul style="list-style-type: none"> <li>• maximum height 4.7 metres</li> <li>• average height 4.55 metres</li> </ul> (variation is in relation to the portion of the wall that extends beyond the existing wall on the boundary by approximately 1.5 metres in height).

Issue/Design Element:	Boundary Wall
Design Principles:	<p>Buildings built up to boundaries (other than the street boundary) where this:</p> <ul style="list-style-type: none"> <li>• makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;</li> <li>• does not compromise the design principle contained in clause 5.1.3 P3.1;</li> <li>• does not have any adverse impact on the amenity of the adjoining property;</li> <li>• ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and</li> <li>• Positively contributes to the prevailing development context and streetscape.</li> </ul>
Applicant's Justification:	<p><i>"The extent of boundary walls has been (reduced to match) 'existing boundary walls', with the exception of 1.0 metre of the Unit 2 bedroom 3 wall. The portion of the Bed 3 boundary wall extending past the adjoining properties is considered to adjoin a wall of 'similar' dimension and satisfies the intent of the deemed-to-comply provisions of Clause 5.1.4 of the R-Codes."</i></p>
Officer Technical Comment:	<p>In addition to the internal separation walls, the proposal includes walls on the both the northern and southern side boundaries. Both walls are permissible up to the height where they adjoin an existing wall on the boundary as well as to in accordance with the requirements of the 2013 Residential Design Codes to a maximum height of 3.5 metres and an average height of 3 metres on one side boundary only.</p> <p>In this instance the wall on the southern is considered to be the as of right boundary wall and the variations exists where the wall extends beyond the permitted parameters.</p> <p>Northern Boundary:</p> <p>The 1.9 metre height of the wall that extends beyond the height of the existing boundary wall is a variation. This variation adds to the overall building bulk. The visual impacts of this high wall extending above and beyond an existing wall on the boundary is overbearing and adds to the overall building bulk of this development.</p> <p>Southern Boundary:</p> <p>The variations to the southern boundary are in relation to</p> <ul style="list-style-type: none"> <li>• the height of the garage parapet wall that extends beyond the height of the wall of the adjoining property on the boundary; and</li> <li>• the additional wall height of the parapet wall for bedroom 3.</li> </ul> <p>The excessive height of the bedroom 3 boundary wall that protrudes beyond the existing boundary wall in front of the neighbouring dwelling removes access to sunlight for the outdoor living area of the southern adjoining property.</p> <p>Overall both variations to the walls on the boundary on the southern side contribute to the building bulk of this development.</p>

Issue/Design Element:	Building Setbacks
Requirement:	<p><b>2013 Residential Design Codes Clause 5.1.3</b></p> <p>Unit 1 – Northern Elevation:</p> <ul style="list-style-type: none"> <li>• Ground floor portion of wall containing study, bathroom and gym (whole wall) – minimum setback: 1.5 metres from boundary;</li> <li>• First floor wall containing terrace to dining room – minimum setback 2.1 metres;</li> <li>• First floor wall containing the kitchen (whole wall) - minimum 2.2 metres; and</li> <li>• Second floor wall containing bedroom 2 (whole wall) – minimum 2.5 metres.</li> </ul> <p>Unit 2 – Southern Elevation:</p> <ul style="list-style-type: none"> <li>• First floor containing kitchen to terrace set back a minimum 1.8 metres;</li> <li>• Second floor containing Bedroom 1 to ensuite 2 set back a minimum 1.8 metres; and</li> <li>• Second floor containing Bedroom 2 (whole wall) set back a minimum 2.4 metres.</li> </ul>
Applicant’s Proposal:	<p>Unit 1 – Northern Elevation:</p> <ul style="list-style-type: none"> <li>• Ground floor portion of wall containing study, bathroom and gym (whole wall) set back a minimum 1 metre from boundary (variation of 0.5 metres);</li> <li>• First floor wall containing terrace to dining room set back a minimum 1.5 metres (variation of 0.7 metres);</li> <li>• First floor wall containing the kitchen (whole wall) set back a minimum 2.0 metres (variation of 0.2 metres); and</li> <li>• Second floor wall containing bedroom 2 (whole wall) set back a minimum 2.2 metres (variation of 0.3 metres).</li> </ul> <p>Unit 2 – Southern Side:</p> <ul style="list-style-type: none"> <li>• First floor containing kitchen to terrace set back a minimum 1.5 metres (variation of 0.3 metres);</li> <li>• Second floor containing Bedroom 1 to ensuite 2 set back a minimum 1.5 metres (variation of 0.3 metres); and</li> <li>• Second floor containing Bedroom 2 (whole wall) set back a minimum 2.2 metres (variation of 0.2 metres).</li> </ul>
Design Principles:	<p>Buildings set back from lot boundaries so as to:</p> <ul style="list-style-type: none"> <li>• Reduce impacts of building bulk on adjoining properties;</li> <li>• Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</li> <li>• Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</li> </ul>
Applicant’s Justification:	<p><i>“The design has minimised the impacts of building bulk by progressively increasing the setbacks as the walls increase in height and through both dwellings exceeding the minimum open space requirements;</i></p> <p><i>Through the use of varying external cladding and varying building lines the visual bulk of the dwellings become dispersed;</i></p>

<b>Issue/Design Element:</b>	<b>Building Setbacks</b>
	<p><i>The reduced setbacks are not considered to materially impact on direct sun given that the southern dwelling complies with the minimum overshadowing requirements;</i></p> <p><i>The breaks in the ground floor boundary walls and upper floor setbacks provide sufficient open space around the subject buildings and adjoining properties for natural ventilation to occur; and</i></p> <p><i>All side windows are proposed to be (high-level) windows maintaining privacy to the adjoining properties.”</i></p>
Officer Technical Comment:	<p>Northern elevation:</p> <p>Although each variation is relatively minor, the cumulative effect of the variations on the northern side have an adverse impact in terms of building bulk as a result of the sheer wall height. Whilst there will be no adverse effect on access to sunlight and ventilation on the northern adjoining property, the three storeys are imposing.</p> <p>As the setback variation fails to meet the design principles relating to building bulk it cannot be supported.</p> <p>Southern Elevation:</p> <p>Similarly to the northern elevation, it is the cumulative effect of the variations which create an adverse impact. The location of the walls on the southern side contribute to the loss of sunlight onto the outdoor living area of the south-eastern adjoining property and contribute also to the adverse building bulk, which is caused primarily by the presence of the additional third storey. The 8.5 metre high walls are imposing, which is exacerbated by the undulation of the land. The applicant has attempted to minimise these impacts by using different materials, however the overall size of the building results in an adverse impact for the neighbouring property and therefore cannot be supported.</p>

<b>Issue/Design Element:</b>	<b>Building Height and Storeys</b>
Requirement:	<p><b>Policy No. 7.2.1 – Residential Design Elements</b></p> <p>Two storeys (including any garage, loft or the like) Maximum height - seven metres to the top of external wall (concealed roof).</p>
Applicant’s Proposal:	<p>Three Storeys (variation of 1 storey) Top of external wall (concealed roof) – 8.5 metres (variation of 1.5m)</p>
Design Principles:	<p><b>Policy No. 7.2.1 – Residential Design Elements</b></p> <p>BDPC5</p> <p>(i) Building height is considered to:</p> <ul style="list-style-type: none"> <li>• Limit the height of dwellings so that no individual dwelling dominates the streetscape;</li> <li>• Limit the extent of overshadowing and visual intrusion on the private space of neighbouring properties;</li> <li>• and maintain the character and integrity of the existing streetscape.</li> </ul>

<b>Issue/Design Element:</b>	<b>Building Height and Storeys</b>
Applicant's Justification:	<ul style="list-style-type: none"> <li>• <i>"Given both Grouped Dwellings are setback 19.7 metres from the Throssell Street boundary, the dwellings are not considered to form part of the Throssell Street streetscape, and therefore not dominating the streetscape;</i></li> <li>• <i>Applying a typical line of sight from the Throssell Street verge, both Grouped Dwellings are screened from view from the existing dwelling's gable within lot 2 Throssell Street;</i></li> </ul>
	<ul style="list-style-type: none"> <li>• <i>The extent of overshadowing from proposed Unit 2 complies with the deemed-to-comply requirements of the R-Codes and therefore not considered visually intrusive;</i></li> <li>• <i>It is considered that the character and integrity of the Throssell Street streetscape not only has been maintained but significantly improved as a result of the owners refurbishing the original home fronting Throssell Street.</i></li> <li>• <i>In addition to the provisions of the RDE policy, the Hyde Park Precinct Policy permits residential development to three storeys and to a maximum building height of 12.0 metres. Based on the above we consider the building height appropriate."</i></li> </ul>
Officer Technical Comment:	<p>The proposal exceeds the permitted building height by 1.5 metres as well as with an additional storey and is a major contributor to the building bulk of this development.</p> <p>The streetscape is predominantly single or double storey. The third storey component of the proposed development will be visible from Hyde Park and Throssell Street and as a result of the lower scale development in the locality will appear out of character.</p> <p>The third storey also adds building bulk, which affects the ROW and the adjoining properties. In relation to the ROW the proposal will be taller than two storey group of dwellings that are located opposite to this development on the higher side of the ROW. The additional third storey the amenity of the properties facing the ROW by towering over them and removing any outlook amenity towards Hyde Park that currently exists.</p> <p>In relation to the adjoining properties it is the southern neighbour that is most adversely affected given the cumulative impact of overshadowing and bulk. Whilst the overall overshadowing component complies with the requirements, it affects most of the private outdoor area of the neighbouring property. With the additional third storey the shadow cast is one third greater than it would be with a complying two storey development.</p> <p>As the proposed height variation will have a negative impact on the adjoining properties and is not justifiable, it cannot be supported.</p>

<b>Issue/Design Element:</b>	<b>Privacy</b>
Requirement:	<p><b>2013 Residential Design Codes Clause 5.4.1</b></p> <p>Unenclosed outdoor active habitable spaces screened to 1.6 metres in height or set back 7.5 metres.</p>
Applicant's Proposal:	<p>First floor balcony – 6 metres to neighbouring property on opposite side of ROW.</p>
Design Principles:	<p>P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:</p> <ul style="list-style-type: none"> <li>• building layout and location;</li> <li>• design of major openings;</li> <li>• landscape screening of outdoor active habitable spaces; and/or</li> <li>• location of screening devices.</li> </ul> <p>P1.2 Maximum visual privacy to side and rear boundaries through measures such as:</p> <ul style="list-style-type: none"> <li>• offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;</li> <li>• building to the boundary where appropriate;</li> <li>• setting back the first floor from the side boundary;</li> <li>• providing higher or opaque and fixed windows; and/or</li> <li>• screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).</li> </ul>
Summary of Applicant's Justification:	<p>Nil.</p>
Officer Technical Comment:	<p>The overlooking is into major openings on the property across the ROW. Accordingly the variation cannot be supported.</p> <p>It is noted that this variation no longer applies if the balconies are screened to 1.6 metres in height.</p>

**CONSULTATION/ADVERTISING:**

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	16 October 2014 – 30 October 2014		
Comments Received:	<p>Five submissions were received during the consultation period objecting to the nature of the development. The plans have been revised since consultation, however a number of factors that are objected to remain.</p>		

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

Summary of Comments Received:	Officer Technical Comment:
<p><u>Bulk</u></p> <p><i>“The height, bulk and lack of set-back of the development will be visually intrusive, and will overshadow and block all sunlight from the neighbouring house and garden.</i></p> <p><i>The proposed elevations clearly show it is significantly over-scaled in relation to the single storey existing residences on either side (5 and 9 Throssell Street) as well as the two storey adjoining townhouses across the R.O.W. This proposed variation to Building Height (affects) the bulk and scale of the development and will also results in a loss of views towards the park and City for a number of adjoining properties.</i></p> <p><i>The bulk and scale as shown on the proposed drawings is unreasonable in the context of its adjoining neighbours resulting in a detrimental impact on the surrounding neighbours and local streetscape. The three storey building height and reduced setbacks show the proposal is significantly overdeveloped in relation to the single storey neighbouring residences on either side of the property.”</i></p>	<p>The bulk and scale of the proposal have an adverse impact onto the neighbouring properties. The reduced setbacks and additional storey overshadow the private outdoor living areas of the southern neighbouring property.</p> <p>The effects of building bulk will be felt largely by the surrounding properties including those opposite in the ROW, specifically when considering the existing visual outlook available to those properties which will be lost as a result of the subject application if constructed.</p> <p>Revised plans have reduced the height of the building to within nine metres, rendering the height compliant with the 2013 Residential Design Codes in reference to a three storey building. Therefore loss of views is not a consideration able to be applied.</p>
<p><u>Existing Character</u></p> <p><i>“Suitable development of this site could be achieved within R-Code and local planning provisions without the need for over scaled three level development which only provides further precedent for future over scaled development in this area.</i></p> <p><i>The size and style of the development will be ugly and out of character with the heritage precinct and if allowed to go through will set a negative precedent for future development which will ultimately destroy the unique character and value of the area.”</i></p>	<p>The potential for precedent is acknowledged however the development must be considered in the current context.</p> <p>The addition of a third storey to a concealed roof proposal detracts from a streetscape characterised by maximum two storey buildings.</p> <p>Therefore the construction of a flat roof is acceptable, however at an appropriate scale that is compatible with the streetscape being two storeys in height.</p>
<p><u>Privacy</u></p> <p><i>“The location and height of the proposed balconies will be intrusive and affect the privacy of the properties opposite the ROW. The proposal indicates four balconies which will overlook the living areas and bedrooms of these properties opposite.”</i></p>	<p>The balconies on the first floor are within 7.5 metres and require screening to be acceptable from a privacy perspective, as they will have a negative impact on the amenity of the dwelling.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><u>Traffic</u></p> <p><i>The number of proposed dwellings will increase traffic, particularly in the ROW, increasing danger children who visit one another's houses using the right of way. Further to this, the laneway is only 5.5m in width and may have issues with access to and from the proposed garages.</i></p>	<p>The car parking along with the access and egress for this proposal comply with the appropriate standards. The ROW is designed to service all adjoining lots and is wide enough to accept additional traffic.</p>
<p><u>Non-compliance</u></p> <p><i>"The proposed development, which disregards so many design rules and principles, and will have a very negative effect on our quality of life and on the character of the area.</i></p> <p><i>The proposal strongly opposes the intent behind The City of Vincent's recent decision to change the local R-Code back to R50 and desire to protect the local heritage and character of the street."</i></p>	<p>While each element of the proposal is required to be assessed upon its own merits, it is considered that the cumulative effect of reduced setbacks and increased building height has negative impacts on surrounding properties.</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:**

The following legislation and policies apply:

- *Planning and Development Act 2005;*
- *City of Vincent Town Planning Scheme No. 1;*
- *2013 Residential Design Codes;*
- *Policy No. 7.1.12 – Hyde Park Precinct; and*
- *Policy No. 7.2.1 – Residential Design Elements.*

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

**RISK MANAGEMENT IMPLICATIONS:**

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

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

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

<b>ECONOMIC</b>
The construction of the building will provide short term employment opportunities.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The current design is also still inadequate as it does not meet the City's requirements for waste removal as the bins from this development will need to be collected from Throssell Street. Currently bins are proposed to be wheeled through the ROW and collected from a verge area on Glendower Street. While this matter has the potential to be resolved, the applicant has not proposed a satisfactory solution.

Notwithstanding the above issues, a density bonus to allow two dwellings on the site can be granted and is considered to be reasonable given the upgrades made to the existing dwelling previously. The proposed variations to roof form is acceptable and the variation to privacy can be addressed.

However the bulk and scale of this proposal, which is the cumulative effect of the additional building height, the variations to boundary setbacks and the boundary walls is not acceptable because it will have an adverse impact on the surrounding properties and on the locality.

**CONCLUSION:**

It is therefore recommended the proposal be refused.

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## 9.2 TECHNICAL SERVICES

### 9.2.1 Intersection of Brady and Purslowe Streets, Mt Hawthorn – Proposed trial of median closure in Brady Street as a Road Safety Improvement

<b>Ward:</b>	North	<b>Date:</b>	7 August 2015
<b>Precinct:</b>	Precinct 1 - Mount Hawthorn	<b>File Ref:</b>	SC920, SC701
<b>Attachments:</b>	<u>1</u> – Plan No. 3233-CP-01, current proposal <u>2</u> – Plan No. 3014-CP-01, previous proposal <u>3</u> – Consultation Comments		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	C Wilson, Manager Asset and Design Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

#### OFFICER RECOMMENDATION:

That the Council;

- APPROVES** a six month trial closure of the Brady Street median at the intersection of Purslowe Street as a road safety improvement, as shown on Plan No. 3233-CP-01 (Attachment 1);
- NOTES** that all streets potentially affected by the closure will be assessed and traffic data collected prior to, and during the trial;
- RECEIVES** a further report at the conclusion of the trial; and
- ADVISES** the respondents of its decision.

#### PURPOSE OF REPORT:

To inform Council of the outcome of the public consultation undertaken regarding a proposal to conduct a six month 'trial' closure of the Brady Street median strip, intersection of Purslowe Street, to prevent the right turns in and out of Purslowe Street as a road safety improvement.

#### BACKGROUND:

Brady Street is a District Distributor A Road that connects Scarborough Beach Road, Main and Green Streets with the Mitchell Freeway and is a critical link in the regional road network.

The intersection of Brady and Purslowe Streets has previously been acknowledged and approved as a Black Spot by the City of Stirling (prior to the area becoming part of the City of Vincent in 2007).

At its Ordinary Meetings of 18 December 2012 and 12 March 2013 the Vincent Council received two reports on the safety of the intersection, the first seeking approval to consult on a proposed treatment, as shown on Plan No. 3014-CP-01 (**Attachment 2**), and the second detailing the outcome of the consultation and recommending that the proposal not proceed.

In June 2015 the City received a petition with 22 signatories requesting that immediate action to improve the safety of the intersection be taken. The petition was in direct response to a serious traffic accident that occurred in mid June 2015.

Further, on Friday 3 July 2015 the Mayor and Manager Asset and Design met with a deputation of residents on site to discuss their concerns.

In light of the previous opposition to any changes at the intersection, primarily due to the potential impact upon the surrounding streets, it is proposed to close the median strip as a six month trial as detailed on Plan No. 3233-CP-01 (**Attachment 1**).

Therefore, if approved, traffic data will be collected in Purslowe and surrounding streets prior to implementation, and again during the trial to ascertain the impact upon the local road network.

**DETAILS:**

As indicated above the intersection of Purslowe and Brady Streets has previously been considered by Council due to safety concerns.

Brady Street is a District Distributor A Road with a 60kph posted speed limit and carries in the order of 16,200 vehicles per average weekday (January 2014). As would be expected there are pronounced peak periods, 7.00am to 9.00am city bound and 3.00pm to 5.00pm outward bound, in the order of 1,200 vehicles per hour (+/- 100).

Purslowe Street is an Access Road that crosses Brady Street as a four way junction.

The intersection is just below the crest, or blind side, of the hill for south bound traffic in Brady Street with a consistent grade towards Powis Street. As a consequence, if a car is approaching Purslowe Street over the crest at speed then those turning right (north) into, or across, Brady Street have little time to react.

For north bound travel it is a consistent grade up to the intersection which is just before the crest. The issue of motorists turning right out (south), or across, is the perception that there is restricted sight distance (a site assessment undertaken in accordance with the standards does not support this contention).

**Accident Statistics:**

For the five year reporting period, 1 January 2010 to 31 December 2014, there have been 12 reported accidents at the intersection, out of these, eight required either hospital or medical treatment and all resulted in major property (vehicle and building) damage. The high proportion requiring medical attention is an indication of the severity of the accidents. This data excludes any accidents that may have occurred this year.

Interestingly there has been a downward trend in the total number of accidents at this location as for the period January 2008 to December 2012, as previously reported the Council in 2013, there were 18 accidents of which seven required hospital or medical treatment.

**Proposal:**

Unlike the 2013 proposal (Plan 3014-CP-01, **Attachment 2**) which only sought to restrict access to and from the eastern leg of the intersection by the construction of a 'seagull' island, the current proposal (Plan 3233-CP-01), **Attachment 1** seeks to 'close' the median to restrict access from both sides of the intersection to left in left out. This proposal would eliminate all but one of the 12 reported accidents.

It is proposed to close the median as a six month trial with traffic data collected in Purslowe and surrounding Streets prior to implementation, and again during the trial to ascertain the impact upon the local road network.

**CONSULTATION/ADVERTISING**

Required by legislation	No	Required by City of Vincent Policy	Yes
Consultation period	24 July 2015 – 7 August 2015		
Comments Received	240 consultation packs distributed to Milton, Tasman and Purslowe Streets, including Brady Street, to Federation Street. Tasman, Purslowe and Barney Streets, from and including Brady Street, to Jugan Street. At the close of consultation 42 responses were received with 16 in favour, 19 against and seven neither for nor against the proposal. (Refer <b>Attachment 3</b> ).		

Many of the comments received, both for and against the 'trial', came with qualifications and various suggestions on how to rectify other issues, both perceived and real, and some of which were unrelated to the location.

The primary concern, as voiced by those of the surrounding streets, was that it will increase traffic (rat running) in their streets and potentially result in an increased safety risk at the intersections to which the traffic is diverted.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Medium/High:** The intersection consistently appears on the City's annual Black Spot list and while this does not mandate the City to take corrective action it does imply that action should be considered.

**STRATEGIC IMPLICATIONS:**

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

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The six month trial would be funded from the City's Miscellaneous Traffic Management budget at an estimated cost of \$10,000.

**COMMENTS:**

As can be seen from the number of submissions received, and the evenly divided opinion on the proposal, it is difficult to base a decision on numbers alone.

The intersection has twice before been considered for some corrective treatment to improve road safety. On both occasions it has not proceeded due to the weight of the opposition, mostly from residents who live on surrounding streets.

However the accidents and trauma continue and while the closure of the median will have an impact upon the local road network, some of which may be detrimental, it does not outweigh the potential benefits to wider community.

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**9.2.2 Proposed Amendments to Parking Restrictions in Sydney Street, North Perth**

<b>Ward:</b>	North	<b>Date:</b>	7 August 2015
<b>Precinct:</b>	Precinct 8 - North Perth	<b>File Ref:</b>	SC959, SC1201
<b>Attachments:</b>	1 – Proposed Plan No. 3222-PP-01 2 – Consultation Comments		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

**That Council:**

- DOES NOT amend the existing parking restrictions in Sydney Street, North Perth as shown on Plan No. 3221-PP-01 (Attachment 1) as a result of the outcome of the Public consultation; and**
- ADVISES residents/businesses on Sydney Street of its decision.**

**PURPOSE OF REPORT:**

To inform Council of the outcome of the public consultation undertaken regarding a proposal to amend parking restrictions in a portion of Sydney Street, North Perth.

**BACKGROUND:**

In 2003, Council approved the introduction of a 1P parking restriction (from 8.00am until 5.30pm Monday to Friday and 8.00am until 12 noon Saturday) on both sides of Sydney Street, North Perth, between Haynes Road and Scarborough Beach Road. Recently the Mayor was approached regarding the possible reconsideration of the current parking restrictions in the above section of Sydney Street.

**DETAILS:**

The only section of Sydney Street which currently has restricted parking is the section between Haynes Street and Scarborough Beach Road. The section of Sydney Street north of Haynes Street is currently unrestricted.

Following the request for a review of the parking restrictions, letters were sent to all residents in this section of the street.

The proposal canvassed was to replace the 1P restriction with a 3P restriction.

**CONSULTATION/ADVERTISING:**

Required by legislation	No	Required by City of Vincent Policy	Yes
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Consultation period	25 June to 10 July 2015.
Comments Received	At the close of consultation 13 responses were received with eight against the proposal and five in favour of the proposal. (Refer <b>Attachment 2</b> ).

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** Mainly related to amenity improvements for businesses and their visitors.

**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:**

No applicable.

**COMMENTS:**

As mentioned above time restrictions in Sydney Street between Haynes and Scarborough Beach Road were implemented in 2003. Since that time Administration has received no complaints regarding the parking situation in the street.

**Conclusion:**

Consultation regarding replacing the 1P restriction with a 3P restriction resulted in the majority of respondents wanting the status quo to remain.

The 1P restriction has worked well since 2003 and while there may be some merit in changing to a 3P restriction that the majority of residents consider that the change would erode their amenity and hence it is recommended that the 1P restriction remain in place.

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**9.2.3 Proposed Introduction of 3P Parking Restrictions in St Albans Avenue, Highgate**

<b>Ward:</b>	South	<b>Date:</b>	7 August 2015
<b>Precinct:</b>	Precinct 12 - Hyde Park	<b>File Ref:</b>	SC950, SC201
<b>Attachments:</b>	1 – Proposed Plan No. 3232-PP-01 2 – Consultation Comments		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	C Wilson, Manager Asset and Design Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

**That Council:**

- APPROVES the introduction of 3P parking restrictions 8am to 5.30pm Monday to Friday, in St Albans Avenue, Highgate, as shown on attached Plan No. 3232-PP-01 (Attachment 1); and**
- ADVISES the residents of St Albans Avenue, and other respondents, of its decision.**

**PURPOSE OF REPORT:**

To inform Council of the outcome of the public consultation undertaken regarding a proposal to introduce parking restrictions in St Albans Avenue, Highgate.

**BACKGROUND:**

The City has received a number of emails from concerned residents of St Albans Avenue that their street is being used as a free parking zone by either bus commuters to the CBD or employees of nearby businesses during the working week.

**DETAILS:**

St Albans Avenue is a short residential street which runs between Beaufort and Cavendish Streets. It currently has unrestricted parking (other than the nib Stadium restrictions that are standard to the area).

The existing parking restrictions in Beaufort Street, either side of St Albans Avenue, are 2P, subject to Clearway restrictions, city bound from 9.00am to 5.30pm and outward bound 8.00am to 4.00pm Monday to Friday, and Saturdays from 8.00am to 12noon, both sides.

The proposal for St Albans Avenue is for 3P restrictions from 8.00am to 5.30pm Monday to Friday to address the residents concerns.

**CONSULTATION/ADVERTISING:**

Required by legislation	No	Required by City of Vincent Policy	Yes
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Consultation period	24 July 2015 – 7 August 2015
Comments Received	18 consultation packs were distributed in St Albans Avenue. At the close of consultation six responses were received with five in favour and one against the proposal (Refer <b>Attachment 2</b> ).

St Albans Anglican Church, located on the corner of Beaufort Street, supported timed restrictions but requested that consideration be given to a 4P rather than 3P. The rationale being that funeral and wedding services often saw people staying longer than three hours (i.e. for a wake). However the Rector also acknowledged that if the wishes of the majority were for a 3 hour restriction it was preferable to no restrictions at all.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** Mainly related to amenity improvements for residents and their visitors.

**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 has in the past canvassed the residents of St Albans Avenue about parking restrictions, during the period when paid parking was introduced in Beaufort Street (from Broome Street north). At the time the outcome was inconclusive and so it did not proceed.

**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. The new high frequency 950 Beaufort Street bus service makes it convenient to park in the streets abutting Beaufort Street and catch the bus into the city. As a consequence the residents are finding it difficult to find parking in their street during the week. It is therefore recommended that the proposed 3P parking restriction is supported.

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**9.2.4 Proposed Introduction of 2P Parking Restrictions in Mignonette Street, North Perth**

<b>Ward:</b>	North	<b>Date:</b>	7 August 2015
<b>Precinct:</b>	Precinct 8 - North Perth	<b>File Ref:</b>	SC882, SC228
<b>Attachments:</b>	1 – Proposed Plan No. 3231-PP-01 2 – Consultation Comments		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	C Wilson, Manager Asset and Design Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

**That Council:**

- 1. DOES NOT APPROVE the introduction of 2P parking restrictions 8am to 5.30pm Monday to Friday, in Mignonette Street, as shown on Plan No. 3231-PP-01 (Attachment 1);**
- 2. NOTES that Administration will undertake a parking usage survey in the street and introduce/extend the No Stopping restrictions at the intersection of Mignonette Street with both Waugh and Farmer Street to improve sight lines; and**
- 3. ADVISES the residents of its decision.**

**PURPOSE OF REPORT:**

To inform Council of the outcome of the public consultation undertaken regarding a proposal to introduce parking restrictions in Mignonette Street, North Perth.

**BACKGROUND:**

The City recently received a request from a resident of Mignonette Street for parking restrictions to be introduced. Mignonette Street is currently unrestricted parking.

**DETAILS:**

Mignonette Street is a short (140m), narrow (5.5m) and predominately residential street and runs between Farmer Street and Waugh Streets, North Perth. The North Perth Tennis Club courts take up approximately half of the eastern side of the road.

Because of Mignonette Street's narrow width, it is not possible to park on both sides of the road. The resident's primary concern is the narrow width of the road, and an increasing number of vehicles parking in the street during the working week, which are compromising safety and access.

The proposal, as put to the residents, was for a 2P 8.00am to 5.30pm Monday to Friday restriction along the western or residential side of the street and a No Parking restriction along the eastern or tennis court side.

**CONSULTATION/ADVERTISING:**

Required by legislation	No	Required by City of Vincent Policy	Yes
Consultation period	24 July 2015 – 7 August 2015		
Comments Received	11 consultation packs were distributed in Mignonette Street. At the close of consultation five responses were received with three in favour and two against the proposal (Refer <b>Attachment 2</b> ).		

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** Mainly related to amenity improvements for residents and their visitors.

**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:**

Should Council decide to proceed with the restrictions, the cost to install signage is estimated at \$400.

**COMMENTS:**

All of the comments received, both for and against, came with qualifications. There are various suggestions on how to rectify other issues, both perceived and real, some of which are unrelated to parking.

There is one residential property fronting the eastern side of the street, which would have its parking amenity severely compromised if restrictions were imposed. It could be argued that Mignonette Street has to date been self-regulating, in that common sense prevails and people do not generally park opposite each other.

In respect of the surrounding streets Waugh Street has restrictions from Magnolia Street to Charles Street in response to commuter parking. However, there is no indication that commuter parking extends into Mignonette Street as there are other, unrestricted, streets closer to Charles Street in which they could park. Further, there is a significant number of 90° parking bays in Farmer Street (adjacent the tennis courts) available during the day.

**Conclusion:**

It is recommended that the parking restrictions do not proceed at this time and that Mignonette Street to be randomly monitored over the next twelve months for parking usage. It is also noted that some of the residents are concerned that about sight distances and safety of the intersections of Mignonette with both Waugh and Farmer Streets. It is therefore proposed to assess both intersections against the relevant standards and where required introduce or extend the No Stopping restrictions to ensure compliance.

**9.2.5 Review of 'Kiss and Drive' Zone Sacred Heart Catholic Primary School and Proposed 1/4P Zone Sacred Heart Church, Mary Street, Highgate**

<b>Ward:</b>	South	<b>Date:</b>	7 August 2015
<b>Precinct:</b>	Precinct 12 - Hyde Park	<b>File Ref:</b>	SC877, SC1847
<b>Attachments:</b>	1 – Mary Street 'Kiss & Drive' Plan No. 3162-PP-01 2 – 1/4P Zone Plan No. 3239-PP-01		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	C Wilson, Manager Asset and Design Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

**That Council:**

**1. APPROVES:**

- 1.1 making permanent, the trial five minute 'Kiss and Drive' drop off and pick-up zone in Mary Street, Highgate, adjacent to the Sacred Heart Catholic Primary School, as shown on Plan No 3162-PP-01 (Attachment 1); and
- 1.2 the introduction of a 1/4P time restriction between 9.00am and 6.00pm Monday to Sunday, adjacent the paved verge area outside of the Sacred Heart Catholic Church at 64 Mary Street, Highgate as shown on Plan No 3239-PP-01 (Attachment 2); and

- 2. NOTES that the 'Kiss and Drive' drop off and pick-up zone will continue to operate between the hours of 7.30am and 9.00am and between 2.30pm and 4.00pm, Monday to Friday, and that at all other times, Monday to Friday, a 2P or 1/4 P restriction, between 9am and 6pm, will apply.

**PURPOSE OF REPORT:**

To seek Council's approval to make the five minute 'Kiss and Drive' drop off and pick-up zone in Mary Street, Highgate, adjacent the Sacred Heart Catholic Primary School permanent and to install a 1/4P restriction outside Sacred Heart Catholic Church at 64 Mary Street, Highgate.

**BACKGROUND:**

**'Kiss and Drive' Zone:**

Ordinary Meeting of 26 August 2014:

Council received a report on the often chaotic situation in Mary Street during the school drop-off and pick-up times at Sacred Heart Catholic Primary School. Council was advised that the City's Rangers were regularly being requested to attend because of the dangerous and illegal practice of double parking. Because of a lack of appropriate parking restrictions at the time the kerb-side parking would fill rapidly and there was no obligation on the driver to move on resulting in the late arrivals double parking. This resulted in through traffic having to cross to the wrong side of the road and children running between parked cars.

Rangers, in consultation with the school administration, suggested that a 'Kiss and Drive' zone be introduced as was in place at the other primary schools within the City.

Council's decision, in part, was:

- 1. APPROVES undertaking a trial, for the remainder of the school year, concluding Friday 19 December 2014, of a five (5) minute 'Kiss and Drive' drop off and pick-up zone in Mary Street, Highgate adjacent to the Sacred Heart Catholic Primary School to operate between the hours of 7.30am to 9.00am and 2.30pm to 4.00pm Monday to Friday, as shown on attached Plan No 3162-PP-01, included as Attachment 001; and

2. *RECEIVES a further report at the conclusion of the trial;..*

**Proposed 1/4P zone adjacent to the entrance to Sacred Heart Catholic Church:**

The parish priest has in the past contacted the City in regards to the difficulty he is experiencing when funerals and weddings are conducted at the church. The verge area immediately adjacent the entrance to the church was paved by the City in 2014 as part of the Mary Street parking improvements at the time. The paving was intended to improve ease of access for caskets and wedding parties rather than to have to walk through the 'sand'.

However, as neither event occurs to set schedule there was no guarantee that the kerb-side parking would be available when required.

Several options were discussed including placing cones in the space or 'spike signing' or 'hooding' the adjacent signs with the appropriate restrictions. However only the Rangers have the authority to change the restrictions and it would become an administrative and logistical problem.

Therefore the proposal is to install 1/4P during the critical times and allow unrestricted parking outside these hours.

**DETAILS:**

**'Kiss and Drive' Zone:**

The City had previously established five minute 'Kiss and Drive' drop off and pick-up zones at four of the seven primary schools within the City of Vincent (with Sacred Heart Catholic Primary School being the fifth).

While enforcement, and therefore infringements, for exceeding the five minute limit, can only be issued by Rangers, they are rare, as the five minute zones are generally monitored by a school staff member who, with the support of the P&C, ensures that parents/guardians do not leave the vehicle and walk the children into the school.

The Sacred Heart Catholic Primary School did not have a 'Kiss and Drive' zone until the 'trial' was implemented in September 2014. Prior to installation the traffic and parking in Mary Street was generally chaotic at peak times. It was not uncommon to see double parking occurring with children running between cars when being dropped off in the middle of the road.

Rangers had been aware of the situation for some considerable time but it was difficult to control during the peak drop off and pick-up times. Further, a number of the residents who live opposite the school had also raised the matter as they are concerned about safe access, both their own and the children's, during these periods.

While the five minute 'Kiss and Drive' zone does not, and in this instance, did not solve all the issues associated with congestion and driver behaviour, it alleviated the major problems.

The five minute restriction requires that parent/guardian remain in the vehicle while the children alight and enter the school grounds. Once the child/children are out of sight the parent/guardian drives off enabling the parking space to be turned over quickly.

Those parents/guardians who prefer to walk their children into the school grounds still have the option of parking either in the angled parking or the unrestricted kerb-side parallel parking towards William Street.

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In July the Senior Ranger advised that: *'Since the Kiss & Drive zone was introduced we have received no complaints regarding school parking. Rangers continue to monitor this location on a regular basis & will take necessary action where a breach of the zone is detected.'*

Further the Sacred Heart Catholic Primary School Principal, Tanya McGuire has indicated that the school supports of making the 'Kiss and Drive' permanent given its success.

**Proposed 1/4P zone adjacent the entrance to Sacred Heart Catholic Church:**

As indicated above weddings and funerals are no longer confined to any particular day of the week. As a result the on-road parking space immediately adjacent the church entrance is regularly required to accommodate either a hearse or wedding car(s).

With the current restriction, 2P 9.00am to 6.00pm Monday to Friday, parking availability cannot be guaranteed resulting in the aforementioned vehicles having to park either down the side of the church or, on occasions, further up/down the street.

The parish priest has requested that some form of parking restriction be implemented which while not intended to be exclusive, provides some surety that parking will be available.

Note: The area in question only accommodates two cars, or a single stretch limousine.

As discussed in the 'background' less formal methods, such as 'cones', 'spike signs' and 'hoods' were considered but are impractical from both an implementation and enforcement perspective.

Therefore it is proposed that the area adjacent the church entrance, and existing verge paving, be designated as 1/4P 9.00am to 6.00pm Monday to Sunday as shown on Plan No. 3239-PP-01, **Attachment 2**. Outside these hours it would be unrestricted, as is the case now.

Further the existing restrictions to the east, or Beaufort Street direction, the 'Kiss and Drive / 2P restriction would remain, as would the unrestricted area to the west or William Street end.

**CONSULTATION/ADVERTISING:**

As the proposed five minute 'Kiss and Drive' zone does not directly impact upon residents, and given that it has improved both theirs, and the school community's amenity and safety, it is not intended to carry out any consultation. It is, however, intended that all the residents and school will notified in writing prior to the changes being implemented.

**LEGAL/POLICY:**

The City is responsible for implementing, monitoring and enforcing parking restrictions within its boundaries.

**RISK MANAGEMENT IMPLICATIONS:**

**Low/Medium:** Related to amenity/safety improvements for the residents of Mary Street and the Sacred Heart Catholic Primary School community and the Sacred Heart Catholic Church.

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**STRATEGIC IMPLICATIONS:**

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

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost to change the signage and line-marking (in Mary Street) is in the order of \$300.

**COMMENTS:**

The five minute 'Kiss and Drive' zone in Mary Street has proved its worth in controlling parking and traffic management in what, on occasions, was a chaotic school zone thereby improving road safety for pedestrians and drivers alike.

In addition to the above, and as discussed in the report, the Sacred Heart Catholic Church parish priest has requested that a short term parking restriction be implemented for the on-road parking area adjacent the paved verge and entrance to the church. This is to enable hearses and/or wedding cars to park in close proximity to the church entrance when required.

**Conclusion:**

It is recommended that Council endorses for making the 'Kiss and Ride' permanent for the reasons discussed in the report.

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**9.2.6 Tender No. 506/15 Pruning of Street Trees using Elevated Work Platforms**

<b>Ward:</b>	Both	<b>Date:</b>	7 August 2015
<b>Precinct:</b>	All	<b>File Ref:</b>	SC2396
<b>Attachments:</b>	1 – Confidential Attachment		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J van den Bok, Manger Parks and Property Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That Council **ACCEPTS** the Tender No. 506/15 from Beaver Tree Services and Tree Amigos for the Pruning of Street Trees using Elevated Work Platforms for a period of three years from 1 September 2015 as per the schedule of rates in the tender submission and general conditions of tendering.

**PURPOSE OF REPORT:**

To obtain Council approval for awarding of Tender No. 506/15 – Pruning of Street Trees using Elevated Work Platforms.

**BACKGROUND:**

The majority of work outlined within this contract involves pruning under Western Power’s low voltage overhead cables using five metre elevated work platforms. Street tree pruning under power lines is undertaken annually commencing in July and clearance works are undertaken in accordance with Section 54 of the Energy Operators (Powers) Act 1979.

Contract staff have to undertake specific training and accreditation, to work in close proximity of low voltage power lines, and safety is of paramount importance, taking into account the work that is being required including pedestrian and vehicular movements in and around work areas.

In addition to the above, the contract also comprises pruning of street trees not under power lines, as required, and these works may consist of general safety pruning, crown reduction or under pruning over footpaths and roads.

In the past, the City has awarded this contract for a three year period. The current contract for the pruning of street trees using elevated work platforms has been provided by Beaver Tree Services and Total Tree Services and expired on 26 June 2015.

**DETAILS:**

Tender 506/15 - Pruning of Street Trees using Elevated Work Platforms was advertised on 20 May 2015.

<b>Contract Type</b>	<b>Schedule of Rates</b>
Contract Term	Three years
Commencement date	1 September 2015
Expiry Date	31 August 2018
Extensions of contract	No
Rise and fall included	No

**Tenders Received:**

The tenders received were from the following registered companies:

- Beaver Tree Services
- Tree Amigos

**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%
Organisational structure/capacity/resources	20%
Financial capacity	10%
Compliance with tender specification	5%
References	5%
	<b>100%</b>

**Tender Evaluation Ranking:**

Selection Criteria	Weighting	Beaver Tree Services	Tree Amigos
Past experience in similar projects/works	30%	27.0	21.0
Contract Price	30%	24.3	30
Organizational structure/capacity/resources	20%	18.0	13.3
Financial capacity	10%	9.7	8.0
Compliance with tender specification	5%	4.7	4.5
References	5%	4.8	4.2
<b>Total</b>	<b>100%</b>	<b>88.5</b>	<b>81.0</b>
<b>Ranking</b>		<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>

Scores were allocated accordingly by the panel and the table exhibited in **Confidential Attachment 1** indicates the prices submitted.

**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-High:** This tender comprises of works that provide an important service to the City. It involves annual pruning of street trees of which a majority are located under Western Power's infrastructure, therefore this work must be undertaken in accordance with Section 54 of the *Energy Operators (Powers) Act 1979*.

**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:**

The expenditure associated with street tree pruning is charged against the Street Tree Maintenance budget and is estimated at \$300,000 per year dependant on the number of trees requiring pruning in any given year (*Up to \$900,000 over the term of the tender*).

**COMMENTS:**

Reference checks revealed that both tenderers are capable of providing the required service currently having similar contracts with other local governments. In the past the City has engaged a panel of two contractors to undertake these works which was fortunate during the last contract period when Total Tree Services a less experienced company went bankrupt.

Tree Amigos focused more on the domestic market when they first commenced operations in 1998 and have now branched out into local government and reference checks have revealed that they are providing a satisfactory service in regard to Western Power clearance works. It should be noted that Tree Amigos have a limited number of pruning crews being a smaller company and do not have the years of experience in providing this service in comparison with Beaver Tree Services, therefore, as in previous years it would be prudent to engage two contractors to undertake this contract. Beaver Tree Services is the City's current provider of this service and the service they have provided has been extremely good.

At a recent Council Agenda Briefing the mayor raised several matters regarding the provision of the tree pruning service particularly with regards to leaving a mess. The 'mess' aspect is more related to tree pruning works where they are pruning/hedging trees in streetscapes and cut foliage drops after they have left the job.

With regards to OH&S matters, very rarely have the City's supervisory staff been required to stop works to ensure the contractors were adhering to OS&H regulations. The contractors are required to undertake what is required under the OS&H Act 1984. WorkSafe is the Western Australian Government agency responsible for the administration of the Occupational Safety and Health Act 1984 and they will make contact with any local government immediately any unsafe work practices are identified or reported.

With regards to Traffic Management, there are have varying requirements depending on where they are working. Traffic Management Plans (TMPs) are prepared, in accordance with AS1742.3 and MRWA Traffic Mgmt. for Works on Road - Code of Practice, for works on major roads or where works are high impact. On residential streets however, only signage, safety cones and/or flashing lights on equipment is required as standard practice.

**Conclusion:**

Should Council accept the tenders by Beaver Tree Services and Tree Amigos, Tree Amigos being a new contractor working within Vincent, will be given a specific area to work within and upon successful completion, to the required standard, will be offered further works. Their reduced rate per tree pruning under power lines should see a reduction in maintenance costs if their performance is satisfactory and ongoing.

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**9.2.7 Tender No. 507/15 Specialised Turf Maintenance, Herbicide Applications and Turfing Services**

<b>Ward:</b>	Both	<b>Date:</b>	7 August 2015
<b>Precinct:</b>	All	<b>File Ref:</b>	SC2397
<b>Attachments:</b>	1 – Confidential Attachment		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J. van den Bok; Manager Parks and Property Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

That Council **ACCEPTS** the Tender No. 507/15 for **Specialised Turf Maintenance, Herbicide Applications and Turfing Services** for a period of three years from **1 September 2015** as per the schedule of rates in the tender submission and general conditions of tendering and awards the specific components of the contract as follows;

1. **Verti-Mowing and Sweeping – Turf Care WA;**
2. **Vert-Draining – Turf Care WA;**
3. **Fertilising – Baileys;**
4. **Herbicide Applications – Turfmaster; and**
5. **Turfing Services – Turf Developments (WA) Pty Ltd.**

**PURPOSE OF REPORT:**

To obtain Council approval for awarding Tender No. 507/15 – Specialised Turf Maintenance, Herbicide Applications and Turfing Services.

**BACKGROUND:**

The majority of works outlined within this tender are interrelated in that they occur in unison, predominantly in spring and mainly relate to specialised works required on active sportsgrounds or well used passive spaces. Therefore, there are some advantages in offering all of the works to one tenderer.

However, as specified in the tender documentation and due to past experience and higher costs, different contractors have been used for the scheduled works as listed in the tender. This although more time consuming administratively, this has proved to be most advantageous in that the City has received in most cases, a better service or quality of works at a competitive price.

As noted above, the works outlined within this contract are specialised, in that the contractors require specific accreditation and/or a particular skillset to undertake the works that the City's own "in-house" staff do not possess. In addition the City does not have the plant and equipment necessary to undertake the requirements nor would it be cost effective for the quantity of work undertaken.

**DETAILS:**

Tender 507/15 - Specialised Turf Maintenance, Herbicide Applications and Turfing Services was advertised on Wednesday 20 May 2015.

<b>Contract Type</b>	<b>Schedule of Rates</b>
Contract Term	Three years
Commencement date	1 September 2015
Expiry Date	31 August 2018
Extensions of contract	No
Rise and fall included	No

**Tenders Received:**

The tenders received were from the following registered companies:

- Programmed Property Services
- Turf Developments Pty Ltd
- Baileys
- Sprayking
- Lawn Doctor
- Website Weed and Pest Pty Ltd
- Turfcare WA
- Turfmaster

**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%
Organisational structure/capacity/resources	20%
Financial capacity	10%
Compliance with tender specification	5%
References	5%
	<b>100%</b>

**Tender Evaluation Ranking:**

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

Schedule A: Verti - Mowing and Sweeping

Selection Criteria	Weighting	Turf Care	Turfmaster	Lawn Doctor	Turf Developments	Programmed Property Services
Past experience in similar projects/works	30%	26.0	24.0	24.0	25.0	23.0
Contract Price	30%	26.8	29.3	25.9	19.8	22.5
Organizational structure/capacity/resources	20%	15.3	16.0	16.0	16.0	13.3
Financial capacity	10%	8.0	7.7	7.3	8.0	6.0
Compliance with tender specification	5%	4.2	3.8	3.8	4.2	3.5
References	5%	4.5	3.8	4.3	4.5	3.5
<b>Total</b>	<b>100%</b>	<b>84.8</b>	<b>84.6</b>	<b>81.3</b>	<b>77.5</b>	<b>71.8</b>
<b>Ranking</b>		<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>	<b>3<sup>rd</sup></b>	<b>4<sup>th</sup></b>	<b>5<sup>th</sup></b>

**Administration Comments:**

Both Lawn Doctor and Turfmaster have previously provided this component of the contract to the City.

Turf Care is a growing company with excellent references in maintaining fine turf facilities such as Robertson Park Tennis Centre for Tennis Seniors WA. They have the capacity to undertake turf renovation of larger active spaces and the expertise in this field particularly where related to fine turf areas will be most beneficial.

Schedule B: Verti - Draining

<b>Selection Criteria</b>	<b>Weighting</b>	<b>Turf Care</b>	<b>Turfmaster</b>	<b>Lawn Doctor</b>	<b>Turf Developments</b>	<b>Programmed Property Services</b>
Past experience in similar projects/works	30%	25.0	24.0	24.0	25.0	23.0
Contract Price	30%	27.8	30.0	24.3	15.1	24.0
Organizational structure/capacity/resources	20%	15.3	15.3	16.0	16.0	13.3
Financial capacity	10%	8.0	7.7	7.3	8.0	6.0
Compliance with tender specification	5%	4.2	3.8	3.8	4.2	3.5
References	5%	4.5	3.7	4.3	4.5	3.5
<b>Total</b>	<b>100%</b>	<b>84.8</b>	<b>84.5</b>	<b>79.7</b>	<b>72.8</b>	<b>73.3</b>
<b>Ranking</b>		<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>	<b>3<sup>rd</sup></b>	<b>5<sup>th</sup></b>	<b>4<sup>th</sup></b>

**Administration Comments:**

Both Lawn Doctor and Turfmaster have previously provided this service to the City on an as required basis as it has not been a specific part of this contract until this year.

As noted above for verti-mowing/sweeping, Turf Care is a growing company with excellent references in maintaining fine turf facilities such as Robertson Park Tennis Centre for Tennis Seniors WA. They have the capacity to undertake turf renovation of larger active spaces and the expertise in this field particularly where related to fine turf areas will be most beneficial.

Schedule C: Fertiliser (supply and apply):

<b>Selection Criteria</b>	<b>Weighting</b>	<b>Turf Care</b>	<b>Turfmaster</b>	<b>Lawn Doctor</b>	<b>Turf Developments</b>	<b>Programmed Property Services</b>	<b>Baileys</b>
Past experience in similar projects/works	30%	24.0	25.0	23.0	25.0	22.0	26.0
Contract Price	30%	24.4	28.1	27.5	20.1	25.1	28.4
Organizational structure/capacity/resources	20%	16.0	17.3	16.7	16.7	13.3	18.0
Financial capacity	10%	8.0	7.7	7.3	8.0	6.0	6.7
Compliance with tender specification	5%	4.2	3.8	3.8	4.2	3.5	3.3
References	5%	4.5	4.0	4.3	4.5	3.5	4.5
<b>Total</b>	<b>100%</b>	<b>81.1</b>	<b>85.9</b>	<b>82.6</b>	<b>78.5</b>	<b>73.4</b>	<b>86.9</b>
<b>Ranking</b>		<b>4<sup>th</sup></b>	<b>2<sup>nd</sup></b>	<b>3<sup>rd</sup></b>	<b>5<sup>th</sup></b>	<b>6<sup>th</sup></b>	<b>1<sup>st</sup></b>

**Administration Comments:**

Both Lawn Doctor and Turfmaster have previously provided this component of the contract to the City.

Bailey's fertilisers are a well-established Western Australian company supplying a quality product to the horticultural and agricultural industries. The company has the capacity to supply and apply their products at the specified rates with state of the art machinery that will ultimately assist in providing a better quality product for the community.

Schedule D: Supply and/or Application of Herbicides:

<b>Selection Criteria</b>	<b>Weighting</b>	<b>Turf Care</b>	<b>Turfmaster</b>	<b>Lawn Doctor</b>	<b>Turf Developments</b>	<b>Programmed Property Services</b>	<b>Spray King</b>	<b>Website Weed and Pest</b>
Past experience in similar projects/works	30%	23.0	28.0	22.0	23.0	21.0	21.0	24.0
Contract Price	30%	23.5	23.1	20.4	12.7	25.6	23.1	26.6
Organizational structure/capacity/resources	20%	16.0	18.7	14.7	15.3	14.0	12.0	16.7
Financial capacity	10%	8.3	7.7	7.3	8.3	6.0	7.3	6.3

Compliance with tender specification	5%	4.3	3.7	3.8	4.2	3.5	3.0	3.7
References	5%	4.3	4.7	4.0	4.2	3.3	4.3	4.7
<b>Total</b>	<b>100%</b>	<b>79.4</b>	<b>85.9</b>	<b>72.2</b>	<b>67.7</b>	<b>73.4</b>	<b>70.7</b>	<b>82.0</b>
<b>Ranking</b>		<b>3<sup>rd</sup></b>	<b>1<sup>st</sup></b>	<b>5<sup>th</sup></b>	<b>7<sup>th</sup></b>	<b>4<sup>th</sup></b>	<b>6<sup>th</sup></b>	<b>2<sup>nd</sup></b>

**Administration Comments:**

Turfmaster have held the herbicide spraying component of this contract with the City for many years and provided an exceptional service. Spraying any herbicide within the public realm is a risky operation and one that causes immediate concern if not undertaken safely and efficiently. To date Turfmaster's operation, within residential streets, City Centres and within parks and reserves has been incident free, a testament to their performance over many years.

**Schedule E: Turfing Services**

Selection Criteria	Weighting	Turf Care	Turfmaster	Lawn Doctor	Turf Developments	Programmed Property Services
Past experience in similar projects/works	30%	23.0	22.0	25.0	29.0	21.0
Contract Price	30%	20.8	29.9	28.6	26.5	14.0
Organizational structure/capacity/resources	20%	16.0	17.3	15.3	18.0	14.0
Financial capacity	10%	8.3	7.7	7.3	8.3	6.0
Compliance with tender specification	5%	4.3	3.7	3.7	4.2	3.3
References	5%	4.3	3.8	4.0	4.5	3.2
<b>Total</b>	<b>100%</b>	<b>76.7</b>	<b>84.4</b>	<b>83.9</b>	<b>90.5</b>	<b>61.5</b>
<b>Ranking</b>		<b>4<sup>th</sup></b>	<b>2<sup>nd</sup></b>	<b>3<sup>rd</sup></b>	<b>1<sup>st</sup></b>	<b>5<sup>th</sup></b>

**Administration Comments:**

Turf Developments has held this contract with the City for the past three (3) years and provided an excellent service supplying turf which is certified "sting" nematode free.

They have provided advice on levelling/returfing areas (Sportsgrounds) and removal of Parramatta grass and have had excellent results to date improving the areas of Birdwood Square, Menzies Park and parts of Charles Veryard Reserve.

**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:** This tender comprises of works that provide an important service to the City. Whilst some tasks are considered low risk, the spraying of herbicides within the public realm provides various challenges, therefore close monitoring and supervision is undertaken to ensure the work is undertaken safely, effectively and efficiently.

**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:**

Works associated with this tender are charged against the respective park/reserve, or verge maintenance account or capital works budget accounts as required.

Costs for the various components of this tender vary significantly dependant on seasonal influences, uses and works priorities.

Based on the last three years Verti-mowing/Sweeping and Verti-Draining of sportsgrounds is estimated at \$25,000 per annum.

Fertilising of parks/reserves, particularly sportsgrounds has been intensified over the past three years due to increased use and is dependent on results of annual soil and leaf analysis recommendations from turf consultants. This activity is estimated at \$55,000 per annum.

Herbicide applications in parks/reserves amounts to approximately \$40,000 per year and the spraying of kerbs/footpaths program (twice per year) costs an estimated \$35,000 per application.

Turfing costs vary considerably dependant on what capital projects are listed on budget, however maintenance and returfing of goal squares at the end of the winter season amounts to approximately \$20,000 per year.

Therefore the total spend under Tender No. 507/15 Specialised Turf Maintenance, Herbicide Applications and Turfing Services is approximately \$175,000 per annum.

**COMMENTS:**

Reference checks have revealed that all tenderers are capable of providing all of the required works or specific components of the tender as outlined in their submission.

The current contract for Vert-Mowing/Sweeping and Fertilising has been held by Lawn Doctor, the contract for Herbicide Applications has been held by Turfmaster and the contract for Turfing Services has been held by Turf Developments WA Pty Ltd.

It is therefore requested that the officer recommendation be adopted.

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### 9.3 CORPORATE SERVICES

#### 9.3.1 Investment Report as at 31 July 2015

<b>Ward:</b>	Both	<b>Date:</b>	7 August 2015
<b>Precinct:</b>	All	<b>File Ref:</b>	SC1530
<b>Attachments:</b>	1 – Investment Report		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	N Makwana, Accounting Officer B Wong, Accountant		
<b>Responsible Officer:</b>	G Garside, A/Director Corporate Services		

#### OFFICER RECOMMENDATION:

That Council **NOTES** the Investment Report for the month ended 31 July 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.

The figures in this report are provisional for Municipal Funds and Reserve Funds under Total Funds Summary, as it may change once the end of year process is completed.

#### 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 July 2015 were \$17,885,002 as compared to \$12,323,086 at the end of 31 July 2014.

Total Investments for the period ended 31 July 2015 were \$14,961,000 as compared to \$14,461,000 at the end of June 2015. At 31 July 2014, \$11,311,000 was invested.

Investment comparison table:

	2014-2015	2015-2016
July	\$11,311,000	\$14,961,000

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

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$320,000	\$26,667	\$12,068	3.77
Reserve	\$203,680	\$16,973	\$28,672	14.08

#### CONSULTATION/ADVERTISING:

Not applicable.

**LEGAL/POLICY:**

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

Long Term Rating (Standard & Poor's) or Equivalent	Short Term Rating (Standard & Poor's) or Equivalent	Direct Investments Maximum % with any one institution		Managed Funds Maximum % with any one institution		Maximum % of Total Portfolio	
		Policy	Actual	Policy	Actual	Policy	Actual
AAA Category	A1+	30%	Nil	45%	Nil	100%	Nil
AA Category	A1+	30%	29.4%	30%	Nil	90%	82.6%
A Category	A1	20%	8.9%	30%	Nil	80%	17.3%
BBB Category	A2	10%	Nil	n/a	Nil	20%	Nil

**RISK MANAGEMENT IMPLICATIONS:**

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

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

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

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2013-2023:

*"4.1 Provide good strategic decision-making, governance, leadership and professional management:  
4.1.2 Manage the organisation in a responsible, efficient and accountable manner;  
(a) Continue to adopt best practice to ensure the financial resources and assets of the City are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced."*

**SUSTAINABILITY IMPLICATIONS:**

The City exercises prudent but sound 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 the sale of 291 Vincent Street, Leederville and 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 2.70% which includes the City's operating account. When the investments are calculated excluding the operating account, the average investment rate achieved is 2.45% as compared to the Reserve Bank 90 days Accepted Bill rate of 2.14%. As of July 2015, our actuals are under budget estimates.

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

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

**9.3.2 Authorisation of Expenditure for the Period 1 to 31 July 2015**

<b>Ward:</b>	Both	<b>Date:</b>	7 Aug 2015
<b>Precinct:</b>	All	<b>File Ref:</b>	SC347
<b>Attachments:</b>	<a href="#">1</a> – Creditors Report – Payments by EFT <a href="#">2</a> – Creditors Report – Payments by Cheque <a href="#">3</a> – Credit Card Transactions		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	R Tang, Accounts Payable Officer		
<b>Responsible Officer:</b>	G Garside, A/Director Corporate Services		

**OFFICER RECOMMENDATION:**

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

<b>Cheque numbers 78568-78722</b>	\$710,917.03
<b>EFT Documents 1814-1827</b>	\$3,703,627.83
<b>Payroll</b>	\$1,013,952.93
<b>Credit Cards</b>	\$9,891.33
<b>Direct Debits</b>	
• <b>Lease Fees</b>	\$191,436.79
• <b>Loan Repayment</b>	\$105,149.75
• <b>Bank Fees and Charges</b>	\$5,075.63
• <b>Reject Fees</b>	\$2.50
<b>Total Accounts Paid</b>	<b>\$5,740,053.79</b>

**PURPOSE OF REPORT:**

To present to Council the expenditure and list of accounts paid for the period 1 July to 31 July 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:

<b>FUND</b>	<b>CHEQUE NUMBERS/ PAY PERIOD</b>	<b>AMOUNT</b>
<b>Municipal Account (Attachment 1)</b>		
Automatic Cheques	<b>78568-78722</b>	\$717,361.03
Cancelled Cheques	<b>78606;78626;78689</b>	\$-6,444.00
EFT Payments	<b>1813-1827</b>	\$3,703,627.83
<b>Sub Total</b>		<b>\$4,414,544.86</b>
<b>Transfer of Payroll by EFT</b>	<b>July 2015</b>	<b>\$1,013,952.93</b>
<b>Corporate Credit Cards (Attachment 4)</b>		<b>\$9,891.33</b>
<b>Bank Charges &amp; Other Direct Debits</b>		
Lease Fees		\$191,436.79
Loan Repayment		\$105,149.75
Bank Charges – CBA		\$5,075.63
Rejection fees		\$2.50
<b>Total Bank Charges &amp; Other Direct Debits</b>		<b>\$301,664.67</b>
<b>Less GST effect on Advance Account</b>		<b>0.00</b>
<b>Total Payments</b>		<b>\$5,740,053.79</b>

**LEGAL/POLICY:**

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

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

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

13. *Lists of Accounts*
- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared –*
- the payee's name;*
  - the amount of the payment;*
  - the date of the payment; and*
  - sufficient information to identify the transaction.*
-

- (3) *A list prepared under sub regulation (1) is to be —*
- *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
  - *recorded in the minutes of that meeting.*

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2013-2023:

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

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

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

**SUSTAINABILITY IMPLICATIONS:**

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

**ADVERTISING/CONSULTATION:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

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

**COMMENT:**

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

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**9.3.3 Financial Statements as at 31 July 2015**

<b>Ward:</b>	Both	<b>Date:</b>	13 Aug 2015
<b>Precinct:</b>	All	<b>File Ref:</b>	SC357
<b>Attachments:</b>	1 – Financial Reports		
<b>Reporting Officers:</b>	N Makwana, Accounting Officer B Wong, Accountant G Garside, Manager Financial Services		
<b>Responsible Officer:</b>	J Paton, Director Corporate Services		

**OFFICER RECOMMENDATION:**

**That Council RECEIVES the Financial Statements for the month ended 31 July 2015 as shown in Attachment 1.**

**PURPOSE OF REPORT:**

To present the Financial Statements for the period ended 31 July 2015.

**BACKGROUND:**

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

Financial reports as presented are an estimate of the July month end position. There are still a number of transactions and adjustments that need to be prepared before the accounts can be finalised for the 2014-15 financial year. Some of these adjustments will have a follow-on impact on 2015-16 results.

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

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

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

**DETAILS:**

As stated earlier, this report gives an estimate of the July position as it uses some provisional figures. Once the 2014-15 financial year end process is completed, some July 2015 opening balances will change.

There are also some July transactions that are not able to be processed until the prior year year-end processing is complete. The most significant of these is depreciation. If depreciation had been processed, expenditure would have increased by approximately \$950,000. This would also have reduced our net operating result by the same amount. However, as depreciation is a non-cash item this would not have affected the City's cash position, but would have reduced the net value of fixed assets.

The following documents, included as **Attachment 1** represent the Statement of Financial Activity for the period ending 31 July 2015:

Note	Description	Page
1.	Summary of Income and Expenditure by Service Areas	1-30
2.	Statement of Financial Activity by Programme Report and Graph	31-32
3.	Statement of Comprehensive Income by Nature and Type Report	33
4.	Net Current Funding Position	34
5.	Capital Works Schedule and Funding and Graph	35-41
6.	Cash Backed Reserves	42
7.	Receivables	43
8.	Rating Information and Graph	44-45
9.	Beatty Park Leisure Centre Report – Financial Position	46
10.	Explanation of Material Variance	47-54

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

**Summary of Financial Activity By Programme as at 31 July 2015**

	Original Budget \$	Year to date Budget \$	Year to Date Actual \$	Year to Date Variance \$	Year to Date Variance %
<b>Operating Revenue</b>	29,470,806	4,433,887	4,708,079	274,192	6%
<b>Operating Expenditure</b>	(55,853,974)	(4,787,857)	(3,116,537)	1,671,320	-35%
Add Deferred Rates Adjustment	0	0	4,254	4,254	0%
Add Back Depreciation	11,058,555	921,526	0	(921,526)	-100%
(Profit)/Loss on Asset Disposal	(3,716,718)	(1,828,354)	(2,617,650)	(789,296)	43%
<b>Net Operating Excluding Rates</b>	<b>(19,041,331)</b>	<b>(1,260,798)</b>	<b>(1,021,855)</b>	<b>238,943</b>	<b>-19%</b>
Proceeds from Disposal of Assets	4,662,151	2,605,818	2,617,650	11,832	0%
Transfer from Reserves	2,391,223	331,550	5,246	(326,304)	-98%
	<b>7,053,374</b>	<b>2,937,368</b>	<b>2,622,896</b>	<b>(314,472)</b>	<b>-11%</b>
Capital Expenditure	(12,657,347)	(1,112,289)	(222,071)	890,218	-80%
Repayments Loan Capital	(760,288)	(61,161)	(61,160)	1	0%
Transfers to Reserve	(4,568,059)	(258,102)	(254,897)	3,205	-1%
	<b>(17,985,694)</b>	<b>(1,431,552)</b>	<b>(538,128)</b>	<b>893,424</b>	<b>-62%</b>
<b>Net Capital</b>	<b>(10,932,320)</b>	<b>1,505,816</b>	<b>2,084,768</b>	<b>578,952</b>	<b>38%</b>
<b>Total Net Operating and Capital</b>	<b>(29,973,651)</b>	<b>245,018</b>	<b>1,062,913</b>	<b>817,895</b>	<b>334%</b>
Rates	29,396,786	29,174,027	29,173,862	(165)	0%
Opening Funding Surplus/ (Deficit)	576,865	576,865	1,949,367	1,372,503	238%
<b>Closing Surplus/(Deficit)</b>	<b>0</b>	<b>29,995,910</b>	<b>32,186,143</b>	<b>2,190,232</b>	<b>7%</b>

*\*Summary totals has rounding difference.*

**Comments on Summary of Financial Activity by Programme:**

**Operating Revenue**

Operating Revenue in programme reporting includes Non-operating Grants, Subsidies and Contributions. In view of this, Operating Revenue is reflecting a positive variance of 6% which is primarily due to the proceeds from the sale of 291-295 Vincent Street. The full proceeds from the sale are currently included as profit. However, after the completion of 2014-15 year end, this will be reduced by the carrying value of the assets to reflect the true profit from the sale.

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

**Operating Expenditure**

The positive variance is currently at 35%.

**Transfer from Reserves**

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

**Capital Expenditure**

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

**Transfer to Reserves**

Monthly transfer to Asset Sustainability Reserve has commenced based on budget phasing. This will be reviewed quarterly and transfers based on actuals will be adjusted after the review.

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

**Opening Funding Surplus/(Deficit)**

The surplus Opening Balance is \$1,949,367 as compared to budgeted opening surplus balance of \$576,865. The actual balance will change once end of year process is completed and the accounts are audited.

**Closing Surplus/(Deficit)**

There is currently a surplus of \$32,186,143 compared to year to date budget surplus of \$29,995,910. This is substantially attributed to the positive variance in operating expenditure (due to lack of depreciation and the proceeds from the sale of 291-295 Vincent Street) and the current level of Capital Expenditure.

Please note that the July closing balance does not represent cash on hand (please see the Net Current Asset on page 34 of the attachment). Rates Notices (including Emergency Services Levy) were issued on 27 July 2015. As at 31 July 2015 the City had collected a total of \$2,089,880 in Rates and ESL. This left \$33,178,947 still to be received.

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

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

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

**2. Statement of Financial Activity by Programme Report (Note 2 Page 31)**

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

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

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

**4. Net Current Funding Position (Note 4 Page 34)**

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

The net current funding position as at 31 July 2015 is \$32,186,143.

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

The following table is a Summary of the 2015/2016 Capital Expenditure Budget by programme, which compares Year to Date Budget with actual expenditure to date. The full Capital Works Programme is listed in detail in Note 7 of Attachment 1.

	Original Budget \$	Year to Date Budget \$	Year to Date Actual \$	Full Year Budget Remaining %
Furniture & Equipment	469,300	157,800	0	100%
Plant & Equipment	1,831,650	142,650	92,683	95%
Land & Building	2,858,272	323,370	131	100%
Infrastructure	7,498,125	433,469	129,257	98%
<b>Total</b>	<b>12,657,347</b>	<b>1,057,289</b>	<b>222,071</b>	<b>98%</b>

	Original Budget \$	Year to date Budget \$	Year to Date Actual \$	Full Year Budget Remaining %
Capital Grant and Contribution	1,791,189	178,975	62,000	97%
Cash Backed Reserves	2,391,223	10,000	5,246	100%
Other (Disposal/Trade In)	135,000	42,000	15,832	88%
Own Source Funding – Municipal	8,339,935	826,314	138,992	98%
<b>Total</b>	<b>12,657,347</b>	<b>1,057,289</b>	<b>222,071</b>	<b>98%</b>

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

**6. Cash Backed Reserves (Note 6 Page 42)**

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

The balance as at 31 July 2015 is \$8,013,329. The balance as at 30 June 2015 was \$7,763,678.

**7. Receivables (Note 7 Page 43)**

Receivables of \$2,771,178 are outstanding at the end of July 2015, of which \$421,939 has been outstanding over 90 days. These comprise:

\$399,743 (14.4%) relates to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangements for more than one year.

\$22,196 (0.8%) relates to Other Receivables.

\$2,029,481 (73.2%) relates to infringement unpaid. Infringements are sent to Fines Enforcement Registry (FER). FER collect the outstanding balance and return the funds to the City for a fee. Currently we are unable to identify the age of infringement receivables. This will be addressed in future reports.

Finance has been following up outstanding items which relate to Other Receivables by issuing reminders when they are overdue and formal debt collection if reminders are ignored.

**8. Rating Information (Note 8 Page 44 - 45)**

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

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

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

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

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

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

Rates debtors as at 31 July 2015 including deferred rates was \$26,918,096 which represents 89.39% of the outstanding collectable income compared to 86.12% at the same time last year.

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

As at 31 July 2015 the operating surplus for the Centre was \$74,786 in comparison to the year to date budgeted deficit of \$128,700.

The July budget estimates for Beatty Park Leisure Centre were mostly under or less than the actual expenditure incurred or revenue received. This was due largely to depreciation not being charged in July 2015. Depreciation would have increased expenditure by around \$65,000. This has been detailed in the variance comments report in **Attachment 1**.

The cash position showed a current cash surplus of \$74,786 in comparison year to date budget estimate of a cash deficit of \$65,244.

**10. Explanation of Material Variances (Note 10 Page 47 - 54)**

The materiality threshold used for reporting variances is 10% on variances more than \$10,000. This threshold was adopted by Council as part of the Budget adoption for 2015-16 and is used in the preparation of the statements of financial activity when highlighting material variance in accordance with *Financial Management Regulation 34(1) (d)*.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

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

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

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

**RISK MANAGEMENT IMPLICATIONS:**

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

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**STRATEGIC IMPLICATIONS:**

Strategic Plan 2013-2023:

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

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

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

**SUSTAINABILITY IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable.

**COMMENT:**

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

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## 9.4 COMMUNITY SERVICES

### 9.4.1 Policy No. 3.8.12 – Mobile Food Vendors

<b>Ward:</b>	Both	<b>Date:</b>	7 August 2015
<b>Precinct:</b>	All	<b>File Ref:</b>	SC52
<b>Attachments:</b>	<a href="#">1</a> – Policy No. 3.8.12 ‘Mobile Food Vendors’ <a href="#">2</a> – Mobile Food Vendor Trial – Visitation Map <a href="#">3</a> – List of Submissions <a href="#">4</a> – Policy No. 3.8.10 ‘ Food Act 2008’		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	D Doy, Place Manager W Pearce, Manager Health & Compliance Services J O’Keefe, Manager Policy & Place		
<b>Responsible Officer:</b>	R Boardman, Director Community Services		

#### OFFICER RECOMMENDATION:

That Council:

1. **ADOPTS** Policy No.3.8.12 ‘Mobile Food Vendors’ as shown in Attachment 1;
2. **AUTHORISES** the Chief Executive Officer to update the City’s Policy Manual to include Policy No. 3.8.12 Mobile Food Vendors;
3. **AMENDS** Policy No.3.8.12 ‘Food Act 2008’ by deleting the following content from clause 1.5:

*“Mobile Temporary Food Premises have traditionally not been approved by the City (formerly known as ‘Itinerant Vendors’ i.e. ice-cream vans that stop for custom on public property, when hailed by a customer). It is considered that this Policy formalises this position that mobile temporary food premises will not be approved within the City. In consultation with the City’s Ranger and Community Safety Services section and Planning, Building and Heritage section, the following details were identified:*

*The City is well serviced by permanent food premises:*

*Mobile vendors do not necessarily contribute to the sustainment or development of the City’s District, Commercial and Local Centres; and*

*Potential road traffic hazards (i.e. stopping for trade in no-stopping areas, obstructing driveways), and ability for the mobile food operator to stop for trade outside a permanent premises selling similar goods; and the difficulty in monitoring approved versus unapproved vendors”.*

#### PURPOSE OF REPORT:

To report the results of the Mobile Food Vendor Trial; outline a variety of changes to Policy No. 3.8.12 Mobile Food Vendor (the Policy) based upon observations made during the trial; and seek Council’s endorsement to commence a call for applications for Vending Vincent permits.

**BACKGROUND:**

At the Council Forum held on 30 October 2012, the Acting Manager Health Services presented a potential model for Mobile Food Vendors within the City. It was raised that the City's Food Act 2008 Policy states that the City currently does not support Itinerant Vendors, and the policy requires an amendment if itinerant (roaming) vendors are to be permitted.

At the Ordinary Meeting of Council (OMC) held on 12 March 2013, a Draft Mobile Food Vendor Policy was submitted to Council for approval, however it was resolved that the item be deferred to allow further investigation to be undertaken.

At the OMC held on 8 July 2014, Council resolved to not proceed any further with the Request for Tender process for the provision of kiosk/café facilities at Hyde Park and Banks Reserve.

At the Council Forum held on 16 September 2014, a presentation was made regarding the potential locations and operating conditions for Mobile Food Vendors, should the Draft Policy be considered and approved. Elected Members provided feedback on recommended locations and conditions and requested an updated presentation at the Council Forum due to be held on 11 November 2014.

At the Council Forum held on 11 November 2014, Administration presented an updated policy approach with revised locations and conditions regarding Mobile Food Vendors. Subsequently, a report was presented to Council on 2 December 2014, requesting Council adopt a Draft Mobile Food Vendor Policy and authorising the Chief Executive Officer to conduct a Mobile Food Vendor Trial.

At the OMC held on 2 December 2014, Council resolved to:

1. *ENDORSES Draft Policy No. 3.8.12 'Mobile Food Vendor' as shown in Attachment 001 and proposed locations of operation as shown in Attachment 002 for the purpose of advertising for public comment;*
2. *AUTHORISES the Chief Executive Officer to:*
  - 2.1 *Undertake a Mobile Food Vendor Trial, in line with the Draft Policy No. 3.8.12 'Mobile Food Vendor' from January 2015 through to April 2015; and*
  - 2.2 *Advertise the Draft Policy No. 3.8.12 'Mobile Food Vendor' for public comment for a period of twenty-one (21) days;*
3. *RECEIVES a further report on the matter at the conclusion of the public comment period; and*
4. *NOTES that Policy No. 3.8.10 'Food Act 2008', would need to be amended if Draft Policy No. 3.8.12 'Mobile Food Vendor' is ultimately, in order to delete the following content from clause 1.5:*

*"Mobile Temporary Food Premises have traditionally not been approved by the City (formerly known as 'Itinerant Vendors' i.e. ice-cream vans that stop for custom on public property, when hailed by a customer). It is considered that this Policy formalises this position that mobile temporary food premises will not be approved within the City. In consultation with the City's Ranger and Community Safety Services section and Planning, Building and Heritage section, the following details were identified:*

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*The City is well serviced by permanent food premises:*

- *Mobile vendors do not necessarily contribute to the sustainment or development of the City's District, Commercial and Local Centres;*
- *Potential road traffic hazards (i.e. stopping for trade in no-stopping areas, obstructing driveways), and ability for the mobile food operator to stop for trade outside a permanent premises selling similar goods; and the difficulty in monitoring approved versus unapproved vendors."*

Mobile Food Vendors (or as they are commonly known – Food Trucks), have emerged as a popular dining option and activator of spaces in the past three years. Mobile Food Vendors have gained popularity through organised events and markets, but have more recently been permitted to trade in public spaces to complement and amplify existing pedestrian activity, or in some cases used as a tool to attract people into underutilised spaces.

The City has a number of public spaces which could be better patronised and some of these are targeted as Trading Zones in the Policy. In this regard, the intent is to enhance the use of the public spaces by surrounding residents and the broader community. The Policy also includes some locations which are already well patronised, with the addition of Mobile Food Vendors intended to complement the space and enhance the user experience.

High start-up costs for restaurateurs have resulted in an increased interest in Mobile Food Vending. Whether as a permanent business option or as a transition into a 'bricks and mortar' food business, Mobile Food Vending is seen as an affordable entry into the food and beverage industry. It is very important however that Administration supports established Food Businesses and it is for this reason that a variety of controls have been established in the Policy, which are outlined below.

#### **DETAILS:**

Following Council's endorsement of Draft Policy No. 3.8.12 Mobile Food Vendors, Administration conducted a call for Vending Vincent permit applications, as part of a Mobile Food Vendor Trial. Applications were assessed and ten (10) permits granted to Mobile Food Vendors on 6 March 2015.

The trial commenced on the day permits were issued, running for a two month period and concluding on 5 May 2015. Community consultation was conducted during the trial beginning on 27 March 2015 and concluding on 20 April 2015.

#### **Mobile Food Vendor Trial**

The number of Mobile Food Vendors trading in Vincent in the first month of the trial was lower than what was expected by Administration. Three Mobile Food Vendors withdrew from the trial due to competing commitments. The Mobile Food Vendors advised that the first half of the trial (March) fell within a busy period with a number of competing events, festivals and Food Truck programs occurring across Perth.

The second month of the trial saw an increase in Mobile Food Truck visitations as schedules cleared and time became available to devote to the trial. Administration also adjusted the management controls of the trial in the final two weeks, reducing the 'three truck cap' and allowing vendors to trade at any of the prescribed locations.

A map showing visitation numbers in the designated public spaces is contained in **Attachment 2**.

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### Mobile Food Vendor – Trial Observations

Mobile Food Vendors were asked to complete a survey following the trial and gave the following feedback:

- Mobile Food Vendors received lots of positive feedback from patrons;
- There is a desire to trade at Britannia Reserve during junior and senior sport, but concerns were raised about competing with the fundraising efforts of local clubs;
- The most popular locations were Hyde Park, Charles Veryard Reserve and Braithwaite Park;
- Trading location with the potential to succeed include Banks Reserve and Britannia Reserve;
- It was unanimously agreed that 'On-Park' locations work much better than car parks adjacent to public spaces; and
- Mobile Food Vendors clearly stated that a 'Roster' system was better than a 'First in Best Dressed' approach. Some Mobile Food Vendors believed that the vendors themselves should and could manage this roster.

### City of Vincent – Trial Observations

The following observations were made by Administration during the trial period:

- Administration observed that the Policy lacked some operational guidance for administering Vending Vincent Permits and managing trading locations. Specific deficiencies include:
  - What is the criteria to follow when selecting a Mobile Food Vendor?
  - Are there location specific considerations that need to be included in the content of the permit?
- It was clear that 'On-Park' trading is a better option than trading in a car park adjoining a public space.

### Community Consultation – Summary of Submissions

A list of all of the submissions received is contained in **Attachment 3**.

The following themes emerged from the consultation process with the community:

- Mobile Food Vendors do an excellent job of activating the City's public spaces, bringing the community together through the medium of food;
  - Mobile Food Vendors create atmosphere and a diversity of dining options in public spaces;
  - The Policy requires some rethinking in terms of how 'user friendly' it is;
  - The Policy requires further guidance with regard to:
    - Location specific information;
    - Number of traders per site;
    - A criteria for assessing and then selecting Vending Vincent Permit applications; and
    - Defining and then separating out 'Itinerant Food Vendors' from Mobile Food Vendors;
  - Concerns about the impact Mobile Food Vendors have on residences on Deague Court adjacent to Charles Veryard Reserve;
  - Concerns that Mobile Food Vendors are not required to pay cash-in-lieu for parking bays not provided;
  - Concerns about cleanliness of Mobile Food Vendors;
  - Concerns about competing with the offering provided by existing businesses; and
  - The need to provide clarity of locations and times to the community.
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### **Mobile Food Vendor Policy Amendments**

Based upon the observations made by Mobile Food Vendors, the Community and Administration a number of amendments are recommended to be made to the Policy, as follows:

1. Trading zones and location specific requirements

The advertised Policy included only general guidance for trading locations. The amended Policy identifies specific locations, known as Trading Zones and provides an aerial photograph of the identified public space they are permitted to use. The amendments also specify the route Mobile Food Vendors must follow to access the Trading Zone.

The general location requirements in the Draft Policy are no longer valid and have been removed from the amended Policy.

2. Refining Trading Zones

After observing the demand and popularity at each location during the trial, the following locations have been removed:

- Menzies Park;
- Les Lilleyman Reserve; and
- Loton Park.

There are two Trading Zones at Hyde Park which are both located on the western side due to a future bakery proposed for the corner of William Street and Lincoln Street.

There are two Trading Zones at Britannia Reserve. One of these locations is close to the clubrooms and is intended to complement junior and senior sport. Mobile Food Vendors who currently trade at Britannia Reserve will be required to apply for a Vending Vincent Permit, and the roster system for this location will be left to the Mobile Food Vendors themselves as outlined above.

Trading Zones have been located so they are not within 100 metres of a permanent food business.

3. Roster system

Managing the popularity and demand for Mobile Food Vendors in the designated public spaces is the most complex consideration for the City. The feedback from Mobile Food Vendors following the trial was in favour of a roster system. The community also preferred a roster system in order to provide clarity to the community about locations and trading times. Administration agrees that a roster system is the preferred method, but there are concerns with the City's capacity to maintain and manage a roster.

The City of Fremantle require the Mobile Food Vendors to create and manage their own roster. The City of Fremantle has advised this works well. Some Mobile Food Vendors stated to the City that this would also be their preferred management method.

A new Clause 3.1 has been added which states:

*"A maximum of three (3) Mobile Food Vendors are allowed at any one location at the same time, and any conflicts in trading zones (i.e. which Mobile Food Vendor is to be at which location at which time) must be resolved by the Mobile Food Vendors."*

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This approach gives the Mobile Food Vendors the responsibility to create, manage and advertise a roster to the community. The City would, in the early stages, work directly with the Mobile Food Vendors to help them set up this roster.

4. A Criteria for Preferred Mobile Food Vendors

The criteria for assessing Vending Vincent Permit applications has been refined. A new element added to this decision making process is an assessment of the “*quality and uniqueness of the business, its vehicle and its food offering.*”

5. Additions to the Vending Vincent Permit

Mobile Food Vendors will be provided a key to access some of the designated Trading Zones on receiving their Vending Vincent Permit. Clause 6.6 of the Policy states that it is the Permit holder’s responsibility to make sure any access gates remain locked whilst trading and on leaving the Trading Zone.

6. Defining Trading Times

The amended Policy now lists the trading times for the designated Trading Zones as 7am to 9pm.

7. Delegated Authority

Reference to delegated authority powers has been removed as it is dealt with separately in the City’s Delegated Authority Register.

8. Itinerant Vendors

The Policy provides a separate section for Itinerant Vendors. Itinerant Vendors are distinct from Mobile Food Vendors in that they are able stop for custom on public property when hailed by a customer. Once the transaction is made, the Itinerant Vendor must move on. Section 6.0 of the Policy defines an Itinerant Vendor and provides a series of conditions that Itinerant Vendors must follow in order to trade outside of the designated Trading Zones.

Policy No. 3.8.10 ‘Food Act 2008’ currently prohibits Itinerant Vendors. The Policy will need to be amended should Itinerant Vendors be allowed to operate in the City (refer Attachment 4).

9. Fees

The fee figures have been removed from the Policy. Fees are susceptible to change from year to year and are updated in the City’s Fees and Charges Schedule.

**CONSULTATION/ADVERTISING:**

The community was invited to comment on the Draft Mobile Food Vendor Policy between 27 March 2015 and 20 April 2015. The Mobile Food Vendor Trial ran concurrent to this consultation period, providing an opportunity for the community to experience Mobile Food Vendors in the City of Vincent. A copy of the submissions received and the Officers responding comment is located in **Attachment 3**.

A petition signed by 110 Signatures was also received from a Mobile Food Vendor requesting an extension of their Vending Vincent Permit on completion of the trial. This was unable to be granted before Council determined the Policy. This petition was tabled at the 2 June 2015 Ordinary Meeting of Council and stated the following:

*“Extend Stomping Ground Coffee’s (SCG) Permit beyond 5 May 2015 while the City of Vincent Reviews the Food Truck Trial and potential for Annual Permits in July 2015.*

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*City of Vincent initiated the food truck trial with the community in mind to help make simple food and beverages available within the City Parks.*

*After applying in December 2014 for the permit, we were told that the permit would be awarded in the second week of January 2015 and expire beginning of May 2015.*

*Without prior consultation SGC received the permit on 9 March 2015, however no extension of the permit expiry date. With established events and trade, it took a month to be able to re-schedule and arrive in Hyde Park on a regular basis.*

*Please show support to minimise disruption to SGC, and maintain the ability to obtain coffee in the park during Autumn/Winter.”*

**LEGAL/POLICY:**

- *Food Act 2008;*
- *City of Vincent Trading in Public Places Local Law 2008;*
- *Draft Policy No. 3.8.12 – Mobile Food Vendors; and*
- *Policy No. 3.8.10 – Food Act 2008.*

The authority to issue Vincent Vending Permits is the City’s *Trading in Public Places Local Law 2008*: Part 2 ‘Trading in Thoroughfares and Public Places’, Division 1 – ‘Stallholders and Traders’, Clause 2.2 ‘Stallholder’s Permit’.

The standard procedure for any non-compliance will be followed which includes warnings to be issued in the first instance directing the responsible person to remedy the breach within a reasonable period of time. The Local Laws provide powers to Authorised Officers to cancel permits and/or issue Infringement Notices where breaches are not addressed.

**RISK MANAGEMENT IMPLICATIONS:**

**Medium:** There is a medium risk of damage to turf and ground covering plants in the City’s public spaces. This risk is from both the Mobile Food Vendor Vehicles and patrons, but also the potential for other vehicles entering the public space should an access gate not be locked following a trading period.

**STRATEGIC IMPLICATIONS:**

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

*“Natural and Built Environment*

- 1.1 *Improve and maintain the natural and built environment and infrastructure*
- 1.1.6 *Enhance and maintain the City’s parks, landscaping and the natural environment*

*Community Development and Wellbeing*

- 3.1 *Enhance and promote community development and wellbeing*
  - 3.1.3 *Promote health and wellbeing in the community.”*
-

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

There is no direct financial cost to the City should Council choose to allow Mobile Food Vendors to trade in the City of Vincent.

The fee structure for Vending Vincent Permits for 2015/2016 is as follows:

<b>Fee Type</b>	<b>Amount</b>
Notification (assessment of initial application)	\$52.00
Risk Type – Medium (Categorised by the type of food/activities occurring within the vehicle – processing food, etc)	\$892.00
Risk Type – Low	\$644.00

**COMMENTS:**

The Mobile Food Vendor trial demonstrated that Mobile Food Vendors can bring about a greater utilisation of the City's public spaces. Positive feedback was received from both the community and the Mobile Food Vendors themselves during the trial period. The trial did however identify a number of operational issues that need to be considered in the Policy. Effectively managing the popularity and demand of the identified Trading Zones is the most significant of these issues. A roster system appears to be the most likely and favourable option, although it is clear the City does not have the resource capacity to manage this. As a result Administration, using the precedent set by the City of Fremantle, recommends that a roster be arranged by the Mobile Food Vendors themselves.

The Policy has also been updated to specifically identify Trading Zones within public spaces, as well as separate out requirements for Itinerant Food Vendors.

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**9.4.2 Safer Vincent Community Safety and Crime Prevention Plan 2015-2018**

<b>Ward:</b>	Both	<b>Date:</b>	7 August 2015
<b>Precinct:</b>	All	<b>File Ref:</b>	SC1854
<b>Attachments:</b>	1 – Safer Vincent Community Safety and Crime Prevention Plan 2015–2018		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	C Grossetti, Coordinator Safer Vincent S Butler, Manager Ranger & Community Safety Services		
<b>Responsible Officer:</b>	R Boardman, Director Community Services		

**OFFICER RECOMMENDATION:**

**That Council:**

- ADOPTS the Safer Vincent Community Safety and Crime Prevention Plan 2015–2018 as shown in Attachment 1; and**
- NOTES that the Plan is a revision of the City’s previous Safer Vincent Community Safety and Crime Prevention Plan 2011–2014 and has been developed in partnership with the Safer Vincent Crime Prevention Partnership Committee, community representatives and key support agencies.**

**PURPOSE OF REPORT:**

To enable Council to adopt the new Safer Vincent Community Safety and Crime Prevention Plan 2015–2018 (SVCSCPP).

**BACKGROUND:**

The new SVCSCPP represents an ongoing transition in developing a contemporary Community Safety and Crime Prevention Plan to service the City’s changing needs.

<b>Meeting Date</b>	<b>Outcome</b>
24 February 2004	At its Ordinary Meeting, Council resolved to enter into a formal crime prevention partnership arrangement with the WA State Government. Part of that arrangement included the City’s requirement to develop a strategic plan towards a partnership approach to community safety and crime prevention.
15 January 2007	At its Ordinary Meeting, Council adopted the first Town of Vincent Safety and Crime Prevention Plan 2007-2010 for the Vincent community.
27 May 2010	A Crime Prevention Workshop, attended by WA Police – Office of Crime Prevention, community representatives and City Officers was held to review the existing Plan and identify new priorities. As a result, a new Plan was developed.
25 October 2011	At its Ordinary Meeting, Council adopted the Safer Vincent Community Safety and Crime Prevention Plan 2011 -2014.
10 December 2014	At the meeting of the Safer Vincent Crime Prevention Partnership (SVCPP), the proposal for a range of amendments to the existing Plan and development of a contemporary Safer Vincent Community Safety and Crime Prevention Plan was presented for consideration to the Committee. Agreement for the development of a contemporary Community Safety and Crime Prevention Plan was obtained.
1 July 2015	At the meeting of the Safer Vincent Crime Prevention Partnership, the final draft (including further amendments and recommendations) for a contemporary Safer Vincent Community Safety and Crime Prevention Plan 2015–2018, was further discussed and endorsed. At the time, the document was undergoing editing and creative publishing prior to

Meeting Date	Outcome
	presentation to Council.

**DETAILS:**

The Safer Vincent Community Safety and Crime Prevention Plan 2011-2014 sought to build on the foundations and lessons learnt from the Town of Vincent Community Safety Crime Prevention Plan 2007-2010, which was successfully implemented and later replaced in 2011.

The updated Plan (2011–2014) was a changed format from the original and became a more succinct version, with some actions from the previous Plan dropping away as they had been completed or allocated resources were fully expended.

The 2011-2014 Plan remained in place for longer than anticipated, given the uncertainty surrounding local government reforms and the proposed amalgamation of Vincent with the City of Perth, at the time.

In anticipation of the City retaining its own entity and continuing “business as usual”, the Safer Vincent Community Safety and Crime Prevention Plan 2011-2014 was totally revised in order to contemporise the Plan and develop new strategies to serve the City until 2018, when the next evaluation and review process will be undertaken.

The new Plan reduces the original five community safety and crime prevention strategies to three broader categories, in order to define the focus of the new Plan and remove duplication and overlap where it previously occurred. It also seeks to better utilise contemporary social and electronic media communications to a greater level.

The new priority strategies in the Safer Vincent Community Safety and Crime Prevention Plan 2015-2018 provide actions in the following areas:

**Strategy 1 - COMMUNITY SAFETY PROMOTION AND AWARENESS**

**Strategy 2 - SAFETY THROUGH EFFECTIVE PARTNERSHIPS**

**Strategy 3 - SAFE PLACES AND SAFE SPACES**

The Plan has been developed in consultation with WA Police and the SVCPP committee members, as community representatives.

Once endorsed by Council, it is intended that the Safer Vincent Community Safety and Crime Prevention Plan 2015-2018 will be officially launched and promoted during Community Safety Month in October 2015.

**CONSULTATION/ADVERTISING:**

A Safer Vincent Community Safety and Crime Prevention Plan 2015-2018 information and launch event is planned to be run in conjunction with Community Development – following the adoption of the new Plan by Council. The target audience will include City staff, residents, SVCPP members, local police, precinct group members, and community stakeholder representatives. The planning of this event will coincide with Community Safety Month in October 2015 and Seniors Week events in early November 2015.

As highlighted, the Plan has been developed by the City’s Safer Vincent Officers in consultation with WA Police, SVCPP committee members (representative of the wider community) and select external stakeholders. It was developed to meet the needs of the City towards 2018 where its strategies, measurable outcomes and achievement will be evaluated during a “review and development” phase towards developing the City’s next Community Safety and Crime Prevention Plan at that time.

The Plan will be widely distributed and promoted through the SVCPP and made available on the City of Vincent website, social media, and local community newspapers and during the planned launch event.

**LEGAL/POLICY:**

There are no legal implications related to this report or adoption of the updated Community Safety and Crime Prevention Plan.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** Having a contemporary Safer Vincent Community Safety and Crime Prevention Plan, will assist in demonstrating the City and stakeholders proactive role in promoting and implementing strategies aimed at tackling community safety and crime prevention concerns.

**STRATEGIC IMPLICATIONS:**

The proposed Plan aligns with the City's *Strategic Community Plan 2013-2023* objectives as follows:

- "1.1.4 Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment, and*
- 3.1.2 Promote and foster community safety and security."*

**SUSTAINABILITY IMPLICATIONS:**

The implementation of this revised Community Safety and Crime Prevention Plan and its strategies and initiatives supports a partnership approach towards enhanced community safety. This approach allows all partners to share and contribute towards a unified goal of supporting a safer, healthy and active community which in-turn, has flow on benefits to the City of Vincent, including greater social and economic benefits.

The actions and strategies of the Plan support the City's Strategic Community Plan and Public Health Plan initiatives, goals and outcomes.

**FINANCIAL/BUDGET IMPLICATIONS:**

There are no ongoing financial or budget implications, outside of the forecast budget allocations for Safer Vincent, associated with the introduction of the Safer Vincent Community Safety and Crime Prevention Plan 2015-2018.

**Comments**

The SVCSCPP 2015-2018 encourages a 'whole of partnership' approach to community safety, developed in conjunction with the City of Vincent, WA Police, community stakeholders and members of the SVCPP.

It will continue to guide the strategic direction for the partnership, to ensure that community safety and crime prevention is addressed in a timely, coordinated and appropriate manner.

In light of the above, it is considered appropriate for the Council to endorse the Officer Recommendation for the adoption of the Plan.

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## 9.5 CHIEF EXECUTIVE OFFICER

### 9.5.1 Use of the Council's Common Seal

<b>Ward:</b>	-	<b>Date:</b>	7 August 2015
<b>Precinct:</b>	-	<b>File Ref:</b>	SC406
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	M McKahey, Personal Assistant		
<b>Responsible Officer:</b>	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 July 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
29/07/2015	Deed of Restrictive Covenant	3	City of Vincent and M J and M H Alessandrino of 518A Fitzgerald Street, North Perth Re: Nos. 518A and 518B (Lot 4) Fitzgerald Street, North Perth – <i>To satisfy Clause 1. Of conditional approval by the Western Australian Planning Commission on 28 February 2013 – Deed of Restrictive Covenant – Subdivision Approval</i>
22/07/2015	Withdrawal of Caveat	1	City of Vincent and HWL Ebsworth of Level 11 167 St Georges Terrace, Perth, Re: No. 261 (Lots 1 & 2) Charles Street, North Perth – four (4) Storey Multiple Dwelling development – <i>To satisfy Clause 6.1 of conditional approval by the Development Assessment Panel (DAP) on 21 February 2014.</i>
23/07/2015	Withdrawal of Caveat	1	City of Vincent and HWL Ebsworth of Level 11 167 St Georges Terrace, Perth, Re: No. 272-282 (Lots 21, 100 & 104) Charles Street, North Perth – six (6) Storey Mixed Use development– <i>To satisfy Clause 7.1 of conditional approval by the Development Assessment Panel (DAP) on 15 August 2014.</i>

**9.5.2 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	7 August 2015
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">1</a> – Information Bulletin		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	J Highfield, Executive Assistant		
<b>Responsible Officer:</b>	Len Kosova, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

**That the Council RECEIVES the Information Bulletin dated 7 August 2015 as distributed with the Agenda.**

**DETAILS:**

The items included in the Information Bulletin dated 7 August 2015 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	State Administrative Tribunal Orders for No. 20 Burgess Street, Leederville – Palmgate Investments Pty Ltd v City of Vincent, DR 133 of 2015
IB02	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 15 July 2015
IB03	Mindarie Regional Council Minutes of the Ordinary Council Meeting held on 2 July 2015
IB04	Unconfirmed Minutes of the Arts Advisory Group (AAG) Meeting held on 23 June 2014
IB05	Unconfirmed Minutes of the Safer Vincent Crime Prevention Partnership (SVCPP) Meeting held on 1 July 2015
IB06	Unconfirmed Minutes of the Party Bus Working Group (PBWG) Meeting held on 15 July 2015
IB07	Local History Centre – Progress Report No. 28 – January to June 2015
IB08	Vincent Greening Plan – Progress Report No. 5
IB09	Register of Petitions – Progress Report – August 2015
IB10	Register of Notices of Motion – Progress Report – August 2015
IB11	Register of Reports to be Actioned – Progress Report – August 2015
IB12	Register of Legal Action ( <b>Confidential – Council Members Only</b> ) – Monthly Report as at 7 August 2015
IB13	Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 6 August 2015
IB14	Register of Applications Referred to the Design Advisory Committee – 2015
IB15	Register of Applications Referred to the MetroWest Development Assessment Panel – Current
IB16	Forum Notes – 14 July 2015

**9.5.3 nib Stadium – Proposed Changes to Lease and Terms of Reference**

<b>Ward:</b>	South	<b>Date:</b>	18 August 2015
<b>Precinct:</b>		<b>File Ref:</b>	
<b>Attachments:</b>	<a href="#">1</a> – Current Perth Oval Lease <a href="#">2</a> – Proposed Changes to Current Lease (shown tracked) <a href="#">3</a> – Proposed Changes to Stadium Advisory Committee Terms of Reference (shown tracked)		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	Len Kosova, Chief Executive Officer		
<b>Responsible Officer:</b>	Len Kosova, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

**That Council:**

1. **ACCEPTS** the proposed changes to the Lease for Perth Oval (nib Stadium) made on 13 March 2012 between the City and the State, as shown tracked in Attachment 2, **REQUIRES** those changes to be effected through a Deed of Variation to the current Lease and **AUTHORISES** the Mayor and Chief Executive Officer to execute that Deed of Variation subject to the following amendments being made to the satisfaction of the Chief Executive Officer:

- 1.1 The term of the Lease shall not change;
- 1.2 Clause 6.4 in Part – B (Reference Table) of the Lease shall remain in the Lease unaltered and shall be subject to a separate negotiation with the City should the State wish to pursue the matter further;
- 1.3 Clause 6.6 in Part – B (Reference Table) of the Lease shall remain in the Lease unaltered;
- 1.4 In Part – C (Terms & Conditions), the definition of “Manager” shall read as follows:
 

*“Manager means any company or individual appointed by the State from time to time in accordance with Clause 6.7 of this Part to be responsible for the day to day operation of the stadium and/or execution of any commercial rights or arrangements in relation to the Stadium. It also means VenuesWest if VenuesWest is responsible for the day to day operation of the stadium.”*
- 1.5 Clause 1.4 in Part – C (Terms & Conditions) shall remain in the Lease unaltered;
- 1.6 In Part – C (Terms & Conditions), the new Clause 6.7 shall read as follows:
 

**“6.7 Lessee May Appoint Manager**

**(a) Notwithstanding the preceding provisions of this clause 6 clauses 6.1(a) and 6.2, the Lessee may from time to time appoint a Manager without having to obtain the consent of the Lessor, providing that the appointment of any Manager does not relieve the Lessee from its obligations to comply with the terms of this Lease. The Lessee must include provisions in any agreement with a Manager which similarly require the Manager to comply with the terms of this Lease.**

- (b) *For the avoidance of doubt the authority for the Lessee to appoint a Manager without having to obtain the Lessor's consent, shall not otherwise affect the preceding provisions of this clause 6 in respect of the assignment, subletting, mortgaging or transfer of any whole or part of the Premises.*
- (c) *The Lessee must provide the Lessor with not less than thirty (30) days' notice in writing of any such decision to appoint a Manager in accordance with sub-clause (a) of this clause."*
- 1.7 Sub-clause 11.5(b) in Part – C (Terms & Conditions) shall remain in the Lease unaltered, and the words “*during the term*” added to the end of the two remaining sub-clauses (a) and (c);
- 1.8 In Part – C (Terms & Conditions) Clause 11.6 shall remain numbered 11.6, not 11.5.
- 1.9 In Part – C (Terms & Conditions) Clause 21.1 shall retain reference to the Mayor and CEO as the City's two representatives on the Advisory Committee. Additionally, the quorum for Advisory Committee meetings under this clause shall remain as four members (comprising two State representatives, one City representative and one representative of the Stadium users) and the Committee membership shall comprise not more than two representatives of the Stadium users.

2. **ENDORSES** the changes to the nib Stadium Advisory Committee Terms of Reference shown tracked in Attachment 3.

**PURPOSE OF REPORT:**

To consider changes proposed by VenuesWest (on behalf of the Minister for Sport and Recreation, representing the State Government) to the Perth Oval (nib Stadium) Lease and the Stadium Advisory Committee Terms of Reference.

**BACKGROUND:**

Perth Oval (nib Stadium) is situated on land owned by the City of Vincent and is the subject of a lease to the State Government, entered into on 13 March 2012, for an initial term of 25 years plus a further 25 year term at the lessee's option (the Lease).

Prior to the lease with the State Government, Perth Oval was the subject of a Heads of Agreement stamped 22 December 2003 between the City of Vincent (then the Town of Vincent), Allia Holdings Pty Ltd and Guarantors Nicola Tana and David George Rodwell. The Heads of Agreement set out the general terms and conditions under which Allia was to provide operational management services, catering services and naming rights services for the stadium at Perth Oval.

Over subsequent years, the Heads of Agreement between the Town, Allia and the Guarantors was varied by several Deeds of Covenant and was eventually terminated and replaced altogether with a new Agreement (the Agreement) between the State of Western Australia (through the Minister for Sport and Recreation) and Allia Venue Management Pty Ltd (Allia). That Agreement came into effect simultaneously with the execution of the lease between the City and the State on 13 March 2012.

In 2014, Allia and the State mutually agreed to terminate their Agreement and on 22 September 2014 management of the Stadium officially transferred to VenuesWest. Despite this, the Lease between the City and the State has remained unchanged and still references the previous Agreement(s) and Allia's involvement in the facility. Consequently, VenuesWest is seeking for the Lease to be amended to reflect the current management arrangement.

Under clause 21 of the Lease and clause 4 of the (now redundant) Agreement between the State and Allia, the State is required to establish a Stadium Advisory Committee to advise the State on the ongoing use of the Stadium. The functions of the Committee include (among other things) overseeing the performance of the Stadium Manager, assessing any proposed Licensing Agreements and advising the State on Capital Improvements required for the Stadium. The membership of the Committee (as determined by the current Lease) includes the Mayor and CEO of the City of Vincent, as well as representatives of Allia, VenuesWest, Department of Sport and Recreation and other persons appointed by the Minister for Sport and Recreation from time to time.

**DETAILS:**

VenuesWest, on behalf of the State as Lessee of nib Stadium, has proposed changes to the Lease with the City and the Terms of Reference for the Stadium Advisory Committee.

A copy of the existing Lease document is included as **Attachment 1**, while the revisions proposed by VenuesWest are shown as tracked changes in the version of that document contained in **Attachment 2**. A copy of the Committee's Terms of Reference showing (as tracked changes) VenuesWest's proposed revisions is included as **Attachment 3**.

The table below summarises the primary changes being proposed to the lease by VenuesWest, together with Administration's comment on each.

	<b>Proposed Change</b>	<b>Administration Comment</b>
1.	Part – A (Lease), Year of execution has been changed from 2012 to 2014.	The date of the Lease would only need to change if Council chose to enter into a new Lease to supersede the current Lease, rather than by simply giving effect to the proposed changes through a Deed of Variation. The Deed of Variation is Administration's preferred approach as it will keep the existing Lease intact and will only alter those provisions of the Lease that are being updated. This will be administratively simpler than entering into a new Lease altogether which is substantially identical to the current Lease.
2.	Part – A (Lease), Paragraph 3, reference to the capacity of the stadium has changed to 20,300.	Supported.
3.	Part – B (Reference Table), Clause 6.4 has been changed to allow use of the adjoining Loton Park Area as an "overflow area for other events", in addition to the current allowance for use of that area as a temporary car park during match days and events. Match day parking fees paid to the City of Vincent have also been reduced by \$7 per vehicle and new fees introduced for functions and other events using the Loton Park Area.	Not Supported.  In principle, Administration has no objection to the occasional use of the Loton Park Area for functions and events (at the City's absolute discretion and in accordance with the City's usual conditions for the hire and use of Reserves), but does not support the guarantee of entitlement to use that area, as proposed by VenuesWest. At present, the adjoining Loton Park Area is referenced within the Lease document but is specifically excluded from the Lease Area.  Administration does not support any reduction in the parking fees currently prescribed in the lease, as that will likely result in reduced income for the City.

		If directed by Council, Administration would be willing to negotiate an outcome with VenuesWest on the abovementioned elements that is financially advantageous to the City and which might be best served by a separate licence for use of the area.
4.	Part – B (Reference Table), Clause 6.6 has been deleted as it relates to a lump sum payment of \$5 million paid to the City by the State within 14 days of the Lease being executed in 2012.	Not Supported. This provision would only need to be deleted if the City intended to enter into a new Lease instead of simply executing a Deed of Variation. If a new Lease was entered into then retaining this clause 6.6 would require the State to (again) make a \$5 million payment to the City. This clause can be retained and will have no further effect if a Deed of Variation is executed and relates only to those parts of the current Lease that need to change.
5.	Part – C (Terms & Conditions), the definition of: <ul style="list-style-type: none"> <li>• “Event” has been expanded to include use of rooms or areas for functions;</li> <li>• “Heads of Agreement” has been deleted; and</li> <li>• “Manager” has been revised and updated to reflect that a Manager would be appointed by the State and the current Manager is VenuesWest.</li> </ul>	Supported, providing that the definition of Manager is amended to read as follows (showing tracked changes proposed by Administration):  <i>“<b>Manager</b> means any company or individual appointed by the State from time to time <u>in accordance with Clause 6.7 of this Part</u> to be responsible for the day to day operation of the stadium and/or execution of any commercial rights or arrangements in relation to the Stadium. It also means VenuesWest if VenuesWest is responsible for the day to day operation of the stadium.”</i>  The reason for this further change is discussed at Item 7 below, in relation to Clause 6.7.
6.	Part – C (Terms & Conditions), Clause 1.4 (Conditions Precedent) has been deleted. This clause stipulates the conditions precedent that needed to be fulfilled by 31 March 2012 prior to the coming into effect of the Lease. Those conditions were previously fulfilled and the clause has therefore been deleted	Deletion of this clause is not supported for the reasons outlined in Administration’s Comments on Item 4 above.  This provision would only need to be deleted if the City intended to enter into a new Lease instead of simply executing a Deed of Variation. This clause can be retained and will have no further effect if a Deed of Variation is executed and relates only to those parts of the current Lease that need to change.
7.	Part – C (Terms & Conditions), a new Clause 6.7 has been added, which would entitle the State to appoint a Manager for the Stadium without having to obtain the consent of the City as the Lessor.	At present, clause 6.1 requires the Lessee to obtain the City’s approval for any sublease, transfer or assignment of any part of the Stadium, interest in the Stadium or benefit of the Lease – this can reasonably be interpreted to include operational management of the Stadium.  Clause 6.2 of the Lease currently protects the Lessee’s rights and states that the Lessor (the City) will not unreasonably withhold its consent under clause 6.1 subject to certain qualifications being met.  It could be argued that the current arrangement is satisfactory and need not change, as the City would not unreasonably withhold its consent for management of the Stadium to transfer from VenuesWest to another person or company. Obtaining the City’s approval in that regard need not be a difficult decision for the Lessee to secure.

		<p>Conversely, it could be argued that the City's only or primary interest in respect of the Lease should be to ensure all of the State's obligations under the Lease are fulfilled, regardless of the facility manager. This is a reasonable position to hold when considering that the City would still be represented on the Stadium Advisory Committee, which is responsible for overseeing the performance of the Stadium Manager; through that role the City could address any concerns or issues that might arise if management of the Stadium transfers from VenuesWest to another person or company.</p> <p>On balance, having regard to the above, Administration has no objection to inclusion of the new clause 6.7, subject to it being amended to read as follows (showing tracked changes proposed by Administration):</p> <p><b>“6.7 Lessee May Appoint Manager</b></p> <p>(a) <i>Notwithstanding the preceding provisions of <del>this clause 6</del> clauses 6.1(a) and 6.2, the Lessee may from time to time appoint a Manager without having to obtain the consent of the Lessor, providing that the appointment of any Manager does not relieve the Lessee from its obligations to comply with the terms of this Lease. The Lessee must include provisions in any agreement with a Manager which similarly require the Manager to comply with the terms of this Lease.</i></p> <p>(b) <i><u>For the avoidance of doubt the authority for the Lessee to appoint a Manager without having to obtain the Lessor's consent, shall not otherwise affect the preceding provisions of this clause 6 in respect of the assignment, subletting, mortgaging or transfer of any whole or part of the Premises.</u></i></p> <p>(c) <i><u>The Lessee must provide the Lessor with not less than thirty (30) days' notice in writing of any such decision to appoint a Manager in accordance with sub-clause (a) of this clause.</u></i>”</p> <p>The above changes will ensure the new entitlement for the State to appoint and change Stadium Managers – firstly, cannot be misapplied to avoid the need for City approval of other changes to the Lease arrangement and secondly, oblige the State to notify the City of any decision to appoint a new Manager.</p>
8.	<p>Part – C (Terms &amp; Conditions), Sub-clause 11.5(b) has been deleted and the words “<i>during the term</i>” added to the end of the two remaining sub-clauses (a) and (c), the latter of which is now sub-clause (b).</p> <p>Sub-clause (b) of the current Lease refers to ownership of any capital improvements</p>	<p>Deletion of this clause is not supported for the reasons outlined in Administration's Comments on Item 4 above.</p> <p>This provision would only need to be deleted if the City intended to enter into a new Lease instead of simply executing a Deed of Variation. This clause can be retained and will have no further effect if a</p>

	<p>(i.e. plant and equipment) that were not used in the previous redevelopment of the Stadium. Under that sub-clause, the State was required to remove and relocate that plant and equipment to Loton Park and the City was then responsible for its use and disposal thereafter.</p> <p>This sub-clause has served its purpose and is therefore proposed to be deleted.</p>	<p>Deed of Variation is executed and relates only to those parts of the current Lease that need to change.</p>
9.	<p>Part – C (Terms &amp; Conditions), existing clause 11.6 has been erroneously renumbered as clause 11.5.</p>	<p>Not supported. Existing clauses 11.1 – 11.5 (inclusive) are not proposed to be deleted and as such the numbering of clause 11.6 needs to remain.</p>
10.	<p>Part – C (Terms &amp; Conditions), Clause 21 (Committee) has been amended, as outlined below:</p> <p><u>Clause 21.1</u></p> <p>VenuesWest’s tracked change version of the proposed (revised) Lease (<b>Attachment 2</b>) suggests that the entirety of 21.1 has been amended and rewritten, but this is not the case. The <i>only</i> changes proposed to Clause 21.1 of the current Lease are as follows:</p> <ul style="list-style-type: none"> <li>In sub-clause (b) the Committee membership has been changed to – refer to the CEO and further representative of VenuesWest (as opposed to the CEO and Chairman of VenuesWest); include “2-3 representatives of the regular users of the stadium to be appointed by the committee” (as opposed to a single non-voting Stadium user representative that is rotated annually among Stadium users); and refer to the CEO and “a further representative” of the City (as opposed to the CEO and Mayor).</li> <li>In sub-clause (c) the quorum for any meeting is to be at least 3 members, at least 2 of which must be State representatives and the third a Council representative (as opposed to a quorum of 4 at present, with two needing to be State representatives, the third Allia’s representative and the fourth the Council’s representative).</li> </ul> <p><u>Clause 21.2</u></p> <p>Minor changes are proposed to sub-clauses (i), (ii) and (iii) to refer to the “Manager” instead of Allia and to correctly reference the Lease instead of the Agreement, as presently written.</p>	<p>Administration has no objection to the changes proposed to clause 21.1, although Council may wish to consider officially retaining (in the Lease) the Mayor’s appointment to the Stadium Advisory Committee, rather than the City’s second member being (generically) “a further representative of the City”.</p> <p>Administration does not support the reduced quorum of 3, given that the Committee Membership is actually increasing. This reduced quorum is also inconsistent with the proposed (revised) Committee Terms of Reference (see <b>Attachment 3</b>) which requires a quorum of 4 members – 2 State representatives, 1 City representative and 1 representative of the nib Stadium users.</p> <p>Administration supports the appointment of up to 2 (<i>not</i> up to 3) regular users of the Stadium as voting members, given their direct interest and investment in use of the Stadium. In Administration’s view, the Stadium users representation on the committee should not exceed the City’s membership of 2 persons. This number of Stadium users is also consistent with the proposed (revised) Terms of Reference for the Committee, which nominates the two main users of the Stadium as voting Committee Members – Western Force and Perth Glory.</p> <p>Administration supports the minor changes proposed to clause 21.2.</p>
11.	<p>Part – C (Terms &amp; Conditions), Sub-clauses 22(a) and (b) have been changed to recognise that the Lessee <i>may</i> intend to carry out further redevelopment of the</p>	<p>Supported.</p> <p>These changes are minor, do not alter the purpose or intent of clause 22 and do not obviate the need</p>

	Stadium, and to delete the reference to <i>major</i> development.  Sub-clause 22(b)(ix)(F) has also been changed to more appropriately refer to the Lessee rather than the Department.	for the State to still apply for and obtain the City's permission (as Lessor) for any further redevelopment of the Premises and for the State to obtain and comply with all other statutory approvals.
12.	Part – C (Terms & Conditions), Signing Page has been updated to refer to Mayor John Carey.	Supported, although the title "Hon." Would need to be removed prior to the Mayor's name if a new Lease is entered into.

In addition to the changes proposed to clause 21 of the Lease (as outlined in Item 10 of the table above), VenuesWest has also proposed changes to the Terms of Reference. A copy of the current Terms of Reference showing tracked changes is included as **Attachment 3**.

Administration has no objection to the proposed changes to the Terms of Reference.

**CONSULTATION/ADVERTISING:**

Nil

**LEGAL/POLICY:**

The proposed changes to the Lease are considered sufficiently minor to be dealt with through a Deed of Variation to the 2012 Lease, rather than by replacement of that Lease altogether with a new Lease.

If a new Lease is entered into in 2015 then the term of the original Lease would be increased by three years because the commencement date of the Lease has changed. This approach is not favoured and would likely, but unnecessarily, require the Lease to be treated as a major land transaction and an exempt land disposition to the State. There is little point in this occurring as the proposed changes to the Lease do not alter the purpose, intent or consideration (financial return) to the City and thus do not justify a complete replacement of the current Lease.

**RISK MANAGEMENT IMPLICATIONS:**

**LOW:** The changes proposed to the Lease and Terms of Reference do not alter the application, purpose or intent of those documents, nor do they materially diminish the City's rights as Lessor or the State's obligations as Lessee.

**STRATEGIC IMPLICATIONS:**

Consideration of this proposal is in keeping with the following strategy from the City's Strategic Community Plan 2013-2023:

*"2.1.1 Develop and promote partnerships and alliances with key stakeholders"*

**SUSTAINABILITY IMPLICATIONS:**

Perth Oval (nib Stadium) is a significant City of Vincent asset and has the potential to generate substantial asset management responsibilities and costs for the City beyond the current Lease term (ending in 2052) if not carefully managed by the State in the meantime. These issues will be closely reviewed in the current financial year as part of the City's preparation of a comprehensive asset management strategy.

**FINANCIAL/BUDGET IMPLICATIONS:**

There are no more or different financial or budget implications arising for the City as a result of the changes proposed to the Lease and Advisory Committee Terms of Reference.

**COMMENTS:**

Administration supports the proposed changes to the Lease for Perth Oval (nib Stadium), subject to the various amendments recommended by Administration earlier in this report and subject also to the changes being effected through a Deed of Variation to the current Lease. On this basis, it is recommended that Council accepts those changes (as amended by Administration) and authorises the Mayor and CEO to execute a Deed of Variation relating to the same.

Administration also supports VenuesWest's proposed changes to the Terms of Reference and it is therefore recommended that Council endorse those changes.

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**9.5.4 LATE ITEM: Proposed Electoral Boundary Changes**

**TO BE ISSUED PRIOR TO MEETING.**

**10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**10.1 NOTICE OF MOTION: Cr Josh Topelberg – Live Streaming of Council Briefings and Council Meetings**

That Council **NOTES** the current audio visual system used in the Council Chamber is nearing the end of its technological life and **REQUESTS** the Chief Executive Officer to investigate a system upgrade or replacement to support live streaming of Council Briefings and Council Meetings and to submit a report to Council by December 2015 to consider possible funding for the same through the Mid Year Budget Review.

**REASON:**

Live streaming of Council Briefings and Council Meetings would greatly increase the community's accessibility to and awareness of Council discussion and decision-making processes and would also support the City's agenda for increasing transparency and accountability in the City and the local government sector as a whole.

The City's Council meetings are already digitally recorded and those recordings are publicly accessible. However, it is understood the current audio visual system is nearing the end of its technological life and could not support live internet streaming of meetings.

**ADMINISTRATION COMMENT:**

The Chief Executive Officer has no objection to the proposed Motion.

Administration has already commenced a review of the existing audio visual system used in the Council Chambers, including the networked computer screens, microphones, video camera and projector. Some of this equipment is approximately 20 years old, is indeed nearing the end of its technological life and becoming unreliable, and will need to be replaced in the near future.

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**11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil.

**12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**

Nil.

**13. URGENT BUSINESS**

Nil.

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

**14.1 CONFIDENTIAL REPORT: No. 145 (Lot: 4 D/P: 3984) Oxford Street, Leederville – Proposed Change of Use from Office to Eating House Including Alterations, Additions and Signage – Reconsideration under s31 of the State Administrative Tribunal (SAT) Act 2004 (DR 199 of 2015)**

<b>Ward:</b>	South	<b>Date:</b>	7 August 2015
<b>Precinct:</b>	Precinct 4 – Oxford Centre	<b>File Ref:</b>	PR24342; 5.2015.118.1
<b>Attachments:</b>	Confidential – Consultation Map Confidential – Development Application Plans Confidential – Car and Bicycle Parking Tables Confidential – SAT Orders Confidential – Transport Report from Consultant’s Transcore		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	S Laming, Statutory Planning Officer		
<b>Responsible Officer:</b>	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.

**14.2 CONFIDENTIAL REPORT: No. 45 (Lot: 770 D/P: 301693) Cowle Street, West Perth – Proposed Demolition of Existing Single House and Construction of Four Storey Development – Reconsideration under s31 of the State Administrative Tribunal (SAT) Act 2004 (DR 178 of 2015)**

<b>Ward:</b>	South	<b>Date:</b>	7 August 2015
<b>Precinct:</b>	Precinct 12 – Hyde Park	<b>File Ref:</b>	PR25043; 5.2014.540.1
<b>Attachments:</b>	Confidential – Development Application Plans Confidential – State Administrative Tribunal Orders Confidential – Applicants Justification dated 5 August 2015 Confidential – City’s Planning Consultant Recommendation		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Groom, Statutory Planning Officer		
<b>Responsible Officer:</b>	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:

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- (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.

**14.3 CONFIDENTIAL REPORT: No. 49 (Lot: 86 D/P: 6064) Milton Street, Mount Hawthorn – Proposed Demolition of Existing Single House and Construction of Four Two-Storey Grouped Dwellings – Reconsideration under s31 of the State Administrative Tribunal (SAT) Act 2004 (DR 219 of 2015)**

<b>Ward:</b>	North	<b>Date:</b>	7 August 2015
<b>Precinct:</b>	Precinct 1 – Mount Claremont	<b>File Ref:</b>	PR50115; 5.2014.645.1
<b>Attachments:</b>	Confidential – Development Application Plans Confidential – State Administrative Tribunal Orders Confidential – Applicants Justification dated August 2015		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Dyson, Senior Statutory Planning Officer		
<b>Responsible Officer:</b>	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.

**15. CLOSURE**