



CITY OF VINCENT

ORDINARY COUNCIL MEETING

30 JUNE 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 30 June 2015** at 6.00pm.

Len Kosova
CHIEF EXECUTIVE OFFICER

26 June 2015

ENHANCING AND CELEBRATING OUR DIVERSE COMMUNITY

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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

2.1 Cr Matt Buckels on approved leave of absence from 26 June to 27 July due to personal commitments.

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

4.1 Cr Joshua Topelberg requesting leave of absence from 8 July to 10 July due to work commitments.

5. The Receiving of Petitions, Deputations and Presentations

5.1 Petition received from Ms J Glare of Purslowe Street, Mt Hawthorn, along with 22 signatures from residents in the area, concerned about the large volume of traffic incidents occurring due to the black spot area between Purslowe and Brady Street, Mount Hawthorn and requesting Council support for this area to be listed in the Main Roads Black Spot Program.

5.2 Petition received from Mr J Matthews of Mount Hawthorn, along with 91 signatures, relating to the proposed change of use application for 174-176 Anzac Road, Mount Hawthorn and in particular outlining concerns relating to parking and traffic impact to this section of Anzac Road, if the proposed change of use application is approved.

5.3 Petition submitted by Mr A Yusen Ley and Ms A Gamboa Rocha of Pennant Street, North Perth, with 14 signatures in support from neighbouring residents of Pennant Street, relating to the alleged unauthorised development within the front setback area (cubby house) of their property in Pennant Street, North Perth which states that *"We, adjacent neighbours to 38 Pennant Street in North Perth, consider that the recent addition of the cubby house to the premises harmonises with the existing streetscape, complements the character of their house and does not impact our streetscape in a negative way."*

6. Confirmation of Minutes

6.1 Ordinary Meeting of Council held on 2 June 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: Mayor John Carey - Western Australian Local Government Annual General Meeting

10.2 NOTICE OF MOTION: Cr Roslyn Harley - Publication of Gift Register

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

Nil.

12. Representation on Committees and Public Bodies

Nil.

13. Urgent Business

Nil.

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

14.1 CONFIDENTIAL REPORT: No. 20 (Lot: 450 D/P: 302403) Burgess Street, Leederville – Proposed Demolition of an Existing Single House and Construction of Eight Multiple Dwellings – Reconsideration under s31 of the State Administrative Tribunal (SAT) Act 2004 (DR 133 of 2015) (PR25043; 5.2014.540.1)

14.2 LATE ITEM: 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)

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9.1 PLANNING SERVICES

9.1.1 Nos. 33 – 35 (Lots 53 & 350; D/P: 672 & 302361) Mary Street, Highgate – Proposed Additions and Alterations of an Existing Eight Multiple Dwelling Development to a Seven Multiple Dwelling Development and Construction of Two Grouped Dwellings

Ward:	South	Date:	12 June 2015
Precinct:	Precinct 12 – Hyde Park	File Ref:	PR23873; 5.2014.716.1
Attachments:	<u>1</u> – Consultation Map <u>2</u> – Development Application Plans <u>3</u> – Applicant Submission <u>4</u> – Applicant Justification <u>5</u> – Heritage Impact Statement <u>6</u> – Heritage Assessment from Applicant <u>7</u> – Marked up plans showing proposed versus required setbacks <u>8</u> – 3D Perspectives <u>9</u> – Design Advisory Committee Comments		
Tabled Items:	Nil		
Reporting Officer:	A Dyson – Planning Officer (Statutory)		
Responsible Officer:	G Poezyn – Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by John Kestel Architect on behalf of the owner L & P Squire, for the proposed additions and alterations of an existing eight Multiple Dwelling development to a seven Multiple Dwelling development and construction of Two Grouped Dwellings at Nos. 33 & 35 (Lots 53 & 350) Mary Street, Highgate as shown on plans date stamped 24 December 2014 (site survey and existing floor plan) and amended plans date stamped 27 February 2015 (Shadow Plan) and 2 June 2015 (undercroft floor plan, ground and upper floor plans, elevation plans, Strata Plans), included as Attachment 2, subject to the following conditions:

1. **Amalgamation**

Nos. 33-35 (Lots 53, and 350) Mary Street, Highgate shall be amalgamated into one lot on a Certificate of Title to the satisfaction of the City;

2. **Legal Agreement**

The owners shall enter into a legal agreement secured by a caveat on the Certificate of Title of the amalgamated lot, for the conservation of the existing multiple dwellings to the satisfaction of the City;

3. **Boundary Walls**

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 31 (Lot 51) and 37 (Lot 54) Mary Street, Highgate, in a good and clean condition. The finish of the walls is to be to the satisfaction of the City and can either be fully rendered or face brickwork;

4. **Building Appearance**

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

5. **Street Trees**

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

6. **On-Site Parking Provision**

The following minimum number of car bays shall be provided

- 6.1 Five car bays for the residents of the multiple dwelling component;
- 6.2 Two visitor car bays for the multiple dwelling component; and
- 6.3 Two car bays for the grouped dwelling component;

7. **Car Parking and Accessways**

- 7.1 The car parking and access areas are to comply with the requirements of AS2890.1;
- 7.2 The car park areas for visitors shall be shown as common property on any strata plan; and
- 7.3 Vehicle and pedestrian access points are required to match into existing right-of-way levels;

8. **Car Parking Permits**

A notice being 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 dwelling;

9. Within 28 days of the issue date of this approval to commence development, the owner or the applicant on behalf of the owner shall comply with the following requirements:

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

The owner shall agree in writing to a notification being lodged under section 70A of the *Transfer of Land Act 1893* notifying proprietors and/or (prospective) purchasers of the property that:

- a. The use or enjoyment of the property may be affected by traffic, car parking and other impacts associated with nearby commercial and non-residential activities;
-

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

10.1 Revised Plans

The applicant to provide revised plans denoting the following:

10.1.1 Visual Privacy

The southern façade of the balconies to units 8 & 9 shall comply with the requirements of the 2013 Residential Design Codes in relation to privacy provisions to the satisfaction of the City to prevent overlooking of Nos. 31 (Lot 51) and 37 (Lot 54) Mary Street, Highgate;

10.1.2 Bicycle Bays

Three residential and one visitor bicycle bays respectively for the residents and visitors of the development, shall be provided. Bicycle bays for visitors must be provided at a location convenient to the entrance, publically accessible and within the development and bicycle bays for the residents and employees must be located within the development. The bicycle facilities shall be designed in accordance with AS2890.3; and

10.1.3 Bin Store

A bin store is required to be provided, of a sufficient size to accommodate the City's maximum bin requirement, as assessed by the City;

10.2 Landscaping

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

- 10.2.1 The location and type of existing and proposed trees and plants;
- 10.2.2 All vegetation including lawns;
- 10.2.3 Areas to be irrigated or reticulated and such method;
- 10.2.4 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 10.2.5 Separate soft and hard landscaping plants (indicating details of materials to be used);

10.3 Vehicle Entry Gate – Management Plan

The proposed vehicular entry gate to the car parking area shall have a minimum 50% visual permeability or a plan detailing management measures for the operation of the vehicular entry gate, to ensure access is readily available for owners/visitors to the units at all times;

10.4 Acoustic Report

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

10.5 Construction Management Plan

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

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

11.1 Car Parking

The car parking bays shall be line marked in accordance with the approved plans and maintained thereafter by the owners/occupiers to the satisfaction of the City;

11.2 Clothes Drying Facility

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

11.3 Acoustic Report

With reference to Condition 10.4, certification from an acoustic consultant, that the recommended measures have been undertaken shall be provided to the City;

11.4 Section 70 A notification under the *Transfer of Land Act 1893*

With reference to Condition 8.1, this notification shall be lodged and registered in accordance with the *Transfer of Land Act 1893*;

11.5 Stormwater

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

11.6 Landscaping

With reference to Condition 10.2 all such works shown shall be undertaken in accordance with the approved plan and maintained thereafter, to the satisfaction of the City, by the owners/occupiers.

ADVICE NOTES:

1. With regard to Condition 1 the owners shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the City, which is secured by a caveat on the Certificates of Title of the subject land, prepared by the City's solicitors or other solicitors agreed upon by the City, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Permit. All costs associated with this condition shall be borne by the applicant/owner(s). Amalgamation of the lots is not required if it can be demonstrated that the proposed development complies with the relevant requirements of the National Construction Code Series;
 2. With regard to Condition 2, all costs associated with this condition shall be borne by the applicant/owners;
-

3. With regard to Condition 3, 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;
 4. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site;
 5. With regard to Condition 11.5, 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;
 6. A Road and Verge security bond for the sum of \$3,000, shall be lodged with the City by the applicant, prior to the issue of a building permit, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the security bond shall be made in writing. The bond is non-transferable;
 7. With regard to Condition 7.3, 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;
 8. With regard to Condition 10.2, Council encourages landscaping methods and species selection which do not rely on reticulation;
 9. With regard to Condition 10.1.3, the bins access pathway is to be ramped or a mechanical lift to be fitted to allow waste and recycle bins to be taken to Mary Street for collection.
 10. With regard to Condition 10.1.2, the bicycle bays are to be incorporated into the development.
 11. Please note that any additional property numbering to the abovementioned address which results from this application will be allocated by the City of Vincent. Please liaise with the City in this regard during the building permit process;
 12. With regard to Condition 10.2, Council encourages landscaping methods and species selection which do not rely on reticulation. All such works shall be undertaken in accordance with the approved plans prior to the first occupation of the development, and maintained thereafter by the owners/occupiers; and
 13. 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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PURPOSE OF REPORT:

To consider the alterations and additions of the existing multiple dwellings and the construction of two grouped dwellings to the rear of the site.

BACKGROUND:

History:

The existing multiple dwellings on-site were constructed in the 1940's from the City's records.

Date	Comment
24 September 2002	Council at its Ordinary Meeting refused an application for a Proposed Additional Single Bedroom Grouped Dwelling to the existing Eight Multiple Dwellings.

DETAILS:

Landowner:	L & P Squire
Applicant:	John Kestel Architect Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R50 Draft Town Planning Scheme No. 2 (TPS2): Residential R50
Existing Land Use:	Multiple Dwelling
Use Class:	Multiple Dwelling and Grouped Dwelling
Use Classification:	"P", "P"
Lot Area:	413 square metres each for a cumulative total of 826 square metres
Right of Way:	Rear, Southern Side, 3.0 metres in width
Date of Application:	24 December 2014

The existing heritage building currently straddles two lots and whilst a garage/storeroom is located at the rear there is no formalised car parking provided on site.

The proposed development is for the renovation of the existing building, which includes the conversion of the existing eight multiple dwellings into seven multiple dwelling units and the construction of two grouped dwellings, in the rear portion of the lot, effectively increasing the total number of dwellings on this site by one additional unit.

The proposed development also includes the construction of a 12 car bay undercroft car parking area below the proposed two grouped dwellings. The new development abuts the existing ROW.

The development also includes the creation of two new gatehouses of a height of 2.7 metres and fencing at the front of the property with the installation of landscaping to the front and side boundaries of the property.

The existing building on the front portion of the lot is a Category "B" listed building on the City's Municipal Heritage Inventory. This category recommends retention of the built form.

With the approval of Scheme Amendment No. 37 in January 2015 the density coding of the lot changed from Residential R80 to Residential R50.

The existing 2 storey building on the site that contains the eight multiple dwellings is a non-conforming use under Town Planning Scheme No. 1.

The proposed two grouped dwellings at the rear of the site include three bedrooms each on the lower level and generous open plan living areas on the upper level. There is an outdoor living area in the form of a balcony on the upper floor of each of the proposed grouped dwellings with an area of 16 square metres. This area is covered by a movable louvered roof, allowing for the provision of light and ventilation to the outdoor living area.

ASSESSMENT:

Given that the proposal includes retention and refurbishment an existing heritage building worthy of retention (refer **Attachments 5 and 6**), Clause 20(2)(b) of the City's Town Planning Scheme No. 1 provides that a 50% density bonus can be granted.

The area of the lot that is not occupied by the existing building and capable for redevelopment is 310 square metres. At the R50 density coding this area has the development potential of up to 1.7 dwellings which increases to a maximum of 2.58 dwellings i.e. two dwellings, when Clause 20(2) applies. The proposal for the addition of two grouped dwellings therefore complies with the provisions of TPS1.

The retention of the heritage building also allows consideration of any other development variation under Clause 27 of TPS1.

Summary Assessment

The table below is a summary of the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1, the 2013 Residential Design Codes and the City's policies. In each instance where the proposal requires the exercise of discretion, the relevant planning element is discussed in the section of the report following from this table.

Design Element	Complies	Requires the Exercise of Discretion
Site Area	✓	
Plot Ratio	✓	
Front Setback	✓	
Street Walls and Fencing		✓*
Lot Boundary Setbacks		✓
Boundary Walls		✓
Building Storeys		✓
Roof Forms		✓
Open Space	✓	
Outdoor Living Areas		✓
Streetscape (Right of Way)		✓
Privacy		✓
Access	✓	
Parking	✓	
Bicycles	✓	
Landscaping	✓	
Solar Access	✓	
Site Works	✓	
Essential Facilities		✓*
Surveillance	✓	

While the above variations are primarily in relation to the proposed grouped dwelling addition at the rear of the site, the variations marked with an * are more closely associated with the existing heritage building.

Detailed Assessment

Acceptable Variations

Issue/Design Element:	Building Height
Requirement:	<p>Policy No. 7.2.1 – Residential Design Elements Clause BDADC 5 <u>Units 8 & 9</u> Two Storeys Maximum height for concealed roof – 7.0 metres Maximum height for pitched roof - 9.0 metres</p>
Applicant's Proposal:	<p>Three Storeys to Rear (variation of one storey) Maximum height of concealed roof - 8.7 metres (variation of 1.7 metres)</p>
Design Principles:	<p>Clause 27 of TPS (1) Where desirable to facilitate the conservation of a heritage place listed in the Heritage List or to enhance or preserve heritage values in a Heritage Area, Council may vary any site or development requirement of the Scheme provided that, where in Council's opinion the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for variation, Council shall:</p> <p>(a) Consult the affected parties by following one or more of the provisions dealing with advertising uses pursuant to Clause 37.</p> <p>SADC 5 (i) Building height is to be considered to:</p> <ul style="list-style-type: none"> • Limit the height of dwellings so that no individual dwelling dominates the streetscape; • Limit the extent of overshadowing and visual intrusion on the private space of neighbouring properties; and • Maintain the character and integrity of the existing streetscape.
Summary of Applicant's Justification:	<p>No justification provided.</p>
Officer Technical Comment:	<p>The proposed new grouped dwelling development is 8.7 metres high and exceeds the permitted height limit in meters as well as storeys.</p> <p>Whilst this height presents a variation of 1.7 metres the height of this new development is less than the height of the existing heritage building and is also less than the permitted height to the top of the roof if the proposal included a pitched roof.</p> <p>Although the concealed roof design proposed potentially creates more building bulk than a typical pitched roof design would, the design concentrates the maximum heights in the middle of the new building, in order to minimise the building bulk and overshadowing of this development.</p> <p>As a result of the Right of Way between this site and the residential properties to its south the overshadowing from this development complies with the provisions of the 2013 Residential Design Codes. This proposal will cast a shadow onto the residential properties to its south that will cover a maximum 17% of the adjoining site most of which will fall</p>

Issue/Design Element:	Building Height
	over the existing garages of the properties on the opposite side of the Right of Way.
	<p>Due to the topography of the land any development on the northern side of the Right of Way will be significant when viewed from the properties on its opposite side. However the purpose of the right of way is to provide access rather than have a streetscape in its own right, and the setbacks of the two upper levels from the rear boundary comply.</p> <p>The proposed variation to height for the new development at the rear of the site is considered to be acceptable in this locality given its nexus to the refurbishment of the existing heritage building.</p>

Issue/Design Element:	Lot Boundary Setbacks
Requirement:	<p>2013 Residential Design Codes Clause 5.1.3 C3.1 Units 8 & 9 <u>Western</u> First Floor (Balance) – 1.7 metres</p> <p><u>Eastern</u> First Floor (Balance) – 1.7 metres</p>
Applicant's Proposal:	<p>Units 8 & 9 <u>Western</u> First Floor – 1.2 metres (variation of 0.5 metres) <u>Eastern</u> First Floor – 1.2 metres (variation of 0.5 metres)</p>
Design Principles:	<p>P3.1 Buildings set back from lot boundaries so as to:</p> <ul style="list-style-type: none"> • reduce impacts of building bulk on adjoining properties; • provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • minimise the extent of overlooking and resultant loss of privacy on adjoining properties.
Summary of Applicant's Justification:	Not provided.
Officer Technical Comment:	<p><u>Western side (Unit 9)</u></p> <p>The setback variation for the first floor in relation to the western boundary is considered to be minor and will not have any impact as this portion of the development abuts an open rear yard area on the adjoining property to the west.</p> <p><u>Eastern side (Unit 8)</u></p> <p>The first floor portion of wall abuts a garage parapet wall and open yard area beyond the garage on the adjoining property to the east. On this basis, and the fact that no existing living areas will be impacted from the 0.5 metre variation to the side setback requirements, the variation is supported.</p>

Issue/Design Element:	Boundary Walls
Requirement:	<p>2013 Residential Design Codes Clause 5.1.3 C3.2 Units 8 & 9 Buildings on Boundary – One Boundary</p>

Issue/Design Element:	Boundary Walls
	Maximum Height of 3.5 metres Average Height of 3.0 metres
Applicant's Proposal:	Two Boundary Walls (Eastern and Western Boundaries) (variation of One Boundary Wall) Maximum and average height are compliant
Design Principles:	P3.2 Buildings built up to boundaries (other than the street boundary) where this: <ul style="list-style-type: none"> • makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas; • does not compromise the design principle contained in clause 5.1.3 P3.1; • does not have any adverse impact on the amenity of the adjoining property; • ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and • positively contributes to the prevailing development context and streetscape.
Summary of Applicant's Justification:	Not provided.
Officer Technical Comment:	<p>The proposed parapet walls are compliant in terms of the maximum and average wall height requirements of the 2013 Residential Design Codes.</p> <p><u>Eastern</u></p> <p>The eastern boundary wall has been assessed as the as-of right boundary wall in accordance with the provisions of the 2013 Residential Design Codes.</p> <p><u>Western</u></p> <p>The proposed basement level of Unit 8 abuts the open rear yard area of the western adjoining property. On this basis the boundary wall will have no impact to the adjoining property.</p> <p>No objection has been received from either of the two adjoining landowners on the eastern and western boundaries.</p>

Issue/Design Element:	Roof Forms
Requirement:	Policy No. 7.2.1 – Residential Design Elements BDADC 3 Units 8 & 9 30-45 degrees
Applicant's Proposal:	5 degrees (variation of 25 degrees to 40 degrees)
Design Principles:	SADC 3 (i) The roof of a building is to be designed so that: <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
Summary of Applicant's Justification:	<i>"The main roof area of the proposed new grouped dwellings all sits at the 9.0 metre height limit and the only protruding section is a small section of angle roof as an architectural</i>

Issue/Design Element:	Roof Forms
	<i>detail adding to aesthetic of building form and is consistent with the provisions in the R Code. It does not cause any additional overshadowing or impact on adjoining owners."</i>
Officer Technical Comment:	<p>The proposed concealed roof form of Units 8 and 9 creates a similar bulk that would otherwise have resulted from a 30-45 degree pitched roof design. Whilst there are few examples along the right-of-way of buildings of a similar scale, the proposed structure is located behind the existing building fronting Mary Street and therefore would not have a visual impact from Mary Street, although by enabling the retention of the existing heritage building this proposal will make a positive contribution to Mary Street.</p> <p>The proposed variation in relation to roof form of the new development is therefore acceptable.</p>

Issue/Design Element:	Right of Way (ROW) Setback
Requirement:	<p>Policy No. 7.2.1 – Residential Design Elements Clause 6.4.2 SADC 9 Unit 8 & 9 Garages – 6.0 metres</p>
Applicant's Proposal:	Garages - 4.0 metres (variation of 2.0 metres)
Design Principles:	<p>SPC 9 (i) The setback is to be compatible and consistent with the established pattern of setbacks presenting to the right of way.</p>
Summary of Applicant's Justification:	<p><i>"Whilst we are not compliant with the 6.0 metre setback from the rear side of the lane to the garage door opening, we are setting back 1.0 metre from the 3.0 metre wide lane and have designed the car park layout so it is acceptable to Technical Services. It is also consistent with other solutions along the lane way".</i></p>
Officer Technical Comment:	<p>Notwithstanding the location of units 8 and 9 above the rear garage, the presence of a garage along the ROW is consistent with the location of other garages on adjacent properties.</p> <p>The proposed garage/parking area of the development has a setback to the ROW of 1 metre which includes the area that has to be given up for the future ROW widening. While the setback distance is less than the minimum required, the design of the entrance and the parking layout proposed allows appropriate manoeuvrability of vehicles entering and exiting the garage and complies with the Australian Standards.</p> <p>The garage itself includes a visually permeable gate and two open grilles to provide ventilation to the garage. These features also assist to break up the wall itself when viewed from the ROW. To ensure that access is available to all future users it is recommended that a condition is imposed for the management of the gate.</p> <p>While there is potential to place the visitors bays outside the garage, which results in moving the garage wall away from the rear boundary, this option is likely to result in some form of fencing on the rear boundary which will also contribute to the bulk of the development.</p> <p>Despite the scale of the garage on the ROW it is considered that this variation is acceptable.</p>

Issue/Design Element:	Essential Facilities
Requirement:	2013 Residential Design Codes Clause 5.4.5 C5.1 & 6.4.6 C6.1 Storerooms – 1.5 metre dimension
Applicant's Proposal:	1.2 metre dimension (variation of 0.3 metres)
Design Principles:	P6/P5 External location of storeroom, rubbish collection/bin areas, and clothes drying areas where these are: <ul style="list-style-type: none"> • Convenient for residents; • Rubbish collection areas which can be accessed by service vehicles; • Screened from view; and • Able to be secured and managed.
Summary of Applicant's Justification:	Nil provided.
Officer Technical Comment:	The proposed addition of seven storerooms for the existing multiple dwelling improves the amenity of the dwellings in the existing heritage building. As all the proposed storerooms comply in size and storage area the variation of 0.2 metres in dimension will not be detrimental to the effective use of these spaces and therefore this variation is supported.

Issue/Design Element:	Street Walls and Fences
Requirement:	Policy No. 7.2.1 – Residential Design Elements SADC 13 Maximum Height of Fence (Piers) – 2 metres Width of Piers – 0.355 metres
Applicant's Proposal:	Maximum Height of Fence – 2.7 metres (Gatehouse) (variation of 0.7 metres) Width of Piers - 0.7 metres (variation of 0.345 metres)
Design Principles:	SPC 13 (i) Street walls and fences are to be designed so that: <ul style="list-style-type: none"> • Buildings, especially their entrances, are clearly visible from the primary street; • A clear line of demarcation is provided between the street and development; • They are in keeping with the desired streetscape; and • Provide adequate sightlines at vehicle access points.
Summary of Applicant's Justification:	<i>"The proposed front fence and gate houses have been designed to reflect and be in keeping with the Art Deco style of the existing units. The detailing includes wider piers with fluting to match the proportions of the existing pier detailing on the balconies of the flats. The proposed gate houses will hide the bin store that needs to be at the front, provide location for letterboxes and intercoms as well as give cover for visitors and residents to enter. The positioning of the gatehouses left and right of the existing units of the existing units shoulder the neighbours existing high brick walls and balance well with having minimal impact to the units.</i>

Issue/Design Element:	Street Walls and Fences
	<p><i>The proposed gate houses and front fence will have the added benefit of giving the heritage listed art deco flats more street presence, as the flats a setback a substantial distance from the street compared to neighbouring residences. Also note the design was supported by the Design Advisory Committee and Heritage Architect Ronald Bodycoat.”</i></p>
Officer Technical Comment:	<p>The variations in this regard are a result of the design to propose a front fence to Mary Street that matches and compliments the architecture of the existing heritage building.</p> <p>The variation in relation to the proposed gatehouses is in relation to its height and scale, which proposed at these dimensions to align with the scale of the heritage building. Despite its height of 2.7 metres, the gatehouses offer variety to the existing streetscape and create a clear entrances.</p> <p>The proposed piers architecturally align with the existing building and whilst these piers are of a greater width (0.345 metres) than permitted, the design of the piers is closely associated with the existing heritage building and therefore will assist to strengthen the aesthetic quality of the development.</p> <p>The variations to the height of gatehouses and width of the fencing piers are therefore acceptable.</p>

Unacceptable Variations

Issue/Design Element:	Visual Privacy
Requirement:	<p>2013 Residential Design Codes Clause 5.4.1 C1.1 Visual Privacy – 7.5 metres</p>
Applicant’s Proposal:	<p><u>Upper Floor -</u> Balconies- Units 8 & 9 – 3.5 metres (East/West) (variation of 4.0 metres)</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"> • building layout and location; • design of major openings; • landscape screening of outdoor active habitable spaces; and/or • location of screening devices. <p>P1.2 Maximum visual privacy to side and rear boundaries through measures such as:</p> <ul style="list-style-type: none"> • offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; • building to the boundary where appropriate; • setting back the first floor from the side boundary; • providing higher or opaque and fixed windows; and/or • screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).

Issue/Design Element:	Visual Privacy
Summary of Applicant's Justification:	<i>"When submitted the rear setback was fully compliant with the requirements of the code, due to the change of zoning while in planning, we are not compliant with the requirements of the code, due to the change of zoning, while in planning we find we are not compliant with the setback to the rear balcony, now requiring 7.5 metres instead of 6.0 metres. On site photos demonstrate, is only the balcony from Unit 8 which is not compliant do we see the rear outdoor space of No. 32 Chatsworth Road. The balcony of Unit 9 only sees the roof tops and trees of the properties to the rear. Note both living areas are compliant with the setback requirements of the code. If the owners of 32 Chatsworth Road require screening to prevent viewing into their outdoor space we are prepared to do so. We do ask that this be made a condition of planning if required."</i>
Officer Technical Comment:	<p>In accordance with the provisions of the 2013 Residential Design Codes, the proposed southern facades of the balconies on the upper floors of both units 8 and 9 are required to be screened in order to prevent overlooking of the adjoining properties on the eastern and western sides (Lots 51 & 54 Mary Street) at a 45 degree angle from the proposed balcony.</p> <p>It is therefore recommended that a condition is imposed in this regard.</p>

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	13 March 2015 – 26 March 2015		
Comments Received:	A total of six comments were received during the community consultation period with four objections received and one comment of concern. In addition one comment of support was also received.		

Summary of Comments Received:	Officer Technical Comment:
<p><u>Height</u></p> <p>Concern in relation to the proposed building height. Consider that the building height will be excessive and not in keeping with the adjoining properties. The additional building height will impact on the privacy and private spaces of the adjacent southern properties.</p> <p>The height reflected in the plans does not take into account the 2.5 metre drop from the subject lot to the adjacent properties across the right of way.</p>	<p>The proposed building height was originally advertised during the community consultation period at 9.7 metres, which provided for a variation of 2.7 metres to the total building height requirements for concealed roofs. However, after consideration of the neighbour concerns regarding the scale of the development, the plans have been amended to a maximum height of 8.7 metres, which aligns with the height limit of a pitched roof design.</p> <p>Whilst it is acknowledged that the development is of a large scale at a height of three storeys, the design has incorporated a staggering effect of the upper levels of units 8 and 9 fronting the ROW to allow for a lessening in scale of the buildings to the residential dwellings to the south.</p>

Summary of Comments Received:	Officer Technical Comment:
<p>The scale of the building is of an overwhelming impact.</p>	<p>As a result of the fall in the topography the properties across the ROW fronting Chatsworth Street are lower than the subject property which will accentuate the height of any proposed development. However the maximum height of for this site is 9 metres measured from natural ground level.</p> <p>Overall the proposed development at the rear of the lot enables the retention of the existing heritage buildings.</p>
<p><u>Overshadowing</u></p> <p>The three storeys will dominate the existing streetscape and overshadow the adjacent properties to the south of the subject site.</p>	<p>The proposed development complies with the solar access provisions of the 2013 Residential Design Codes, given that the overshadowing generated by the new development primarily falls over the ROW and it affects the adjoining properties by less than the permitted 50%.</p> <p>Three properties across the right of way are affected by overshadowing from this proposal overshadowed to a maximum of 17% each.</p>
<p><u>Scale</u></p> <p>Consider that no other property in Mary Street have such a large imposing structure to the rear of the site and the construction of the subject property will greatly alter the streetscape along the ROW.</p> <p>The development will add a number of new residents to the property which will impinge on the amenity of other residents.</p>	<p>Whilst the subject property is proposing to accommodate two dwellings to the rear of the property of a height of three storeys, the adjoining properties are of an adequate land area to accommodate additional dwellings to the rear of their properties, which will alter the existing streetscape of the ROW.</p> <p>The existing development accommodates eight units currently and the proposed development of the site will result in one additional dwelling. The proposal will therefore not result in a significant increase in the number of people visiting or living on the site.</p> <p>The amenity of the adjoining property owners will be controlled by limiting factors such as privacy in accordance with the requirements of the 2013 Residential Design Codes.</p>
<p><u>Privacy</u></p> <p>Privacy is of major concern, with the living areas, balcony and bedrooms all impinging into the adjoining properties. The proposed floor to ceiling windows and balconies are of a major detrimental impact.</p>	<p>The applicant has amended the proposed plans since these comments were made so that the rear grouped dwelling development largely complies with privacy requirements and where it is non-compliant it is recommended that a condition is imposed.</p> <p>In this regard it is recommended that a condition is imposed requiring the upper floor balconies to be screened to a minimum height of 1.6 metres to ensure the visual privacy of the properties to the east and west of the development site.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><u>Setbacks</u></p> <p>The proposed setbacks are not in keeping with the current setbacks to the right-of-way and add to the excessive bulk.</p>	<p>The existing ROW streetscape is not uniform in character with a variety of garage and dwelling setbacks.</p> <p>The proposed ground floor garage abuts the ROW to the rear (southern elevation) of the property. Whilst it has a reduced setback of 1 metre from the existing property boundary, the inclusion of design features such as the provision of open ventilation grills to the façade, the visually permeable gate, offset colours and building materials all assist to reduce the perception of bulk of the garage wall.</p>
<p><u>Car Parking</u></p> <p>The car parking provided along Mary Street is residents only parking. As well as having that benefit the development has twelve car parking bays on-site.</p>	<p>The proposed car parking on-site provides one additional car parking space than the minimum required under the 2013 Residential Design Codes, which will assist to reduce the pressure for car parking on Mary Street.</p>
<p><u>Access</u></p> <p>The proposed access to the site and provision of new car bays will provide a major impact to the existing narrow right of way. No provision has been made for visitor bay access.</p>	<p>The proposed access via the ROW into the car parking garage complies with the access provision of the Australian Standards AS2890.1.</p>
<p><u>Landscaping</u></p> <p>Minimal landscaping provided across the subject site.</p>	<p>The existing heritage building was in-situ prior to the implementation of the current standards in accordance with the City's Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings, however the applicant has amended the proposed plans to incorporate compliant landscaping across the site.</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: Yes

The proposal was referred to the City's DAC on 4 February 2015. A summary of comments is included in **Attachment 9**. The applicant addressed these comments in relation to the minimal increase in the separation of the existing and proposed buildings in addition to the increasing of landscaping onsite. The DAC supported the amendments made to the design.

LEGAL/POLICY:

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

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The most positive feature of this proposal is the conservation and refurbishment of the existing heritage building. These conservation works allow the density bonus under Clause 20(2) of TPS1 which permit the additional two grouped dwellings.

The proposed changes will improve the level of the amenity for the existing multiple dwellings and enhance the streetscape of Mary Street.

While the proposed additions at the rear of the lot will be significant the proposed variations are relatively minor and the additions have also been supported by the City's DAC.

The new built form at the rear of the subject lot is also reflective of the inevitable changes to the area with infill development occurring along Mary Street.

In the context of the retention of the exiting heritage building the proposed variations on balance are considered to be acceptable.

CONCLUSION:

It is therefore recommended that the proposal is approved.

9.1.2 No. 16 (Lot: 13 D/P: 613) Wellman Street, Perth – Proposed Renewal of Approval for Existing Meat Packing Facility (Retrospective)

Ward:	South	Date:	12 June 2015
Precinct:	Precinct 13 – Beaufort	File Ref:	PR26808; 5.2014.638.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Letter 4 – Car Parking Assessment		
Tabled Items:	Nil		
Reporting Officer:	S Laming, Planning Officer (Statutory)		
Responsible Officer:	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 R Dong on behalf of the owner Galaxy Group Pty Ltd, for the proposed Renewal of Approval for Existing Meat Packing Facility (Retrospective) at No. 16 (Lot: 13 D/P 613) Wellman Street, Perth as shown on plans stamp dated 13 November 2014, included as Attachment 2, subject to the following conditions:

1. **Active Street Front**

Windows, doors and adjacent areas fronting Wellman Street shall maintain an active and interactive relationship with the street;

2. **Gross Floor Areas**

The Gross Floor Areas shall be limited to a maximum of 560 square metres for the Light Industry component. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the City;

3. **Hours of Operation**

3.1 The hours of operation shall be limited to 8.00am to 5.00pm Monday to Friday and closed on Saturdays, Sundays, and Public Holidays; and

3.2 Deliveries to the site are to occur during the permitted hours of operation only;

4. **Deliveries**

All deliveries involving meat to and from the site shall be:

4.1 loaded and unloaded within the warehouse and no delivery vehicles shall be permitted to park outside of the warehouse; and

4.2 the engines of the delivery vehicles shall be turned off while being loaded or unloaded;

5. **Lighting**

Any lighting used on the lot shall not spill into the adjoining residential area;

6. **Sale Limitations**

No sale of goods directly from the warehouse is permitted;

7. **Landscaping**

Existing landscaping within the front setback area between the car bays and warehouse including trees and shrubs shall be maintained to the satisfaction of the City;

8. **Bollard**

The bollard required for the disabled shared access car bay shall only be lowered to allow for the delivery vehicle to access the warehouse for loading and unloading, and must be up at all other times; and

9. **External Fixtures**

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

ADVICE NOTES:

1. 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:

To consider a proposal for the permanent use of the site as a meat packing facility.

BACKGROUND:

On 11 June 2013 Council at its Ordinary Meeting granted approval for a proposed change of use from Warehouse to Light Industry (Meat Packing) at the subject site. The previous approval was granted a period of 12 months as the City had received numerous objections during the community consultation period of this proposal. The time limited approval was imposed as a cautionary measure to provide the City with an opportunity to assess the impact of the use.

As the original approval has lapsed this application is for retrospective approval to enable the continuation of the existing use on a permanent basis.

Landowner:	Galaxy Group Pty Ltd
Applicant:	R Dong
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Commercial Draft Town Planning Scheme No. 2 (TPS2): District Centre
Existing Land Use:	Warehouse
Use Class:	"SA" – use is not permitted unless Council has exercised its discretion and has granted planning approval after giving special notice in accordance with Clause 37 of TPS1.
Use Classification:	Light Industry
Lot Area:	462 square metres
Right of Way:	N/A
Date of Application:	13 November 2014

The application is to permit the permanent use of this site for the meat packing operation. The proposal relates to an “SA” use under the City’s Town Planning Scheme No. 1. This means the compatibility of the proposed use is to be considered within the context of the surrounding land uses, in particular, the residential properties on Brookman Street.

The previous approval for the original change of use application resulted in a car parking shortfall. The applicant paid cash-in-lieu of \$3,325 to address the shortfall.

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 is a summary of the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1, the Residential Design Codes 2013 and the City’s policies. In each instance where the proposal requires the exercise of discretion, the relevant planning element is discussed in the section of the report following from this table.

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

Detailed Assessment

Acceptable Variations

Issue/Design Element:	Land Use
Requirement:	Town Planning Scheme No. 1 and Policy No. 7.1.13 – Beaufort Precinct “SA” use requires Council discretion
Applicant’s Proposal:	“SA” use – Light Industry (Meat Packing)
Design Principles:	Careful control is to be exercised over the nature of any commercial uses and the design and site layout of development in general to ensure levels of noise, visual amenity and privacy are appropriate to surrounding residential areas.

Issue/Design Element:	Land Use
	<p>In particular, properties fronting Wellman Street which face directly onto residential land are to provide an acceptable visual appearance to that street, screening any storage or parking areas, preferably with landscaping - including the use of water conservation measures and appropriate local and native plant species, where applicable.</p>
<p>Applicant Justification/Summary:</p>	<p>The proposed Light Industry use is consistent with the adjoining and surrounding land uses, which includes the following:</p> <ul style="list-style-type: none"> • No. 14 (Lot 14) Wellman Street, Perth – Kakulas Bros (warehouse for food wholesale and retail); • No. 18 (Lot 7) Wellman Street, Perth – Fitness Fight Centre (gym) and Tuxan Shoe Care Products (warehouse for wholesale); • No. 399 (Lot 1) William Street, Perth – Cakes Unlimited (food production); and • No. 402 (Lot 63) William Street, Perth – Wing Hong Pty Ltd (light industry meat packing). <p>The applicant has spent approximately \$400,000 to complete the fit-out required to operate the business and comply with the previous approval conditions.</p>
<p>Officer Technical Comment:</p>	<p>The existing use has operated on the subject site for 20 months and is consistent with the land uses on Wellman Street, William Street and surrounding areas. A similar land use within the vicinity includes the meat packing facility at No. 402 William Street, Perth, which has operated from the site for the past 22 years.</p> <p>Following numerous complaints from a neighbouring residential property owner, relating to hours of delivery and delivery vehicles, the City's Compliance Services investigated the operation of the business and found that the applicant complied with the conditions of the previous planning approval with regard to hours of delivery and delivery vehicles operating from the site.</p> <p>The applicant had also taken a number of measures to reduce the impact of the business operations on the neighbouring residential properties. This includes ensuring third party delivery vehicles operate from the subject site during the permitted hours of operation.</p> <p>The proposed continuation of the meat packing facility is supported as the use, over the past 20 months, shows there are minimal impacts on the adjoining and neighbouring properties.</p>

CONSULTATION/ADVERTISING:

Required by Legislation:	No	Required by City of Vincent Policy:	Yes
Consultation Period:	23 January 2015 to 13 February 2015		
Comments Received:	Seven submission in support from local business owners		

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

Summary of Comments Received:	Officer Technical Comment:
<p>Prior to the current business, Westco Food, occupying the premises the subject site was vacant for an extended period. Since its establishment, Westco Food has positively contributed to the vibrancy and amenity of the surrounding area. A number of the local businesses in the immediate vicinity source food products from Westco Food, which supports the continuation of the local business community. The local businesses surrounding the subject site want Westco Food to continue operating into the future.</p>	<p>The proposal results in better streetscape amenity and crime prevention by providing an active use on the subject site.</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- *City of Vincent Town Planning Scheme No. 1;*
- *Policy No. 7.1.13 – Beaufort 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 is 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:

ENVIRONMENTAL	
Issue	Comment
By providing meat products to local businesses the proposed use reduces the carbon footprint associated with transporting food products.	

SOCIAL	
Issue	Comment
Nil.	

ECONOMIC	
Issue	Comment
The use will support the continuation of the local business community by providing a wholesale outlet for surrounding local businesses to source meat products from.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The meat packing facility is consistent with the land uses on Wellman Street, William Street and surrounding areas, despite the industrial use class being discretionary.

The required car parking shortfall identified in the previous approval was satisfied as the applicant paid cash-in-lieu. As the current application is identical to the previous approval, there is no increase in car parking requirements and the existing car parking is compliant.

Since the establishment of the business the City has received numerous complaints from the occupier of a residential property located in Brookman Street and backing onto the opposite side of Wellman Street. The complaints focused on the delivery of goods to the site, and the associated noise impact. The complaints in particular refer to the size of the delivery vehicles, and the hours of delivery. The previous approval includes a condition which prevents medium and large trucks making deliveries to the site and limits delivery hours to be between 8.00am-5.00pm Monday to Friday. The complaints were investigated by the City's Compliance Services section and found to be invalid.

While the same hours of delivery are recommended to be imposed as part of this approval the restriction on the size of the delivery vehicles has not been included again because it is a vague and subjective requirement. Instead a new condition is recommended to be included that requires that the engines of the delivery vehicles are turned off during loading and unloading, in order to reduce nuisance.

As there have been no objections to the operating hours of the business it is also recommended that these remain as per the previous approval.

CONCLUSION:

It is recommended that approval be granted subject to appropriate conditions and advice notes.

9.1.3 No. 6 (Lot 22 D/P 167) London Street, corner Haynes Street, North Perth – Proposed Demolition of Existing Building and Construction of a Mixed Use Development, comprising of 3 Shops, 3 Offices, 1 Eating House, 23 Multiple Dwellings, 10 One Bedroom Dwellings, 11 Two Bedroom Dwellings, 2 Three Bedroom Dwellings and Associated Basement Car Parking

Ward:	North	Date:	12 June 2015
Precinct:	Precinct 8 – North Perth	File Ref:	PR14706; 5.2014.20.1
Attachments:	<u>1</u> – Consultation Map <u>2</u> – Development Application Plans <u>3</u> – Applicant’s Letter <u>4</u> – Car and Bicycle Parking Table <u>5</u> – Marked up plans showing proposed versus required setbacks (updated) <u>6</u> – Minutes of the Design Advisory Committee <u>7</u> – Sound Feature Wall, Northern Perspective and Site Plan showing development of adjoining northern lot		
Tabled Items:	Nil		
Reporting Officer:	R Narroo, Senior Planning Officer (Statutory)		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by the owner Nicotra Developments Pty Ltd , for the proposed demolition of existing building and construction of a Mixed Use Development comprising of 3 shops, 3 offices, 1 eating house, 23 Multiple Dwellings, 10 one bedroom dwellings, 11 two bedroom dwellings, 2 three bedroom dwellings and Associated Basement Car Parking at No. 6 (Lot 22 D/P 167) London Street, corner Haynes Street, North Perth as shown on amended plans date stamped 13 May 2015, included as Attachment 2, subject to the following conditions:

1. **Demolition**

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

2. **Interactive Front**

Windows, doors and adjacent areas fronting London Street and Haynes Street shall maintain an active and interactive relationship with the street;

3. **On-Site Parking Provision**

3.1 **Residential**

A minimum of 21 car bays for the residents and six visitor car bays are to be provided on site for the residential component; and

3.2 **Commercial**

A minimum of 19 car bays is to be provided for the commercial component. The one on-site car parking bays provided for the commercial component shall be available for the occupiers of the residential component outside normal business hours;

4. **External Fixtures**

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

5. **Floor Area/Number of Persons**

The proposal is restricted to the following:

- The net lettable area for Offices shall be limited to 160 square metres;
- The net lettable area for Shop shall be limited to 232 square metres; and
- The maximum number of persons for the eating house including the alfresco shall be 94;

6. **Verge Trees**

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

7. **Car Parking and Accessways**

- 7.1 The car park shall be used only by owners, visitors and tenants directly associated with the development;
- 7.2 The car parking and access areas are to comply with the requirements of AS2890.1;
- 7.3 The car park areas for visitors of the residential component, eating house, shop and offices shall be shown as common property on a strata plan;
- 7.4 Vehicle and pedestrian access points are required to match into existing verge, footpath and road levels;
- 7.5 All new crossovers shall be constructed in accordance with the City's Standard Crossover Specifications; and
- 7.6 The type and installation of the proposed car stackers shall be to the satisfaction of the City;

8. **Sustainability**

All of the City's sustainability conditions shall be complied with and supporting documentation as evidence of such compliance is to be supplied for the approval of the City as and when required;

9. **Car Parking Permits**

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;

10. Within 28 days of the issue date of this 'approval to commence development', the owner or the applicants on behalf of the owner shall comply with the following requirements:

10.1 Percent for Public Art

Advise the City how the proposed development will comply with the City's Policy No. 7.5.13 – Public Art. A value of \$52,000, being the equivalent value of one per cent (1%) of the estimated total cost of the development (\$5,200,000), is to be allocated towards the public art; and

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

Agree in writing to a notification being lodged under section 70A of the *Transfer of Land Act 1893* notifying proprietors and/or (prospective) purchasers of the property that:

- (a) The use or enjoyment of the property may be affected by traffic, car parking and other impacts associated with nearby commercial and non-residential activities;

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

11.1 Revised Plans

Revised plans are to be provided which show:

(a) Driveway Ramp

The first metre of the access driveway ramp shall be modified to allow safe and compliant access to the 2 visitor parking bays at the Haynes Street frontage;

(b) Privacy

The proposed balconies to Units 8 and 18 on the eastern elevation shall comply with the privacy requirements of the 2013 Residential Design Codes to the satisfaction of the City;

(c) Stores

The eight undersized stores shall be allocated to the single bedroom dwellings; and

(d) Sound Wall

A new sound acoustic feature wall to a maximum height of 1.8 metres from natural ground level along the northern boundary in relation to the BBQ area to the satisfaction of the City;

11.2 Acoustic Report

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

11.3 Landscaping Plan

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

- (a) Areas to be irrigated or reticulated;
(b) Proposed watering system to ensure the establishment of species and their survival during the hot and dry months;
(c) The details of plant species and materials to be used; and
(d) The removal of redundant crossovers;
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11.4 Schedule of External Finishes

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

11.5 Vehicle Entry Gate – Management Plan

Any proposed vehicular entry gate to the car parking area shall have a minimum 50% visual permeability and be subject to a plan detailing management measures for the operation of the vehicular entry gate, to ensure access is readily available for owners/visitors/tenants to the residential and commercial units at all times;

11.6 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 and management of the site shall thereafter comply with the approved Construction Management Plan; and

11.7 Sustainability Report

A follow-up sustainability report using the same assessment framework as the sustainability report submitted with the Development Application shall be submitted to the City. This follow-up report shall confirm the specific sustainability measures that will be implemented to achieve the sustainability rating provided in the Development Application (equivalent to 4 Star Green star) and show the rating score awarded for each of the confirmed sustainability measures. Sustainability management measures to be employed during the demolition/construction phase that contribute to the development's overall sustainability score shall be described in relevant management plans appended to the follow-up sustainability report;

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

12.1 Clothes Drying Facility

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

12.2 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;

12.3 Stormwater

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

12.4 Installation of Public Art

In relation to Condition 10.1, the approved public art work shall be installed and thereafter maintained by the owner/occupiers. All costs associated with this condition shall be borne by the applicant/owners;

12.5 Acoustic Report Certification

In relation to Condition 11.2, certification from an acoustic consultant, that the recommended measures have been undertaken, shall be provided to the City;

12.6 Landscape Plan

In relation to Condition 11.3, all works shown shall be undertaken in accordance with the approved plans and maintained thereafter to the satisfaction of the City at the applicant's expense;

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

In relation to Condition 10.2, the notification shall be lodged and registered in accordance with the *Transfer of Land Act 1893*;

12.8 Bicycle Bays

A minimum of eight residential and three visitor bicycle bays for the residential component are to be provided on-site;

Four Class 1 or 2 and Eight Class 3 bicycle bays are to be provided for the office component; and

12.9 Sustainability Report

With regard to Condition 11.7, sustainability management measures that are to be deployed post-occupancy but which contribute to the development's overall sustainability score shall be supported by relevant management plans and/or builder user guides appended to the follow-up sustainability report.

ADVICE NOTES:

1. Any new street/front wall, fence and gate within the London and Haynes Streets 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.
 2. With regard to Condition 5, any increase in net lettable area of office and shop, increase in the number of people for the eating house or change of use for the subject land shall require Planning Approval to be applied to and obtained from the City;
 3. A Road and Verge security bond for the sum of \$6,000 shall be lodged with the City by the applicant, prior to the issue of a building permit, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City's Technical Services Directorate. An application for the refund of the security bond shall be made in writing. The bond is non-transferable.
-

4. In reference to Condition 10.1 relating to Public Art the applicant has the following options:
 - 4.1 Option 1
Prior to the issue of a Building Permit for the development, obtain approval for the Public Art Project and associated Artist; or
 - 4.2 Option 2
Provide cash-in-lieu of an art project. Payment must be made prior to the submission of a Building Permit for the development or prior to the due date specified in the invoice issued by the City for the payment (whichever occurs first);
5. 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;
6. With regard to Condition 11.3 Council 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 1.5 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, the matter will be assessed by the City once a formal request has been received 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;
8. With reference to Condition 12.3, no further consideration will 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;
9. 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 and approved prior to the erection of the signage;
10. With reference to Condition 7.5 all new crossovers to lots are subject to a separate application to be approved by the City;
11. An Occupancy Permit is required prior to the occupation of the building; and
12. With reference to Condition 2 please note that tinted or obscure glazing is not acceptable.

PURPOSE OF REPORT:

To determine the demolition of an existing building and the construction of a four storey mixed-use development.

BACKGROUND:

History:

Date	Comment
23 August 2005	Council resolved to conditionally approve the demolition of existing showroom and outbuilding, but refused the construction of three-storey mixed-use development comprising eight multiple dwellings, eating house, offices, shops and associated basement car parking, at No. 6 (Lot 22) London Street, corner Haynes Street and Scarborough Beach Road, North Perth.
28 February 2006	Council resolved not to acknowledge the showroom and open air display area as a non-conforming use and refused the application for the retention of non-conforming use as showroom/open air display, at No. 6 (Lot 22) London Street, North Perth.
22 August 2006	Council considered a confidential report relating to the retention of the non-conforming use as showroom/open air display – as part of a review matter to the State Administrative Tribunal – Review Matter No. DR 626 of 2005.
15 September 2006	The applicant in the review matter DR 626 of 2005 advised the Town that the review matter relating to the retention of non-conforming use as showroom/open air display at No. 6 (Lot 22) London Street, corner Haynes Street and Scarborough Beach Road, North Perth will not continue. As the showroom and air display has not operated for more than 6 months at the above site, the showroom and air display is no longer a valid non-conforming use.
8 May 2007	Council refused an application for demolition of Existing building and the construction of a three-storey development comprising 12 multiple dwellings.
28 August 2007	Council refused an application for demolition of Existing building and the construction of a three-storey development comprising 12 multiple dwellings as part of a review submitted to the State Administrative Tribunal.
30 January 2008	The application for review of the development at Ordinary Meeting of Council on 28 August 2007 was dismissed by the State Administrative Tribunal.

DETAILS:

Landowner:	Nicotra Developments Pty Ltd
Applicant:	Nicotra Development Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R30/40 Draft Town Planning Scheme No. 2 (TPS2): Residential/Commercial R80
Existing Land Use:	Unoccupied property approved as showroom/open air display
Use Class:	Eating House, Shop, Office and Multiple Dwellings
Use Classification:	"SA", "SA", "SA" and "P"
Lot Area:	2013 square metres
Right of Way:	Not applicable
Date of Application:	15 January 2014

The subject site is located at the corner of London and Haynes Streets, at the junction between London Street and Scarborough Beach Road. There is an existing derelict building on the site.

An application was initially submitted for the demolition of the existing building and the construction of a 4 storey mixed-use development comprising 3 shops, 4 offices, 1 eating house, 22 multiple dwellings and associated basement car parking. This application was advertised from 28 March 2014 to 23 April 2014.

Following advice from Design Advisory Committee (DAC) and City Officers, the plans were amended to improve the natural light and ventilation to the units and the layout of building. The main change to the plans was that one residential unit was added on the ground floor and one office removed.

The amended proposal was re-advertised to the adjoining neighbours from 20 March 2015 to April 2015 and is the subject of this report.

The amended proposal consists of a basement to be used for car parking and other utilities. Car stackers are proposed in addition to the car parking at grade level. The ground floor will accommodate an eating house, three shops, three offices and one multiple dwelling. The remaining upper floors will accommodate various sized multiple dwellings.

The fourth floor is smaller than the floors below and is located in the corner of the lot that adjoins London and Haynes Street which reduces the impact of height and bulk on the adjoining residential properties.

A new sound acoustic feature wall is proposed to be installed along the northern boundary in relation to the BBQ area as shown on **Attachment 7**.

ASSESSMENT:

Summary Assessment

The table below is a summary of the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1, the 2013 Residential Design Codes and the City's policies. In each instance where the proposal requires the exercise of discretion, the relevant planning element is discussed in the section of the report following from this table.

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

Detailed Assessment

Acceptable Variations

Issue/Design Element:	Plot Ratio
Requirement:	<p>2013 Residential Design Codes Clause 6.1.1</p> <p>0.5=1012 square</p>
Applicant's Proposal:	0.834 = 1688 square metres (variation of 676 square metres)
Design Principles:	<p>2013 Residential Design Codes Clause 6.1.1P1</p> <p>Development of the building is at a bulk and scale intended in the local planning scheme and is consistent with the existing or future desired built form of the locality.</p>
Summary of Applicant's Justification:	<p><i>"The increased 'Plot Ratio' is justified due to the fact that the majority of the dwellings are single bedroom apartments. This is in keeping with the City's Local Planning requirements. It reduces the requirements for car parking and has no discernible adverse impact on the amenities of the neighbouring properties. The form of the proposed development is articulated in height, width and depth to break the perceived bulk of the building. This articulation also softens the scale of the proposed construction, which although larger than the existing surrounding residential and business buildings is sufficiently 'broken up' in design to achieve a reduced impact."</i></p>
Officer Technical Comment:	<p>Whilst the proposed development exceeds the permitted plot ratio, the location of this lot on a major intersection and its size, provides a unique opportunity for a landmark development with excellent access to services including public transport and commercial activities along Scarborough Beach Road.</p> <p>This potential has been identified under draft TPS2 which applies a plot ratio 1.0 for this site.</p> <p>The bulk and scale of the development is addressed through an articulated design, the use of differing materials and by concentrating the bulk of the building towards London and Haynes Streets. This assists in creating the landmark character of the proposal and minimises the impact of this proposal on the adjoining residential properties.</p> <p>The development has also been awarded Design Excellence by the City's Design Advisory Committee.</p> <p>As the proposed built form aligns with the future vision for this area and assists in creating the landmark quality development in this location, the proposed plot ratio variation is acceptable.</p>

Issue/Design Element:	Front Setback – London Street
Requirement:	<p>Policy No. 7.2.1 – Residential Design Elements – SADC 5</p> <p>Ground Floor= 5.8 metres</p> <p>Upper Floors</p> <p>Balconies – 1 metre behind each portion of ground floor setback (6.8 metres)</p> <p>Wall = 2 metres behind each portion of ground floor setback (7.8 metres)</p>

Issue/Design Element:	Front Setback – London Street
Applicant's Proposal:	<p>Ground Floor = 4.6 metres to 9.1 metres (variation of 1.2 metres)</p> <p>First Floor Balcony = 5.7 metres to 8 metres (variation of 1.1 metres) Wall = 4.62 metres to 7.29 metres (variation of 3.18 metres to 0.51 metres)</p> <p>Second Floor Balcony = 5.7 metres to 6.02 metres (variation of 1.1 metres to 0.78 metres) Wall = 4.62 metres to 7.29 metres (3.18 metres to 0.51 metres)</p> <p>Third Floor Balcony= 5.7 metres (variation of 1.1 metres) Wall= 4.62 metres to 7.29 metres (3.18 metres to 0.51 metres)</p>
Design Principles:	<p>Policy No .7.2.1 – Residential Design Elements – SPC 5</p> <p>Development is to be appropriately located on site to:</p> <ul style="list-style-type: none"> • Maintain streetscape character; • Ensure the amenity of neighbouring properties is maintained; • Allow for the provision of landscaping and space for additional tree plantings to grow to maturity; • Facilitate solar access for the development site and adjoining properties; • Protect significant vegetation; and • Facilitate efficient use of the site. <p>Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>
Summary of Applicant's Justification:	<p><i>"The front setbacks are in keeping with the setback lines along London Street in general. The proposed building's horizontal and vertical articulation allows for enough division and orientation of windows to protect the amenity of the neighbouring properties. Since the proposed development is located to the southern corner it has little or no impact on solar access to the adjoining sites. The proposed setbacks allow for generous landscaping and for easy pedestrian access and interaction. The indicated setbacks are chosen to allow for positioning of the proposed new development for the least impact to the existing neighbours to the rear. The proposed varied setbacks to the upper floors are suitable because of the articulation of the facades, the variation of the size and height of the separate wall elements and the variation of the material texture and colours. All this breaks up the perceived height and size of the proposed building."</i></p>

Issue/Design Element:	Front Setback – London Street
Officer Technical Comment:	<p>The existing building on the opposite side to the subject site at the corner of London Street/Loftus Street/Scarborough Beach Road has a 'nil' setback. The Loftus Street/London Street locality is in transition with more medium density infill development. It is expected that reduced street setbacks will become the norm in this locality as proposals will focus building bulk closer to the streets, which will assist to protect the residential areas at the rear of these properties.</p> <p>The proposed street setback variations are acceptable because the front façades of the proposed building are articulated with openings, use varied construction materials and contain landscaping which will positively contribute to the emerging streetscape.</p>

Issue/Design Element:	Lot Boundary Setback
Requirement:	<p>2013 Residential Design Codes Clause 6.1.4</p> <p>Northern Boundary</p> <p>First Floor Wall relating to unit 9 – 2.1 metres Wall relating to unit 8 – 2 metres</p> <p>Second Floor Wall relating to roof garden – 2.9 metres Wall relating to unit 18 – 2.5 metres</p>
Applicant's Proposal:	<p>First Floor Wall relating to unit 9 – 1.5 metres to 2.305 metres (variation of 0.6 metres) Wall relating to unit 8 – 1.658 metres to 6.5 metres (variation of 0.342 metres)</p> <p>Second Floor Wall relating to roof garden – 1.5 metres to 2.305 metres (variation of 1.4 metres to 0.6 metre) Wall relating to unit 18 – 1.658 metres to 7.29 metres (variation of 0.842 metre)</p>
Design Principles:	<p>2013 Residential Design Codes Clauses P4.1 and P4.2 Buildings setback from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> • ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; • moderate the visual impact of building bulk on a neighbouring property; • ensure access to daylight and direct sun for adjoining properties; • assist with protection of privacy between adjoining properties; • side boundary setbacks to retail/commercial component of the development is in accordance with the existing street context, subject to relevant scheme provisions; and • retail/commercial development adjoining residential is designed to minimise the potential impacts between the two uses.

Issue/Design Element:	Lot Boundary Setback
Summary of Applicant's Justification:	<p><i>"The proposed varied setbacks to the Northern boundary are appropriate because the articulation and reduced height of the facing wall has little impact on the adjacent property's solar access and there is obviously no overshadowing. The visual impact with respect to bulk and height is at its smallest as that end of the proposed construction is the most compact. It is a blank end to the proposed building offering no overlooking or privacy issues."</i></p>
Officer Technical Comment:	<p>The variations to the lot boundary setbacks relate only to the northern boundary (see Attachment 5).</p> <p>The variations are minor given the extent of this development and will not have an impact on the adjoining residential property, as the walls are staggered resulting in only portions of the walls intruding into the required setback areas.</p> <p>Accordingly the proposed setback variations will also not have a negative impact on the adjoining properties in terms of ventilation and sunlight nor do they have any impact on overshadowing of the adjoining residential properties.</p> <p>Additionally the articulation of the building ensures adequate northern sunlight and cross-ventilation to each individual apartment which provides amenity to future residents of the development.</p> <p>The variations to the boundary setbacks are therefore acceptable.</p>

Issue/Design Element:	Number of Storeys
Requirement:	<p>2013 Residential Design Codes 6.1.2 Two Storeys Height = 7 metres for concealed roof and 9 metres for pitched roof.</p>
Applicant's Proposal:	<p>Four Storeys (variation of 2 storeys) Height = 13.4 metres (concealed roof) (variation of 6.4 metres)</p>
Design Principles:	<p>2013 Residential Design Codes 6.1.2-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"> • adequate access to direct sun into buildings and appurtenant open spaces; • adequate daylight to major openings into habitable rooms; • access to views of significance; • buildings present a human scale for pedestrians; • building façades designed to reduce the perception of height through design measures; and • podium style development is provided where appropriate.

Issue/Design Element:	Number of Storeys
<p>Summary of Applicant's Justification:</p>	<p><i>"The proposed four storey development is appropriate because the site is special in that it is on the corner intersection of three roads, two major and one cul-de-sac. It is very open and lends itself to address the streets with a building of greater presence that interacts with the location and the general public rather than a traditional housing development closed off from the corner. The fourth storey component is confined to the corner intersection to the South in order to decrease any impact on the neighbouring properties. The articulation of the proposed building's setbacks and wall heights and locations lessen the impact on general amenities and solar access on the surrounding properties. The breakup of the facade and the variation of the materials all help to reduce the perception of bulk."</i></p>
<p>Officer Technical Comment:</p>	<p>The proposal exceeds the permitted building height in storeys and meters.</p> <p>This variation cannot be considered under Policy No. 7.5.11 – Exercise of Discretion for Development Variations as this Policy only deals with sites zoned Residential R60 and above.</p> <p>Overall the policy framework is deficient to address this scenario. Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Developments which would apply in this instance refers to the Precinct Policy which in this case is silent on mixed use development on residential zoned land but specifies that residential development in a residential area is to be in accordance with the 2013 Residential Design Codes.</p> <p>Under the Design Principles of the 2013 Residential Design Codes, it is considered the variation to the number of storeys is appropriate and acceptable for the following reason:</p> <ul style="list-style-type: none"> • the lot is considered as a Strategic/Landmark site; • the upper storeys are focussed to the intersection of London Street and Haynes Street, and do not occupy the whole site which minimise the bulk impact on the adjoining properties. Overshadowing is compliant and therefore the development is considered to allow adequate direct light to adjoining buildings and outdoor living areas; • the proposal is not considered to deny significance views; • the human scale is considered to be taken into account as the floors are stepped back, and the fourth floor is located only at the corner of Loftus Street and Haynes Street; and • significant articulation has been incorporated into the design to reduce the perceived height and visual impact to the extent that the proposal has received exemplary design excellence from the City's Design Advisory Committee.

Issue/Design Element:	Number of Storeys
	<p>The subject site is proposed to be rezoned to Residential/Commercial R80 under the City's Draft TPS2 which would allow a building height of four storeys under the City's Draft Policy No. 7.1.6 – Development Requirements and Building Design.</p> <p>The site also meets the criteria for a landmark site under the City's Draft Local Planning Strategy as it has a site area of more than 1,000 square metres, is located along a major transport route, has a the design that will improve the streetscape and is a prominent gateway site into the City.</p> <p>It is therefore considered that the proposed height is appropriate.</p>

Issue/Design Element:	Roof Forms
Requirement:	<p>Policy No. 7.2.1 – Residential Design Elements – BDADC 3</p> <p>This is to be achieved through:</p> <ul style="list-style-type: none"> • The use of appropriate materials, colour and roof pitch; • The use of roof pitches between 30 degrees and 45 degrees (inclusive) being encouraged; and • The use of lower pitched roofs where they are compatible with existing development and streetscape.
Applicant's Proposal:	Concealed roof
Design Principles:	<p>The roof of a building is to be designed so that:</p> <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
Summary of Applicant's Justification:	<p><i>"The majority of roofs for the proposed development are hidden to augment the modern design language. This helps to reduce the perceived bulk of the proposed building. The hidden roofs and the canopy style roofs enhance the visual presentation of the design and help keep control of heights and overshadowing in general and the visual impact on neighbouring sites in particular."</i></p>
Officer Technical Comment:	<p>The area is not subject to any character requirements that dictate a specific roof form or building style.</p> <p>The proposed skillion roofs match the architectural style of the proposed building and will make a positive contribution to the streetscape.</p>

Issue/Design Element:	Essential Facilities
Requirement:	<p>2013 Residential Design Codes 6.4.6</p> <p>Minimum internal area = 4 square metres Minimum dimension = 1.5 metres</p>
Applicant's Proposal:	<p>Minimum internal area = 3.98 to 3.99 square metres Minimum internal dimension = 1.3 metres</p>
Design Principles:	<p>External location of storeroom, rubbish collection/bin areas, and clothes drying areas where these are:</p> <ul style="list-style-type: none"> • convenient for residents; • rubbish collection areas which can be accessed by service vehicles; • screened from view; and • able to be secured and managed.

Issue/Design Element:	Essential Facilities
Summary of Applicant's Justification:	<p><i>"The store rooms to the proposed development are all located in the basement parking area. Not all stores comply with the 1.5m minimum dimension requirement due to design constraints for parking. All the stores do comply with the 4m² area requirement and those that don't achieve the minimum dimension or are irregular in shape have a greater area to compensate.</i></p> <p><i>The two bin stores proposed, one residential one commercial, comply with the City's Engineering Department's requirements and are screened, covered, lockable and fully serviceable."</i></p>
Officer Technical Comment:	<p>The variation is minor as it affects only eight stores which are undersized. Supporting this variation will not have an impact on the amenity of the residents. It is recommended that a condition is imposed that the undersized stores are allocated to the single bedroom dwellings.</p>

Issue/Design Element:	Landscaping
Requirement:	<p>Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Development 2 metres width of the rear setback shall be provided as landscaping.</p>
Applicant's Proposal:	<p>1 metre width of the rear setback (eastern boundary) provided with landscaping.</p>
Design Principles:	<p>Landscape design shall be integrated into the overall site layout and building design of the development to reduce the urban heat island effect and enhance and improve micro-climate conditions and contribute to local biodiversity.</p>
Summary of Applicant's Justification:	<p><i>"The proposed development incorporates landscaping design in excess of the City's requirements. The landscaping layout and volumes ensure a softening of the solid material impact at ground level which, in turn, improves micro climate and heating/cooling the atmosphere for pedestrian interaction. The design is also aimed at improving biodiversity with the introduction of varied usable and decorative species."</i></p>
Officer Technical Comment:	<p>The proposed landscaping complies with the 2 metres landscaping strip requirement for most of the length of the eastern boundary except in relation to a portion of land along the proposed bin stores in the south eastern corner of the site. There is an existing boundary wall on the adjoining property in this location and it is therefore considered the variation to the width of landscaping is acceptable.</p>

Non-Acceptable Variations

Issue/Design Element:	Privacy
Requirement:	<p>2013 Residential Design Codes 6.4.1 Balconies = 7.5 metres setback from the adjoining property.</p>
Applicant's Proposal:	<p>Balconies to Units 8 and 18 on the eastern elevation = 2.2 metres setback from the northern boundary.</p>
Design Principles:	<p>Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:</p> <ul style="list-style-type: none"> • building layout, location; • design of major openings; • landscape screening of outdoor active habitable spaces; and/or • location of screening devices.

Issue/Design Element:	Privacy
	<p>Maximum visual privacy to side and rear boundaries through measures such as:</p> <ul style="list-style-type: none"> • offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; • building to the boundary where appropriate; • setting back the first floor from the side boundary; • providing higher or opaque and fixed windows; and/or • screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).
Summary of Applicant's Justification:	Not provided.
Officer Technical Comment:	The balconies to Units 8 and 18 are required to be screened to comply with the privacy setback requirements of the 2013 Residential Design Codes. It is recommended that a condition is imposed in this regard.

CONSULTATION/ADVERTISING:

Required by Legislation:	No	Required by City of Vincent Policy:	Yes
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Consultation Period:	28 March 2014 to 23 April 2014; and 20 March 2015 to 16 April 2015.
Comments Received:	<p>The application was first advertised between 28 March 2014 to 23 April 2014. Six submissions were received with four objections and two support.</p> <p>The amended plans were readvertised from 20 March 2015 to 16 April 2015. 25 submissions were received including 15 objections, four neither support nor object but have concerns and six support.</p>

A summary of the comments for support is as follows:

- Ideal location for this type of development; and
- Solar access to the adjoining properties will not be an issue.

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

Summary of Comments Received:	Officer Technical Comment:
<p><u>Bulk</u></p> <p>There is no other building of this scale in the North Perth Precinct. The proposed building is oversized and intrusive.</p> <p>The design is monolithic and overbearing.</p>	<p>The bulk, scale and height of the development have been addressed through the articulated design and use of differing materials. The upper storeys do not occupy the whole site and are focused more towards London and Haynes Streets, reducing their impact to the adjoining residential properties. The development has also been awarded Design Excellence by the City's Design Advisory Committee and satisfies the sustainability requirements.</p> <p>The plot ratio requirement under Draft TPS2-North Perth Precinct Policy is 1.0. The proposed plot ratio (0.834) therefore aligns with the future vision for this area.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><u>Privacy</u></p> <p>The privacy of the adjoining residential properties will be compromised by windows openings and the balconies.</p>	<p>The proposed development faces residential properties on the northern and eastern sides. On the northern side highlighted windows are proposed and privacy screening is provided for the roof garden. On the eastern side all the balconies comply with the privacy setback of 7.5 metres except the balconies to Units 8 and 18 which will be required to be screened in order to comply.</p>
<p><u>Number of Storeys</u></p> <p>The subject is surrounded by single storey and therefore the proposed four storey will be out of character from the area and will have a visual impact on adjoining properties.</p> <p>The bulk and scale of the development will have an impact on the adjoining northern single storey building.</p> <p>The proposed development will set a bad precedence.</p>	<p>Under the City of Vincent draft TPS2 the site will be rezoned to Residential/Commercial R80. As per the 2013 Residential Design Codes for R80 four storeys are acceptable.</p> <p>The upper storeys are focused towards Loftus and Haynes Streets, and do not occupy the whole site which minimises the bulk impact on the adjoining properties. The proposed development will also not overshadow any residential properties.</p> <p>Articulation has been incorporated into the design to reduce the perceived height and visual impact.</p> <p>The first and second storeys are setback from the northern boundary and articulated. The fourth story is setback 21 metres from the northern boundary. Consequently the proposal will not have any impact on the northern property in terms of bulk and scale.</p> <p>Any proposed development is assessed on its individual planning merits.</p>
<p><u>Traffic</u></p> <p>The traffic to be generated by this development will have an impact on the traffic flow through adjacent residential streets and will create traffic hazards for the surrounding area.</p> <p>People associated to the development will park their car on the streets which will create a traffic spillage to other residential streets.</p> <p>There are concerns about waste collection on the traffic along Haynes Street.</p>	<p>The applicant submitted a transport statement to the satisfaction of the Department of Planning and the City demonstrating that the proposal will have no impact on the traffic movements and parking in the area.</p> <p>People associated with the development are required to park within the development. The proposed development complies with the car parking requirements (see Attachment 4).</p> <p>The waste collection is to the satisfaction of the City and it will be carried out from Haynes Street.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><u>Noise</u></p> <p>The eating house and the vehicles accessing/egressing the site will have noise impacts on the surrounding residential area.</p> <p>The development does not have enough provision for sound absorption.</p> <p>Air-conditioners to these units will cause noise pollution to the adjoining properties.</p>	<p>The eating house and the residents/visitors to the development are required to comply with the relevant noise regulations. Moreover the eating house is proposed at the corner of London and Haynes Streets, not adjacent to the residential dwellings.</p> <p>It is recommended that a planning condition is imposed that requires the developer to submit an Acoustic Report as part of the Building Permit to demonstrate that there will be no noise impact on the adjoining properties.</p> <p>The air-conditioners will be required to comply with the noise regulations.</p>
<p><u>Anti-social behaviour</u></p> <p>The proposed eating house may attract anti-social behaviour.</p>	<p>Anti-social behaviour is not a valid planning condition and is dealt with by other government agencies.</p>
<p><u>Landscaping</u></p> <p>Not enough landscaping provided.</p> <p>The landscaping should be local native species.</p>	<p>The proposed development complies with the City's requirements of landscaping except in relation to landscaping strip at the south-eastern side of the development as per the City's Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Development as such this variation is considered to be acceptable.</p> <p>As part of the planning condition the applicant will be required to submit a landscaping plan which will be required to be implemented to the satisfaction of the City.</p>
<p><u>Sustainability Principles</u></p> <p>The proposed development should comply with the Sustainability Principles.</p>	<p>The applicant has submitted a Sustainability Report to the satisfaction of the City. Prior to the occupation of the building the applicant will have to demonstrate that the building complies with the sustainability measures proposed.</p>
<p><u>Dilapidation Report</u></p> <p>The proposed basement can undermine the structural integrity of the adjoining buildings. Therefore it is requested that the developer prepares a dilapidation report.</p>	<p>As part of the Building Permit the applicant will be required to submit a Construction Management Plan which can require submission of Dilapidation Reports. The purpose of the Construction Management Plan is to demonstrate that building works will not have any negative impact on the adjoining buildings.</p>
<p><u>Communal Area</u></p> <p>The use of the communal area including the BBQ will result in noise and air pollution to the adjoining properties.</p>	<p>The residents using the communal area will be required to comply with the noise regulations.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><u>Overshadowing</u></p> <p>The proposed development will overshadow the adjoining properties.</p>	<p>The site has north-south orientation and therefore the overshadowing will be on Haynes Street and not on the adjoining residential properties.</p>
<p><u>Developments on the subject site</u></p> <p>The City has previously refused major development on the subject site and therefore this application also should be refused.</p>	<p>Each application is assessed on its individual planning merits.</p>
<p><u>Scaffold Yard</u></p> <p>The site is at present being used as a scaffold yard.</p>	<p>The owner has confirmed that no business is currently being undertaken on the subject property.</p>
<p><u>Requirements</u></p> <p>The proposed development is required to comply with all the requirements of the 2013 Residential Design Codes and City's Policies.</p>	<p>The 2013 Residential Design Codes and City's Policies allow for variations to the standard requirements on condition that the variations will not have any undue impact on the adjoining properties.</p>

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

Department of Planning (DOP)

The proposal was referred to DOP for comments as Loftus Street is reserved as an Other Regional Roads (ORR) in the Metropolitan Region Scheme (MRS). The Department confirms that there is no objection to the proposal on regional transport planning grounds.

Design Advisory Committee:

Referred to Design Advisory Committee: Yes

The development plans were referred to DAC on four occasions being 20 March 2013, 4 September 2013, 5 November 2014 and 13 April 2015 (for Minutes refer to **Attachment 6**).

The applicant took on board the recommendation of the DAC on each occasion and amended the plans accordingly. During this process the major changes were the stepping of the building facing the single house along northern boundary, providing thoroughfares between units which will improve light and ventilation to the development, rearranging the layout on the ground floor and providing a residential unit on the ground floor in lieu of an office.

At the meeting of 5 November 2014, the DAC identified some minor shortcomings and accordingly advised the applicant that there was no need to attend another DAC meeting, but that the revised plans could instead be circulated to the Members that attended the November meeting. The plans were circulated early in April and on 13 April 2015 the Chairman, on the advice of the three other members informed the City that the proposal had met the remaining outstanding mandatory requirements and therefore achieved design excellence. The members also recommended that a condition is imposed as part of the approval which limits the use of BBQ facility (ground level) to 9 pm. However this is considered to be an inappropriate condition as the site is subject to the standard Noise Regulations which deal with these type of matters.

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- 2013 Residential Design Codes;
- Policy No. 7.1.8 – North Perth Precinct;
- Policy No. 7.2.1 – Residential Design Elements;
- Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Development;
- Policy No. 7.7.1 – Parking and Access; 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:

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Although the site has a long history of uses it has no heritage value and demolition can therefore be supported.

Due to its location the property presents a unique opportunity for a landmark site, and has been identified as such under draft TPS2. As such the proposed variations to plot ratio and building height are considered to be appropriate.

The proposed design is considered to achieve 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:

The redevelopment will enhance the corner lot as a gateway to the City of Vincent. It is therefore recommended that the proposal is approved.

9.1.4 No. 6B (Lot: 901 D/P: 59128) Wavertree Place, Leederville – Proposed Fence Addition to Existing Single House

Ward:	North	Date:	12 June 2015
Precinct:	Precinct 3 – Leederville	File Ref:	PR51906; 5.2015.149.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Development Application Letter 4 – Development Application Justification (Rosewood Facility)		
Tabled Items:	Nil		
Reporting Officer:	M Tarca, Planning Officer (Statutory)		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **REFUSES** the application submitted by Jonathen Riley on behalf of the owners Jonathen Riley and Leanne Helman, for the proposed Front Fence Addition to an existing Single House at No. 6B (Lot 901) Wavertree Place, Leederville as shown on plans date stamped 1 April 2015, included as Attachment 2, for the following reasons:

1. The proposal is contrary to orderly and proper planning as it is:
 - 1.1 non-compliant with Clause SADC 13 of the Residential Design Elements Policy and Clause 5.2.4 of the 2013 Residential Design Codes; and
 - 1.2 out of character with the existing streetscape which is characterised by open front setback areas that contribute to the streetscape;
2. The City has consistently required compliance with the visual permeability provisions for fences; and
3. The proposal does not present any moderating circumstances that would justify a variation.

PURPOSE OF REPORT:

To consider an application for a 1.8 metre high solid front fence addition to the existing single house. The applicant has requested that this matter be dealt with by Council.

BACKGROUND:

The four single houses at Nos. 2, 4, 6a and 6b Wavertree Place were approved by Council on 23 March 2010 subject to a specific condition in regard to front fencing, which requires that all front fences comply with the City's fencing provisions (i.e. be visually permeable above 1.2 metres). This condition supports the open fences proposed on the approved plans.

Although not constructed in accordance with the approved plans, the existing front fences for this development along the boundary comply.

Two building permits were approved in March 2015, one for a pool in the front garden area of this property and the second one for a pool fence. Under the building permit for the pool fencing the applicant proposes to use the front fence as part of the required security fencing for the pool. The building licence indicates that the existing front fence would be increased to 1.2 metres solid and that a glass panelling fence will be provided between the front fence and the house. The pool fencing as proposed on the building permit complies with the pool regulations and in regards to the requirements for front fences. The pool has been installed and the front fencing has been increased to a height of 1.2m.

The City received the application to construct a solid front fence 1.8 metres high for No. 6B Wavertree Place on the 1 April 2015. As part of the assessment process the City advised the applicant that the proposal would not be supported under delegated authority, which has motivated the applicant to request that the matter be considered by Council.

The subject site is also located opposite the Rosewood Care Facility at Nos. 5-9 Britannia Road, approved on 10 June 2011. The facility includes a delivery and emergency access off Wavertree Place. These access points are located directly opposite No. 4 and No. 8 Wavertree Place.

History:

Date	Comment
23 May 2006	Council resolved to conditionally approve the demolition of the existing single house at No. 2 Wavertree Place.
13 June 2006	Council resolved to conditionally approve the demolition of the existing single house at No. 6 Wavertree Place.
16 August 2006	Western Australian Planning Commission conditionally approved the subdivision of Nos. 2 and 6 Wavertree Place into 4 green title lots.
9 October 2007	Council resolved to defer an application for nine, two-storey multiple dwellings at Nos. 2 to 6 Wavertree Place.
20 August 2009	Western Australian Planning Commission endorsed the subdivision plan that was approved on 15 August 2006.
23 March 2010	Council resolved to approve four two-storey single houses at Nos. 2, 4, 6a and 6b Wavertree Place subject to conditions.
24 March 2015	A Building Permit for a Pool in the front setback area at No. 6B Wavertree Place was approved under delegated authority.
26 March 2015	A Building Permit for a Pool fence at No. 6B Wavertree Place was approved under delegated authority.

Previous Reports to Council:

Nil.

DETAILS:

Landowner:	Jonathen Riley and Leanne Helman
Applicant:	Jonathen Riley
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R60 Draft Town Planning Scheme No. 2 (TPS2): Residential R60
Existing Land Use:	House
Use Class:	Single House
Use Classification:	'P' - Permitted
Lot Area:	388 square metres
Right of Way:	Yes
Date of Application:	1 April 2015

The proposed development application received on 1 April 2015 seeks to increase the existing front fence that is 0.9 metres in height, facing Wavertree Place, to a solid 1.8 metre high wall.

Following advertising, the applicant provided additional justification for the proposal on the basis that the proposed solid wall is necessary to protect this property from the intrusion of vehicle headlights as vehicles exit and enter the delivery and emergency access points from the Rosewood development on the opposite side of Wavertree Place, which is currently under construction.

ASSESSMENT:

Summary Assessment

The table below is a summary of the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1, the 2013 Residential Design Codes and the City's policies. In each instance where the proposal requires the exercise of discretion, the relevant planning element is discussed in the section of the report following from this table.

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

Detailed Assessment

Unacceptable Variations

Issue/Design Element:	Insert
Requirement:	Residential Design Elements Clause SADC 13 & 2013 Residential Design Codes Clause 5.2.4 require street walls and fences to a maximum height of 1.2 metres solid and 50% visually permeable thereafter to a maximum height of 1.8 metres.
Applicant's Proposal:	Proposed solid front fence to a height of 1.8 metres located within the primary street setback area. (Variation of 0.6 metres in solid fencing)
Design Principles:	<p>(a) Street walls and fences are to be of a style and materials compatible with those of the dwelling on site and/or walls or fences of the immediate surrounding area. Street walls and fences designed with fibre cement or metal sheeting are not acceptable.</p> <ul style="list-style-type: none"> • Maximum height of 1.8 metres above adjacent footpath level; • Maximum height of piers with decorative capping to be 2 metres above adjacent footpath level; • Maximum height of solid portion of wall to be 1.2 metres above adjacent footpath level and a minimum of fifty percent visually permeable above 1.2 metres; • Posts and piers are to have a maximum width 355 millimetres and a maximum diameter of 500 millimetres; and • The distance between piers should not be less than the height of the piers except where pedestrian gates are proposed.

Issue/Design Element:	Insert
Summary of Applicant's Justification:	<ul style="list-style-type: none"> • <i>“Visual intrusion/privacy/security to approved swimming pool in front setback area</i> • <i>Overlooking issues from three-storey Rosewood Care Facility</i> • <i>Proximity to Aranmore Primary school, school children may look into our garden when we are using the pool area</i> • <i>Wooden slats form a ladder to allow for children to climb the fence</i> • <i>1.8m high fence provides less temptation for passers-by to access our pool</i> • <i>No. 8 Wavertree Place has 6 foot high solid front fence</i> • <i>Will be impacted by vehicle headlights accessing the Rosewood Care Facility.”</i>
Officer Technical Comment:	<p>While the City understands the applicant's need for privacy for the proposed swimming pool to be located in the front setback area, a solid wall will have a negative impact on the streetscape as it will obstruct passive interaction with the street.</p> <p>The proposed solid wall is contrary to the City's Policy on street walls and fences and the provisions of the 2013 Residential Design Codes, which have been consistently applied throughout the City.</p> <p>The solid front walls at No 8 Wavertree were approved in 1981 prior to the visual privacy requirements for front fences and is approximately 1.4 – 1.6 metres high.</p> <p>The applicants' justification in regard to the access point to the Rosewood development cannot be supported as examination of the plans for the Rosewood development has revealed that the access points are located opposite No. 4 and 8 Wavertree Place and a minimum of 15 metres from the subject site.</p> <p>For the proposal to be compliant the front fence should be solid to a maximum height of 1.2 metres and thereafter visually permeable. This option is frequently used in conjunction with landscaping where additional privacy is required.</p>

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	16 April 2015 – 30 April 2015		
Comments Received:	One submission was received in support of the proposed development from Aranmore Primary school. Although the school was not consulted during the 14 day period as per the City's Policy No. 4.1.5 – Community Consultation, the comments were forwarded on by the applicant who was in consultation with the school principal.		

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

Summary of Comments Received:	Officer Technical Comment:
<p><u>Fence Height and Permeability</u></p> <p><i>“A solid fence would be safer and provide more safety given the proximity to the school and the number of children traversing Wavertree Place.”</i></p>	<p>A solid front fence may be considered in line with increasing privacy, however the main issues is its adverse impact on the streetscape. A solid front fence to 1.8 metres high will not integrate well into the existing streetscape of Wavertree Place nor will it complement the existing style and character of the three other identical single houses built at Nos. 2, 4 and 6A Wavertree Place.</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- *City of Vincent Town Planning Scheme No. 1;*
- *2013 Residential Design Codes;*
- *Policy No. 7.1.3 – Leederville 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:

ENVIRONMENTAL	
Issue	Comment
Not Applicable.	

SOCIAL	
Issue	Comment
Provide privacy and increased amenity, however detracts from the street interface and reduces opportunities for passive surveillance.	

ECONOMIC	
Issue	Comment
Provide short term employment.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The development application proposes to create privacy for the pool in the front setback area at the expense of the streetscape. The proposed development is non-compliant as per the City's Policy provisions regarding street walls and fences and the 2013 Residential Design Codes.

The City has been consistent to require visually permeable fences in line with its policies and the 2013 Residential Design Codes.

The applicant applied and was granted a building permit for a pool fencing proposal that is acceptable to the applicant and the City and construction has already commenced.

There are no features of this proposal to justify the variation of the City's requirements in this instance. The requirement for open style fencing has existed since the initial development of the site to ensure a positive streetscape for all properties on Wavertree Place. A solid front fence detracts from this objective and is contrary to orderly and proper planning.

CONCLUSION:

It is recommended that the proposed development is refused.

9.1.5 Outcomes of Advertising and Final Adoption – Heritage Policies

Ward:	Both	Date:	12 June 2015
Precinct:	All	File Ref:	SC1972
Attachments:	<u>1</u> – Summary of Submissions (updated) <u>2</u> – Current Policy No. 7.6.5 – Heritage Management - Amendments to the Municipal Heritage Inventory (MHI); and <u>3</u> – Amended Policy No. 7.6.5 – Heritage Management – Amendments to the Municipal Heritage Inventory (MHI)		
Tabled Items:	Nil		
Reporting Officers:	J O’Keefe, Manager Strategic Planning, Sustainability and Heritage Services H Au, Heritage Officer A Fox, Strategic Planning Officer		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council:

1. **NOTES** the submissions received in relation to the advertising of review of heritage policies, included as Attachment 1 and **ENDORSES** Administration’s responses to those submissions;
2. **DOES NOT PROCEED** with the draft amendment to Policy No. 7.6.2 – Heritage Management – Assessment in accordance with Clause 47(5) of Town Planning Scheme No. 1;
3. **RESCINDS** existing Policy No. 7.6.5 – Heritage Management – Amendments to the Municipal Heritage Inventory (MHI), as shown in Attachment 2; and
4. **ADOPTS** Policy No. 7.6.5 – Heritage Management – Amendments to the Municipal Heritage Inventory (MHI), as shown in Attachment 3.

PURPOSE OF REPORT:

To consider the outcomes of the public consultation period for:

1. Amendment of Policy No. 7.6.2 – Heritage Management – Assessment to allow commercial properties with a Management Category B to be included on the MHI without the consent of the owner; and
2. Rescission of existing Policy No. 7.6.5 – Heritage Management – Amendments to the Municipal Heritage Inventory (MHI) and replacement with a revised Policy No. 7.6.5 – Heritage Management – Amendments to the Municipal Heritage Inventory (MHI).

BACKGROUND:

Council initiated changes to Policy No. 7.6.2 – Heritage Management – Assessment that would provide Council with the discretion to place a commercial property on the City’s Municipal Heritage Inventory (MHI) without the consent of the owner.

The consideration of these changes has triggered the need to review Policy No. 7.6.5 – Heritage Management – Amendments to the Municipal Heritage Inventory (MHI) to ensure that it is more efficient and user friendly. This review has culminated in a proposal to rescind the existing Policy No. 7.6.5 – Heritage Management – Amendments to the Municipal Heritage Inventory (MHI) and replace it with a revised Policy No. 7.6.5 – Heritage Management - Amendments to the Municipal Heritage Inventory (MHI).

History:

Date	Comment
22 July 2014	The review of Policy No. 7.6.2 was requested by a Notice of Motion from an Elected Members.
9 December 2014	The proposed review of heritage policies was presented to Elected Members at a Council Forum.
20 January 2015	Council initiated advertising of the proposed amendment to Policy No. 7.6.2 and No. 7.6.5.
17 March – 16 April 2015	Formal consultation period.
12 May 2015	Administration presented the findings of the advertising period at a Council Forum.

Previous Reports to Council:

This matter was previously reported to Council on 20 January 2015 as 'Item 9.1.3 Amendment No. 132 to Planning and Building Policy Manual – Review of Heritage Policies (SC1972)'. The Council Report and Minutes are available on the City's website.

DETAILS:

1. Policy No. 7.6.2 – Heritage Management – Assessment

The proposed amendment would provide Council with the discretion to include 'commercial' properties onto the City's MHI without the consent of the owner.

2. Policy No. 7.6.5 – Heritage Management – Amendments to the Municipal Heritage Inventory (MHI)

The recommended changes are administrative and amend the layout and format of the policy to create a more user friendly document.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period:	17 March 2015 – 16 April 2015 Both Policies were advertised together.
Consultation Type:	<ul style="list-style-type: none"> • Adverts in The Guardian and the Perth Voice; • Notice on the City's website; • Copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre; • Updates in the Planning & Building E-Newsletter; • Letters to 1,500 commercial landowners; • Letters to precinct groups; and • Letters to various government agencies and heritage agencies.

Comments Received:

A total of 30 submissions were received during the consultation period for both policies. All of them commented on Policy No. 7.6.2 – Heritage Management – Assessment. 14 out of 30 submissions have also provided comment on Policy No. 7.6.5 – Heritage Management – Amendments to the Municipal Heritage Inventory (MHI).

1. Policy No. 7.6.2 – Heritage Management – Assessment

Position	Community	Government Authority	Total Submissions	Percentage
Support	3	2	5	16.6%
Object	22	1	23	76.6%
Neither support or object	1	1	2	6.6%
	26	4	30	

2. Policy No. 7.6.5 – Heritage Management – Amendments to the Municipal Heritage Inventory (MHI)

Position	Community	Government Authority	Total Submissions	Percentage
Support	5	2	7	50%
Object	3	-	3	21.4%
Neither support or object	3	1	4	28.6%
	11	3	14	

In addition to these submissions, representatives from Water Corporation met with Administration to convey their concerns with progressing this policy amendment.

Summary of Submissions for Review of Heritage Policies: Objections and Support

1. Policy No. 7.6.2 – Heritage Management – Assessment

The main issues raised in the objections are listed below:

Summary of Comments Received:	Officer Comment:
Rationale for the policy change is not clear.	The rationale of the policy is to retain the heritage and integrity of the character of the City's town centres and ensure the City's unique commercial heritage assets remain vibrant and dynamic.
Land use is not a 'heritage' consideration.	The continuous use of a building for its original designed use is part of the significance of the place.
Equity between residential and commercial properties.	Noted.
'Cultural heritage value' is different from 'urban character'.	An incentive based approach to retain heritage character in town centres may be an alternative approach to heritage listing.
How to deal with mixed use buildings or change of use.	Noted.
Perception of devaluation.	Value of the property is not identified as a planning consideration.
Owners have no incentive to maintain their properties.	The City continues to provide heritage funding for owners of heritage-listed properties.
Taking away owners' rights and no compensation.	Noted.

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

The only comment from the supporting submissions is listed below:

Summary of Comments Received:	Officer Comment:
The amendment ensures built fabric and town centres is preserved.	The purpose of the amendment is to retain the heritage/integrity of the City's town centres.

2. Policy No. 7.6.5 – Heritage Management – Amendments to the Municipal Heritage Inventory (MHI)

The only issue raised in the objections is listed below.

Summary of Comments Received:	Officer Comment:
The more streamlined approach bypasses the necessity to negotiate with property owners before listing.	The owners will be advised of any heritage listing nomination and given an opportunity to provide comment.

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

The only comment from the supporting submissions is listed below.

Summary of Comments Received:	Officer Comment:
The presentation is clear and concise.	Noted.

LEGAL/POLICY:

- City of Vincent Town Planning Scheme No. 1;
- *Heritage of Western Australia Act 1990*; and
- State Planning Policy 3.5 – Historic Heritage Conservation.

RISK MANAGEMENT IMPLICATIONS:

Low: Providing a sound approach to heritage management is important to ensure consistency and transparency for landowners, applicants and the community.

STRATEGIC IMPLICATIONS:

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

“Natural and Built Environment

1.1 *Improve and Maintain the Environment and Infrastructure.*

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

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

SUSTAINABILITY IMPLICATIONS:

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

“4.8 Encourage and promote the re-use and adaptation of existing buildings within the City where possible, and encourage and promote the retention, re-use and recycling of building materials and construction waste.”

The following tables outline the applicable sustainability issues for this policy amendment:

ENVIRONMENTAL
The City’s policies relating to Heritage Management serve to promote the City’s commitment to environmental sustainability outcomes being achieved through the reduction on the waste of building material associated with full demolition and redevelopment.

SOCIAL
The City’s heritage policies serve to promote and celebrate the City’s heritage and sense of place particularly through mechanisms that retain places with recognised heritage significance.

ECONOMIC

The City's policies assist in the conservation and retention of the City's heritage places, particularly those that contribute to the economic vibrancy and character of the City's Town Centres.

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure for updating the policies will be funded from the operating budget, *Town Planning Scheme Amendments and Policies*.

COMMENTS:

1. Policy No. 7.6.2 – Heritage Management – Assessment

All owners of commercial properties within the City were consulted regarding the amendment, including the 12 owners of commercial properties that are identified as having 'cultural heritage value' and placed on the MHI Review List. Three of these owners have objected to the amendment.

The submissions have presented a range of concerns for this amendment. The main issues listed in the objections include the equity between residential and commercial properties, the mechanism to deal with mixed use buildings and the difference of 'cultural heritage value' and 'urban character'. The submissions also provided positive feedback which considered that the amendment will ensure the built fabric in the town centres will be preserved.

Administration considers the above positive comments to be valid and intends to incorporate these into the City's future town centre planning projects. The evaluation of the submissions gave an insight that an incentive based approach, rather than this new policy, may be a better method to retain the vibrant and dynamic heritage character in the town centres.

Given the fact that there are currently only 12 commercial properties with the potential of being listed on the City's MHI, it is recommended that Council should not proceed with the amendment of Policy No. 7.6.2 – Heritage Management – Assessment.

2. Policy No. 7.6.5 – Heritage Management – Amendments to the Municipal Heritage Inventory (MHI)

A number of positive comments were received during the consultation period. The submissions support the newly formatted policy as it provides a clearer presentation for policy users.

Administration considers that the newly formatted policy has been consolidated which serves to provide policy users with a clear mechanism to guide amendments to the MHI. The objective of this review has been effectively achieved.

It is therefore recommended that Council proceeds with this amendment.

CONCLUSION:

Administration recommends that Council:

1. Does not proceed with the amendment to Policy No. 7.6.2 – Heritage Management – Assessments on the basis that an alternative approach is more appropriate; and
2. Adopts revised Policy No. 7.6.5 – Heritage Management – Amendments to the Municipal Heritage Inventory (MHI), to replace the existing Policy No. 7.6.5 – Heritage Management – Amendments to the Municipal Heritage Inventory (MHI).

9.1.6 Outcomes of Advertising and Final Adoption of Draft Planning Policy No. 7.7.2 – Car Sharing

Ward:	Both	Date:	12 June 2015
Precinct:	All	File Ref:	SC1677
Attachments:	1 – Draft Car Sharing Policy 2 – Summary of Submissions 3 – Changes to the Draft Policy		
Tabled Items:	Nil		
Reporting Officers:	A Marriott, Sustainability Officer J O’Keefe, Manager Strategic Planning Sustainability and Heritage Services		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council:

- ADOPTS** the draft Policy No. 7.7.2 – Car Sharing Policy as shown in Attachment 1 – pursuant to Clause 47 of the City’s Town Planning Scheme No. 1; and
- NOTES** the amounts below are listed in the City’s Schedule of Fees and Charges for 2015-2016 as follows:

Item	Fee
Space marking & signage of car share space	\$800 per car bay
Making good of car bays after cessation of use for car sharing	\$700 per car bay

PURPOSE OF REPORT:

To present the submissions received in response to the advertising of the draft Car Sharing Policy and for the proposed Policy to be finally adopted.

BACKGROUND:

Triggered by a Notice of Motion Council resolved on 24 June 2014 to development a Car Sharing Policy. A draft Policy was subsequently prepared and presented to Council on 10 March 2015.

History:

Date	Comment
27 January 2015	An overview of the draft Policy was presented to a Council Forum for discussion and review.
10 March 2015	Council endorsed advertising of the draft Policy No. 7.7.2 – Car Sharing Policy
14 April 2015 – 12 May 2015	Formal consultation period.
12 May 2015	Outcomes of advertising presented to a Council Forum.

Previous Reports to Council:

This matter was previously reported to Council on 10 March 2015. The Minutes of Item 9.1.4 from the Ordinary Meeting of Council held on 10 March 2015 are available on the City’s website.

DETAILS:

Draft Policy No. 7.7.2 – Car Sharing was developed to guide the orderly assessment and approval of car share providers, allocation and management of car-share spaces on public land and the approval of car share spaces on private property. The draft Policy sets out the City’s expectations and requirements relating to car sharing and contains guidelines for prospective car share providers.

Formal advertising for the draft Policy was undertaken in accordance with Clause 47 of Town Planning Scheme No. 1 and Policy No. 4.1.5 – Community Consultation.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period:	14 April – 12 May 2015 (29 days)
Consultation Type:	<ul style="list-style-type: none"> • Advertisements in The Guardian and the Perth Voice; • Notice on the City’s website; • Copies displayed at City of Vincent Administration and Civic Centre and Library and Local History Centre; and • Consultation with adjoining Local Authorities, government agencies and other interested parties.

Position	Community	Government Authority	Other Agencies/ Businesses	Total Submissions	Percentage
Support	2	0	4	6	75%
Object	0	0	0	0	0%
Not Stated	2	0	0	2	25%
	4	0	4	8	100%

SUMMARY OF COMMENTS RECEIVED:

Issue:	Officer Comment:
<p><u>Competition</u></p> <p>Access should be granted to multiple car share providers to encourage competition in the market.</p>	<p>The draft Policy does not place a limit on the number of car share schemes that may operate within the City. It states that new entrants are welcome and includes measures to prevent anti-competitive occupation of car share spaces by established operators.</p>
<p><u>Use of visitor bays in private developments</u></p> <p>An absence or low numbers of visitor bays would discourage private developments from applying for on-site car share bays.</p>	<p>The draft Policy has been updated to remove specific reference to visitor bays. By simply requiring that car bays nominated for car sharing be surplus to minimum parking requirements, the Policy intent is more accurately reflected.</p>
<p><u>Public accessibility to car share bays in private car parks and developments</u></p> <p>Exclusive use of approved car share bays by site occupants must be prevented to maximise the benefits of car sharing to the wider community.</p>	<p>The draft Policy has been updated to require approved car share spaces on private land to be operated by approved car share providers and to be accessible to the general public via membership of the relevant car share schemes.</p>
<p><u>Parking Offsets</u></p>	<p>In the absence of an established car share scheme, allowing offsets would risk a</p>

Issue:	Officer Comment:
<p>Parking offsets should be considered for new developments that incorporate car share bays.</p>	<p>shortage of parking spaces in new developments. Following successful establishment of one or more car share schemes, it is intended that the City's Parking and Access Policy will be revised to include parking offsets for car share spaces if appropriate.</p>
<p><u>Vehicle safety standards</u></p> <p>Minimum safety standards applicable to vehicles used by car sharing schemes should be specified in the Policy.</p>	<p>The requirement for a minimum 4-star ANCAP rating for all car share vehicles has now been included in the draft Policy.</p>
<p><u>Fees and charges</u></p> <p>During the establishment phase of car sharing schemes, fees and charges should be kept low to facilitate financial viability.</p>	<p>The officer recommendation is that fees and charges be kept to a minimum during the establishment phase.</p>
<p><u>Apparent bias toward commercial car share operators</u></p> <p>The City should also consider supporting peer-to-peer and community-based car share schemes.</p>	<p>Peer-to-peer car sharing uses participants' private vehicles and private parking spaces. It therefore falls outside the City's parking control mechanisms and also outside of the scope of this Policy.</p> <p>Community-based car share schemes have equal eligibility to operate and apply for dedicated car share spaces under the terms of the draft Policy as do corporate car share providers. The eligibility requirements within the Policy are designed to protect car share users, not to discriminate against community-based schemes. Further, it is recommended that the City offers additional support for non-profit community-based car share schemes through the waiving of administrative fees and charges as outlined in the Financial/Budget Implications section of this report.</p>
<p><u>Additional Clarification</u></p> <p>Clarification required in relation to the following:</p> <ul style="list-style-type: none"> - Expectations relating to marketing activities by car share providers. - How public share spaces would be allocated to competing car share providers. - Whether car share providers need to be approved prior to applying for cars share spaces. - Whether provision of car share bays will be required or voluntary in private developments. - How compliance with the Policy will be ensured in private developments. 	<p>These items have all been clarified within the draft Policy as described in the Summary of Changes to the Draft Policy (Attachment 3).</p>

Issue:	Officer Comment:
<ul style="list-style-type: none">- The proposed process for reverting car share spaces to an alternate use.- Whether there would be ongoing fees and charges applicable to car share spaces on private property.- The roles and processes to be delegated to the City's Administration.	

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

LEGAL/POLICY:

Clause 47 of the City's Town Planning Scheme No. 1 empowers Council to make local planning policies which are to:

- a. Relate to an aspect or aspects of development control or any matter relevant to this Scheme; and
- b. Apply to all or part of the Scheme area.

Determinations about draft policies following the period for submissions are pursuant to Section 5 of Clause 47. Advertising of such determinations are pursuant to Section 6 of Clause 47.

RISK MANAGEMENT IMPLICATIONS:

The City requires a Car Sharing Policy to guide the approval, allocation and management of car share schemes and car share spaces. The absence of a Car Sharing Policy is currently inhibiting the establishment of car share schemes in the City and leaves the City's Planning Services without guidance for the approval of operators and spaces.

Risks inherent in not having a car sharing policy are as follows:

- Failure of car sharing to establish in the City of Vincent and possibly also in the wider metropolitan area, as neighbouring local authorities will look to the City's example to guide their decisions;
- Questions of transparency arising over the City's approval of car share schemes and allocation of public car share spaces; and
- Delays and inconsistencies in the approval of car share spaces on private land, leading to questions about the City's processes.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

- "1.1 *Improve and maintain the natural and built environment and infrastructure*
 - 1.1.5 *Take action to improve transport and parking in the City and mitigate the effects of traffic."*

SUSTAINABILITY IMPLICATIONS:

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

- "3. *Encourage, empower and support the City's community to live in an environmentally sustainable manner*
 - L. *Promote responsible consumption that has a reduced environmental impact."*

The following tables outline the applicable sustainability issues for this draft Policy:

ENVIRONMENTAL	
Issue	Comment
	Car share users drive shorter distances and less often than private vehicle owners. In addition, share cars produce fewer emissions than the average vehicle they replace, and they typically replace several privately owned vehicles each. This means better air quality for local neighbourhoods and reduced global warming potential for the wider environment.

SOCIAL	
Issue	Comment
	Each car share vehicle is expected to replace up to 12 privately owned vehicles, resulting in reduced congestion, safer roads and more efficient use of parking space. As car share users choose public and active transport more often than private vehicle owners, they also benefit from the physical activity and increased social interaction that accompanies these modes of transport.

ECONOMIC	
Issue	Comment
	As the costs associated with each share car are divided among numerous users, the annual saving per car share user compared with private vehicle ownership adds up to thousands of dollars. Modelling completed by the City of Sydney in 2012 revealed that financial costs incurred by the City through its support of car sharing schemes was outweighed 19:1 by the resultant savings to its wider community

FINANCIAL/BUDGET IMPLICATIONS:

Below is a summary of the estimated costs to the City for each on-street and public car park space allocated to car sharing:

Reason for cost	Estimated cost to the City
Approval of car share provider (one-off expense)	\$200
Approval of car share spaces (cost per application, including community consultation)	\$400
Space marking & signage (per car share space)	\$800
Making good spaces after car sharing (per car share space)	\$700
Annual review of car share space allocation (per operator)	\$100
Potential loss of parking revenue (per parking bay in ticketed areas)	~\$22 per day ~ \$6,800 per year

Options for cost recovery:

The draft Policy includes the following statement in relation to cost recovery:

“Fees and charges for car sharing approvals and allocations are specified in the City of Vincent Schedule of Fees and Charges.

Fees and charges will be reviewed annually in accordance with the City’s annual budget review process.

The City will impose charges and fines on car share vehicles outside their designated car share space where these charges and fines would also be incurred by private vehicles.”

Option	Cost Recovery	Inclusions	Benefits	Risks
1.	Full cost recovery	Application fees; Renewal fees; Recovery of lost parking revenue; Cost of space marking; Cost of making-good.	Minimises financial impacts on the City.	Adds administrative complexity to approval and renewal processes; Raises cost barriers for car share providers who may pass on costs and reduce membership uptake.
2.	Partial cost recovery	Cost of space marking; Cost of making-good.	Recovers a significant share of the City's costs; Reduces Administrative complexity.	Imposes some costs on car share providers; Costs may be passed on, reducing uptake.
3.	No cost recovery	n/a	Removes cost barriers to car share providers; Keeps fees low for car share users.	Ratepayers may object to high level of subsidy for commercial operators.

Option 1 is recommended by the Administration as the preferred means of cost recovery in the long term; however in the shorter term, Option 2 is considered appropriate to facilitate the establishment of car sharing in the local market.

To support this, it is recommended to include the following new items in the City's Schedule of Fees and Charges for 2015-2016:

Item	Fee
Space marking & signage of car share space	\$800 per space
Making good of car bays after cessation of use for car sharing	\$700 per space

These fees will be reviewed periodically during budget preparation and can in time be aligned with cost recovery Option 1.

It is recommended that fees and charges for community-based non-profit car share schemes be capped at Option 2, effectively waiving all administrative costs to provide additional support.

If car share bays are to be located in the Perth Parking Management Area car share providers will be liable for the applicable levy, regardless of the cost recovery option that otherwise applies.

COMMENTS:

All submissions received are shown in the *Summary of Submissions (Attachment 2)*. Following consideration of submissions, the draft Policy has been amended as shown in the updated *Draft Car Sharing Policy (Attachment 1)*. All amendments to the draft Policy are shown in *Changes to the Draft Policy (Attachment 3)* and summarised below.

- New clauses have been added to Policy Sections 3.2.1, 3.2.2 and 3.2.3 to ensure that approved car share spaces on private property are allocated only to car share schemes that are also approved by the City and therefore accessible to the wider community via membership of the relevant schemes.
- A new clause 2.4 has been added to the Obligations and Responsibilities section of the Guidelines for Car Share Providers (Appendix 1 to the draft Policy) requiring that all vehicles used by car share schemes comply with high passenger and pedestrian safety standards.

- Section 7 of the draft Policy has been amended to reflect the previous decision of Council on 10 March 2015 to change the requirement to consult residents in the vicinity of a proposed public car share space advising of the pending change following approval.
- A number of clarifying statements have been added to remove ambiguity and avoid confusion in relation to matters such as:
 - Whether provision of car sharing in new developments is voluntary;
 - The types of parking bays on private property that can be used for car sharing;
 - How the reversion of a car share space on private property to an alternate use is to be dealt with by the Development Approval;
 - The ability of prospective car share providers to submit an application for car share spaces concurrent with an application to operate in the City;
 - Which sections of the policy apply solely to car share spaces on public land; and
 - The aspects of car share approval and management that are to be delegated to the City's Administration.

CONCLUSION:

The draft Car Sharing Policy addresses the orderly allocation and management of car share spaces on public and private land and sets out the proposed terms of agreement between the City and prospective car share operators.

Following community consultation, a number of changes have been made to the draft Policy to clarify various aspects, address areas of potential confusion and strengthen protections for car share users and for the wider community.

It is recommended that Council adopts Policy No. 7.7.2 – Car Sharing.

9.1.7 LATE ITEM: No. 176 (Lot: 164 D/P 1659) Anzac Road, Mount Hawthorn – Proposed Change of Use from Shop (Garden Centre) and Ancillary Eating House (Tearoom) to Eating House

Ward:	North Ward	Date:	25 June 2015
Precinct:	Precinct 1 – Mount Hawthorn	File Ref:	PR10365; 5.2015.58.1
Attachments:	<u>1</u> – Consultation Map <u>2</u> – Development Application Plans and Information <u>3</u> – Car Parking Calculation		
Tabled Items:	Nil		
Reporting Officer:	C Sullivan, Planning Officer (Statutory)		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by N Karnovsky on behalf of the owner A Begos for the proposed Change of Use from Shop (Garden Centre) and Ancillary Eating House (Tearoom) to Eating House at No. 176 (Lot 164) Anzac Road, Mount Hawthorn as shown on plans date stamped 1 April 2015, included as Attachment 2, subject to the following conditions:

1. Use of the Premises

- 1.1 The maximum number of patrons for the eating house at any one time shall be limited to 32 persons;
- 1.2 The proposed hours of operation are restricted to 6.30am to 5.00pm Monday to Saturday, and 7.30am to 4.00pm on Sundays; and
- 1.3 The entrance gates to the rear parking area are to be closed and securely locked during the hours that the eating house is closed;

2. Building

- 2.1 All external fixtures shall not be visually obtrusive from Anzac Road 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 Anzac Road shall maintain an active and interactive frontage to this street with clear glazing provided;
- 2.3 Any additional structures in relation to the rear alfresco area, toilets, car parking or bin store, will require additional approval;
- 2.4 A separate outdoor eating area licence is required to be sought for any seating areas within the Anzac Road reserve area; and
- 2.5 No music is to be played or speakers are installed in the outdoor areas;

3. Management Plan

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

- 3.1 Reduce the likelihood of excessive noise intrusion on residents and businesses in the locality;
- 3.2 Prevent the likelihood of rowdy or antisocial behaviour;

- 3.3 **Install adequate signage to the satisfaction of the City to inform customers of the parking location and requirements for noise consideration;**
 - 3.4 **Consult directly with affected persons, residents and/or businesses to resolve any noise issues, and rowdy or antisocial behaviour or any other issues that may arise; and**
 - 3.5 **Ensure the above management measures (prior to, during and post trading hours) are included as part of all staff induction and training programs; and**
4. **Prior to the issue of an Occupancy Permit, the following shall be provided:**
- 4.1 **Car Parking**

The car parking area and access which forms part of this approval shall be sealed, drained and paved and line marked in accordance with the approved plans and AS2890 and maintained thereafter by the owner/occupier to the satisfaction of the City;
 - 4.2 **Bicycle Facility**

Three Class 3 bicycle facilities should be installed to the rear of the property in accordance with the City's Policy No. 7.7.1 – Parking and Access;
 - 4.3 **Bin Store**

A bin store is to be provided in a location and with a capacity to the satisfaction of the City; and
 - 4.4 **Signage**

Signage detail relating to the car parking to the satisfaction of the City.

PURPOSE OF REPORT:

To consider an application for a Change of Use from Shop (Garden Centre) and Ancillary Eating House (Tearoom) to Eating House including signage.

BACKGROUND:

The original building at Nos. 174 – 176 Anzac Road was approved in 1953 for use as a butcher's and grocery store. No on site car parking was provided for the development at this time.

The building has 3 separate tenancies, with the proposed eating house in the old butcher's store, and the existing beauty salon and hairdresser in place of the old grocery store which has been divided into two tenancies. Prior to this proposal the tenancy was used as a garden centre/nursery with ancillary eating house (tearoom) as a non-conforming use, which lapsed in 2012. The tenancy has been vacant since then.

History:

Date	Comment
13 July 1998	Council resolved to approve an extension of non-conforming use (shop – garden centre/nursery)
9 May 2006	Council resolved to approve a change of use from shop (garden centre) to shop (garden centre) and ancillary eating house (tearoom) and associated additions/alterations

Previous Reports to Council:

This matter was previously reported to Council on 13 July 1998 and 9 May 2006. The Minutes from the Ordinary Meeting of Council held on 9 May 2006 are available on the City's website.

DETAILS:

Landowner:	A Begos
Applicant:	N Karnovsky
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): R30 Draft Town Planning Scheme No. 2 (TPS2): R30
Existing Land Use:	Vacant – non conforming use as previous garden centre/nursery use has now lapsed Hair Salon (retail) Beauty Salon (historically considered retail when use first started operation)
Use Class:	Eating House and Retail
Use Classification:	"SA"
Lot Area:	810 square metres
Right of Way:	Not applicable
Date of Application:	6 February 2015, received 11 February 2015

The application seeks approval for an eating house (café) in the western most tenancy of the three units.

The adjoining two units currently operate as a hair salon and beauty salon, and are not proposed to change.

The proposed change of use is considered under its zoning under the Town Planning Scheme No.1, which is Residential R30. An eating house is an "SA" use under this zoning.

With a maximum number of 32 seats of which 24 are inside the café, and 8 seats in the proposed alfresco area to the rear, and operating hours of 6:30am to 5pm Monday to Saturday and reduced hours of 7:30am to 4.00pm on Sunday, the proposed eating house will operate as a small local style café serving hot drinks and pre-packaged/cold food items. Customers are also expected to 'drop-in' to get takeaway drink and food items. The applicant proposes low-level music inside only to avoid disruption to neighbouring properties.

A proposed car parking area which provides for 6 bays is located to the rear of the property, with access along the side of the building, adjacent to the boundary with No.178 Anzac Road. The car parking area will only be accessible during the opening hours of the café.

ASSESSMENT:

Summary Assessment

The table below is a summary of the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1, the 2013 Residential Design Codes and the City's policies. In each instance where the proposal requires the exercise of discretion, the relevant planning element is discussed in the section of the report following from this table.

Design Element	Complies	Requires the Exercise of Discretion
Land Use		✓
Access & Car Parking	✓	
Bicycles		✓
Signage	✓	

Detailed Assessment

Acceptable Variations

Issue/Design Element:	Land Use
Requirement:	Town Planning Scheme No. 1 Zoning Table – Residential R30
Applicant's Proposal:	Eating House – 'SA' use
Design Principles:	Town Planning Scheme No. 1 "SA" means that the use is not permitted unless Council has exercised its discretion and has granted planning approval after giving special notice in accordance with Clause 37".
Summary of Applicant's Justification:	Nil
Officer Technical Comment:	<p>Despite the current Residential zoning, the site has not been residential in nature since the 1950's. The existing building is commercial in its design and is not designed to be used for residential purposes.</p> <p>The proposed eating house is a discretionary use. Given its small scale and location together with the existing hairdressers and beauty salon and the deli on the opposite side of the road, this use is considered to be acceptable in this area adding vitality and providing for the needs of the local community.</p> <p>Given that the proposed hours of operation are daytime hours the proposal is not expected to have a negative impact on the surrounding residential area.</p> <p>There are other non-residential uses in the immediate area, including the deli and eating house at 2 Coogee Street.</p>

Issue/Design Element:	Bicycle Parking
Requirement:	Policy No.7.7.1 – Parking and Access 3.43 bicycle bays required
Applicant's Proposal:	Nil bicycle bays provided
Design Principles:	Policy No. 7.7.1 – Parking and Access <ol style="list-style-type: none"> 1. To define parking requirements that will meet the needs of the users of developments without resulting in the oversupply of parking; 2. To ensure safe, convenient, and efficient access for pedestrians, cyclists and motorists; 3. To promote a high standard of design for parking areas; 4. To ensure that parking and access facilities do not prejudice the environment and amenity objectives of the City's Town Planning Scheme; 5. To promote alternative transport modes by including requirements to provide bicycle parking and reducing parking requirements where alternatives exist; 6. To enable the payment of cash-in-lieu for parking shortfalls and to provide a set of guidelines to enable the calculation of cash-in-lieu to be determined in a consistent and transparent manner;

Issue/Design Element:	Bicycle Parking
	7. To ensure long term viability of parking proposals by defining the circumstances in which Parking Management Plans are required and providing guidelines for their content.
Summary of Applicant's Justification:	Nil
Officer Technical Comment:	The proposed development does not have any existing bicycle bays, nor does it propose any as part of this application. However, there is sufficient space to the rear of the property to accommodate the required number of bicycle bays. It is therefore recommended that a condition be imposed that requires three Class 3 bicycle facilities.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	20 April 2015 – 11 May 2015		
Comments Received:	Ten comments were received during the consultation period, including six objections, three comments in support, and one submission with concerns		

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

Summary of Comments Received:	Officer Technical Comment:
<p><u>Car Parking</u></p> <ul style="list-style-type: none"> Concern that additional pressures on car parking will cause issues for surrounding residents, due to existing parking pressures on Anzac Road and surrounding streets Location of parking area at rear would require patrons to drive along the side of residential properties to access the parking area, causing noise issues for adjoining properties, especially early in the morning Location of parking area to the rear of the site would possibly discourage patrons from using it and they would park on the street instead, exacerbating the existing parking pressures on the street Allocated car parking bays would likely be used by staff members which would mean that patrons would have to use on street car parking bays instead 	<p>The site can accommodate 6 car parking bays at the rear of the building, with vehicle access to the parking area along the western side of the building. Due to the number of bays proposed to be provided, the proposal complies with the car parking requirements of City's Parking and Access Policy.</p> <p>There are also on street parking embayments on both sides of Anzac Road. The parking bays immediately outside of the commercial units have a ½ hour time restriction Monday to Friday between 8am – 5.30pm and Saturday between 8am to midday. Together with the additional proposed car parking bays to the rear, there will be sufficient parking to address the parking needs of customers of this business.</p> <p>Suitable signage is required to be erected to inform customers of the availability of the car bays to the rear and to ensure noise is kept to a minimum.</p> <p>As the hours of operation are limited to daylight hours the impact of the café or the associated parking areas on the residential properties will be minimal.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><u>Noise</u></p> <ul style="list-style-type: none"> Noise from music and patrons in proposed alfresco area to the rear would impact amenity of adjoining residents 	<p>Given the proposed hours of operation any impact on the adjoining residential properties will be during daylight hours, when higher noise levels are acceptable.</p> <p>The applicant also proposes low level music would be played only in the internal seating area. It is therefore recommended that a condition is imposed to ensure that no speakers are installed in the external seating areas.</p>
<p><u>Hours</u></p> <ul style="list-style-type: none"> The proposed use is located in a Residential Zone, with opening hours from 6.30am which would cause issues to adjoining neighbours 	<p>The proposed café use with 32 seats is a small scale business and given its hours of operation is likely to have minimal impact on the residential area. The only time of possible concern may be in relation to the morning opening hours. In order to provide protection for the adjoining residents it is recommended that a condition is imposed requiring that a Management Plan is put in place so that processes exist to ensure that any issues are appropriately managed.</p>
<p><u>Security</u></p> <ul style="list-style-type: none"> Allowing members of the public access to an area that is currently secured by gates, adjacent to residential dwellings and their private garden areas would cause an increased risk to the security of surrounding residents and their properties 	<p>The applicant has advised that the gates would only be open during the opening hours of the café, and thereafter be locked with security cameras installed. During opening hours the car park will benefit from surveillance from staff and patrons of the café while the area will be secured at night. The car parking area abutting the neighbour is therefore unlikely to have any negative security impact on the neighbours.</p> <p>The existing boundary fences are proposed to be retained.</p>
<p><u>Use</u></p> <ul style="list-style-type: none"> Whilst there is in principle support for new small businesses such as small cafes, the use would be more appropriate in an area designated as Commercial, or Local or District Centre where less residential in immediate vicinity The proposed café would be in direct competition with the existing Deli on the corner of Anzac Rd and Egina St 	<p>The residential zoning does not automatically preclude an eating house. The building on this site has not had a residential use since at least the 1950's, while the previous approval included the operation of an ancillary café. The unit has been vacant for a number of years, with the rear garden area becoming overgrown. In this instance it is considered that an eating house of this small scale, with limited hours would complement the residential uses and provide a facility for the use of residents at a local level.</p> <p>Competition with other existing businesses is not a valid planning consideration, and therefore the existence of other similar uses is not a reason for the City to not support this use.</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

The following legislation and policies apply to the proposed Change of Use from Shop (Garden Centre) and Ancillary Eating House (Tearoom) to Eating House at No's 174-176 Anzac Road, Mount Hawthorn:

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 7.1.1 – Mt Hawthorn Precinct (1); and
- Policy No. 7.7.1 – Parking and Access.

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposed use as an eating house is an "SA" use in the residential zone. It can therefore be considered at the discretion of Council, and its appropriateness depends on the scale of the use.

The subject site has historically been used for commercial purposes. Whilst the old garden centre has not been operating for a number of years, the hairdresser and beauty salon are still operating. The existing building is designed to be used for commercial purposes and the site would not be able to be used for residential purposes unless the existing development is demolished.

The maximum number of seats proposed for this business is for 32 people (24 inside and 8 outside at the rear), and the hours of operation will be limited. Therefore the use is considered to be small in scale. Given its scale and with appropriate management procedures in place the proposed use is not expected to have any negative impact on the adjoining residential properties or area.

The area to the rear of the property is adequate in size to accommodate the number of car parking bays required to serve the maximum number of patrons allowed. On street car parking bays and nearby car parks such as the Britannia Road Reserve parking area are also available. The rear car parking area will be limited to use during opening hours only, and the gates will be required to be closed and locked outside of hours to ensure neighbour amenity is protected.

The proposed signage is small in scale and meets the requirements of the City's signage policy, particularly in relation to the number of signs that can be supported in a Residential zoned area.

Given its location in a purpose built building and its small scale, the proposal is considered to be acceptable in this location as it will also serve the immediate residential locality and help to create a diversity for the surrounding area.

CONCLUSION:

The proposed use is therefore supported subject to conditions.

9.2 TECHNICAL SERVICES

9.2.1 Proposed Traffic Calming – Bourke Street, Leederville, Further Report

Ward:	Both	Date:	11 June 2015
Precinct:	Precinct 4 - Oxford Centre, Precinct 3 - Leederville	File Ref:	SC698; SC228
Attachments:	1– Proposed Plan No. 2648-CP-01A 2 – Proposed Plan No. 2648-CP-01		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

1. **APPROVES** the implementation of an additional speed hump at Scott Street, Leederville as shown on attached Plan No. 2648-CP-01 (Attachment 2);
2. **NOTES** that \$25,000 has been included in the 2015/2016 draft budget for Traffic Management in Bourke Street, Leederville; and
3. **ADVISES** residents of its decision.

PURPOSE OF REPORT:

To request approval for additional traffic calming in the street following representation from resident/s.

BACKGROUND:

Ordinary Meeting held on 10 March 2015

Council received a further report on the Bourke Street traffic calming proposal where Council made the following decision.

“That Council:

1. *APPROVES* the implementation of the proposed traffic calming measures in Bourke Street, Leederville between Loftus Street and Oxford Street, with the deletion of the speed hump near Scott Street, as shown on amended Plan No. 2648-CP-01A; (refer Attachment 1)
2. *ADVISES* the respondents of its decision; and
3. *RECEIVES* a further report by the May 2015 Council Meeting for further improvements to Bourke Street in the area between Loftus Street and Oxford Street.”

DETAILS:

As previously reported to Council, Bourke Street is classified as a Local Distributor Road in accordance with the Metropolitan Functional Road Hierarchy. It has a posted speed limit of 50kph and the average weekday traffic volume should not exceed 6,000 vehicles per day.

Previous Public Consultation:

In January 2015 residents were consulted regarding the implementation of traffic calming in the street i.e. the installation of three speed humps, however based on the outcome of the consultation, Administration recommended that the implementation of the proposed traffic calming measures in Bourke Street between Loftus Street and Oxford Street not proceed and that the WA Police be requested to undertake random enforcement in the street. Council however, approved the installation of two speed humps in Bourke Street - refer **Attachment 1** and requested a report on further improvements in this section of the street.

The Mayor received the following email on Tuesday, 19 May 2015: *"Further to our discussion about the speed humps on Bourke St (some time ago), I have had a conversation with our new neighbours at number 60 Bourke Street about a potential third hump in the street close to the front of their house. They are in favour of the idea, as they are all for the street being safer and a better place for children. As I said at the time of our meeting, number 59 Bourke Street are also in favour of the idea"*.

Administration Comments:

Several years ago Council approved works to narrow the Bourke Street carriageway by the installation of nibs and associated line marking. At the time, speed humps were also proposed however their introduction was not supported by the community at the time.

However, following further public consultation, in March 2015, Council approved the installation of speed humps, to complement previous works, excluding one of the proposed speed humps at Scott Street. - refer **Attachment 1**.

The Mayor was approached by the resident adjoining the proposed Scott Street speed hump, requesting that this device be re-included in the traffic calming proposal, as both her and her neighbour were in favour of the device in the proposed location. Administration considers that the re-inclusion of the speed hump be supported - refer **Attachment 2**.

CONSULTATION/ADVERTISING:

One, of the two resident, who would be directly affected by the installation of the additional speed hump, contacted the Mayor and indicated they were both in favour of the revised proposal.

LEGAL/POLICY:

Not applicable.

STRATEGIC IMPLICATIONS:

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

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

SUSTAINABILITY IMPLICATIONS:

To ensure the road infrastructure is maintained to an acceptable level of service, including road safety improvements, with funds allocated annually to various programs.

FINANCIAL/BUDGET IMPLICATIONS:

An allocation of \$25,000 has been included in the 2015/16 draft Budget for the overall traffic management proposal.

COMMENTS:

Council previously approved a plan for traffic calming in Bourke Street however in approving the plan one of the traffic calming devices was deleted. Residents adjoining the proposed deleted devices have requested that it be re-included in the traffic management proposal. This request is supported by Administration as reflected in the officer recommendation.

9.2.2 Traffic Related Matters – Lindsay and Lake Streets, Perth, West Parade, Perth and Violet Street, West Perth

Ward:	Both	Date:	10 June 2015
Precinct:	Precinct 14 – Forrest, Precinct 6 - Smiths Lake	File Ref:	SC1199
Attachments:	<u>1</u> – West Parade: Proposed Plan No. 3203-PP-01 <u>2</u> – Summary of Comments West Parade <u>3</u> – Violet Street: Proposed Plan No. 3202-PP-01 & 3202-PP-01A <u>4</u> – Summary of Comments Violet Street <u>5</u> – Lindsay Street: Proposed ACROD Bay Plan No. 3216-PP-01 <u>6</u> – Lake Street: Proposed Loading Zone Plan No. 3217-PP-01		
Tabled Items:	Nil		
Reporting Officer:	C Wilson, Manager Asset and Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

1. APPROVES the;

- 1.1 introduction of a 2P parking restriction 8.00am to 5.30pm Monday to Friday and 8.00am to 12.00 Noon Saturday in West Parade, Perth between Cattle and Harold Streets, along the western or residential side as shown on attached Plan No. 3203-PP-01 (Attachment 1);
- 1.2 introduction of 2P parking restriction 8.00am to 5.30pm Monday to Friday in Violet Street, West Perth between Charles and Bulwer Streets, as shown on the attached Plan No. 3202-PP-01A (Attachment 3);
- 1.3 the installation of an on-road ACROD bay adjacent No.12 Lindsay Street, Perth as shown on attached Plan No. 3216-PP-01 (Attachment 5); and
- 1.4 the installation of an on-road loading zone in Lake Street, Perth adjacent No. 231-233 Bulwer Street, from 8.00am to 5.30pm Monday to Friday and 8.00am to 12.00 noon Saturday, as shown on attached Plan No. 3217-PP-01 (Attachment 6); and

2. ADVISES all respondents of its decision.

PURPOSE OF REPORT:

To update Council on:

- the outcome of two community consultations undertaken in respect of resident's requests for parking restrictions; and
- to seek approval for the installation of an on-road ACROD bay and loading zone as detailed in the report.

BACKGROUND:

The City regularly receives requests from residents seeking parking restrictions to be introduced as a means of ensuring that their street it is not used as a 'free parking zone' by commuters, employees and/or patrons of nearby commercial and entertainment precincts. Each request is assessed and where warranted the residents consulted to canvass their opinions of possible parking restrictions.

DETAILS:

West Parade, Perth:

West Parade is classified as Access Road located on the western side of, and running parallel to, the Midland Railway line and the Public Transport Centre. The western side of the street, from Summers Street to Harold Street, is predominately residential in nature, while the eastern side abuts the rail reserve. Currently, there are parking restrictions along the length of the western side of the street between Summers and Cantle Streets, but not between Cantle and Harold Streets. The railway side is unrestricted.

Further, the majority of the surrounding streets are subject to varying parking restrictions.

As a consequence several West Parade residents have contacted the City aggrieved that their section of the street is being used as a 'free parking' zone both during the day by employees of the Public Transport Authority, TAFE students and/or city commuters.

West Parade, from Summers Street to Cantle Street has an 8.00am to 5.30pm Monday to Friday, and 8.00am to 12noon Saturday restriction.

On the 11 May 2015 the City sent out nine consultation packs to all the residential properties in the aforementioned section of West Parade seeking comments on a proposal to introduce the same restrictions, as per the above, between Cantle and Harold Streets.

Note:

- West Parade is within the nib Stadium Parking Control Area.
- Normal residential and visitor parking permit eligibility conditions would apply.

By the close of the consultation period on 27 May 2015 the City had received four responses as shown in **Attachment 2**.

Administration Comments:

While the number of residents directly affected is small, and as a result was the number of responses, the proposed parking restrictions will provide some surety for residents that parking will be generally accessible during the day. Further, it will ensure a level of consistency with the amenity of that of the residents south of Cantle Street.

Violet Street, West Perth:

Violet Street is classified as Access Road located adjacent Royal Park and Mick Michael Reserve in West Perth. The southern and eastern sides of the street, from Charles Street to Bulwer Street, is residential in nature, while the northern and western side abuts the reserve.

Further, the majority of the surrounding streets are generally subject to varying parking restrictions.

As a consequence several Violet Street residents contacted the City aggrieved that their section of the street is being used as a 'free parking' zone during the day by City commuters who catch the bus from Charles Street.

On the 11 May 2015, the City sent out 45 consultation packs to all the residential properties in the aforementioned section of Violet Street as well as to the Bethanie Community Care and Volleyball WA seeking comments on a proposal to introduce a 2P 8.00am to 5.30pm, Monday to Friday restriction.

Note:

- Normal residential and visitor parking permit eligibility conditions would apply.

By the close of the consultation period on 27 May 2015 the City had received 14 responses as shown in **Attachment 4**.

Administration Comments:

Picking up on the point raised by several residents that the street is too narrow to accommodate parking on both sides of the road a second plan has been prepared deleting those sections of adjacent parking. The first plan reflected the original line-marking and not the amended line-marking, with the 'pinch points' having been eliminated several years ago. The amended plan, 3202-PP-01A, locates all the on-road parking on the park side of the road. This is to maximise the on-road parking spaces as the residential side is dominated by crossovers.

Therefore taking into consideration the above changes 10 out of the 14 responses would be in favour of the restrictions and it is therefore recommended that they proceed.

As an adjunction to the above discussion the Bethanie Community Centre contacted the City about the proposed restrictions, not to object, but rather to request that the City's Rangers enforce the existing restrictions within their parking area. The City's Ranger and Community Safety Services has been advised of their concerns.

On Road ACROD Bay 12 Lindsay Street, Perth:

The City has received a request for an on-road ACROD bay outside No. 12 Lindsay Street, Perth. The premises, previously occupied by the Metropolitan Redevelopment Authority (MRA), has been leased to National Disability Services (NDS) as July 2015.

As could be expected a significant number of the NDS clients will make use of an ACROD bay at this location.

It should be noted that there are two existing on-road ACROD bays in Lindsay Street adjacent Nos. 44 and 53 Lindsay Street respectively, some 100m away from the proposed location. While it has been established that the ACROD bay adjacent No. 53 is required the same cannot be said for the ACROD bay outside No. 44. With the changing demographics and building occupancy in the area the ACROD bay (outside No. 44) may no longer be required and therefore the City will be writing to the adjacent properties seeking their views on removing it.

Loading Zone Lake Street, Perth:

With the increasing commercial activity around the Bulwer and Lake Streets node the City has received a request for a Loading Zone in the immediate vicinity. A site inspection indicates that Bulwer Street is not an appropriate location because of the traffic volumes and awnings. Similarly Edith Street, to the rear, is too narrow and abuts a residential property, which has led to noise complaints to the City's Health Services in the past.

Therefore it is proposed to install a Loading Zone in Lake Street adjacent the side boundary of 231-233 Bulwer Street, currently a warehouse. Lake Street is some 12m wide at this point making for easy ingress, egress and access to the various businesses. The proposed times of operation would be 8.00am to 5.30pm Monday to Friday and 8.00am to 12noon Saturday to match the that of the adjacent bays being a 2P and ¼ P respectively.

CONSULTATION/ADVERTISING:

Consultation was undertaken in accordance with the Council's Community Consultation Policy No. 4.1.5.

LEGAL/POLICY:

Clause 5 of Policy No 3.9.5 "Parking Control' deals with ACROD 2.5 Parking bays in Kerbside Locations.

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 residents.

STRATEGIC IMPLICATIONS:

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

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The cost to install the signage and line-marking in both West Parade and Violet Streets is in the order of \$1,000.

The Loading Zone and ACROD bay signage and line-marking will be in the order of \$500.

COMMENTS:

Specific to West Parade the section in question involves nine houses and only accommodates approximately nine vehicles so that the proposed change does not have a significant impact upon parking availability in the immediate area.

In regards to Violet Street while the amended plan 2202-PP-01A has not been circulated to the residents it addresses the majority of their concerns and 'tidies up' the parking making it more legible for residents and visitors alike.

9.2.3 Brentham Street Reserve – Request to Use a Portion of the Reserve for the ReInjection of Groundwater

Ward:	North	Date:	19 June 2015
Precinct:	Precinct 3 - Leederville	File Ref:	PR11095, DD6.2014.161.1, SC544
Attachments:	1 – Site Plan		
Tabled Items:	Nil		
Reporting Officers:	S Hill, Project Officer Parks and Environment J van den Bok, Manager Parks and Property Services R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

1. **ADVERTISES** the request from MDW Environmental Services, on behalf of Pindan to use of a portion of the Brentham Street Reserve for the reinjection of groundwater, as shown on Attachment 1, in accordance with the City’s Community Consultation Policy No. 4.1.5;
2. **RECEIVES** a further report from Administration at the conclusion of the advertising period; and
3. **ADVISES** MDW Environmental Services that advertising of its request pursuant to 1 above does not constitute Council support for the proposal and will not prejudice Council’s decision on the matter after the advertising period.

PURPOSE OF REPORT:

To consider advertising a request from the environmental consultant acting on behalf of the builder of the Rosewood Care Group’s aged care facility at Lot 40 Britannia Road, Leederville, to use a portion of Brentham Street Reserve for the installation of reinjection bores along the eastern side of the reserve.

BACKGROUND:

Ordinary Meeting of Council 24 May 2011:

Council approved the demolition of an existing single storey Institutional Building (Aged Care Facility) and construction of a three-storey Institutional Building (Aged Care Facility) at Lot 40, No. 5-9 Britannia Road, Leederville.

In approving the development Council conditionally approved the use of a small portion of Brentham Street Reserve for a builder’s compound.

This compound, albeit of a lesser area than was approved by Council, has been in place for just under 12 months and the matter is currently being reviewed by Administration as per Part 3 condition, (iv) (a) of Council’s resolution which stated: *“the period of the use of the Brentham Street Reserve and the western side of Wavertree Place shall be for 12 months, effective from the date of the commencement of the construction, however may be extended with the approval of the City’s Chief Executive Officer”*

Also, in accordance with Council’s resolution Part 3 condition (iv) (c), the builder was required to pay \$1,000 per month for the use of the reserve. The full amount for 12 months was paid in advance.

Request from MDW Environmental Services (MDWES):

In March 2015 MDWES submitted an "Offsite Groundwater Disposal Plan" on behalf of the builder (Pindan) of the Rosewood redevelopment.

A number of approvals were requested from the City including a request, as a contingency measure, to install reinjection bores within Brentham Street Reserve and associated fencing and burial locations. No decision has been made regarding this particular request.

DETAILS:

Site History:

Redevelopment works for the Rosewood aged care facility include the construction of a three-storey building with a single level basement.

Piles have been installed around the footprint of the basement and a two metre thick insitu concrete "plug" has been injected along the entire length and width of the basement area. The plug was intended to prevent groundwater welling up into the basement during onsite excavation and construction works basically creating a 'bath tub' like structure. The proponent previously anticipated only limited dewatering would be required to remove the water contained within the excavated area. However, the insitu concrete plug method was unsuccessful and dewatering from below the concrete plug is now required to lower groundwater levels to enable construction to proceed.

Works at the site have been on hold since October 2014. To enable the works to proceed approximately 910,000kL of groundwater will need to be abstracted from the site over a nine month period.

Previously the Department of Water (DoW) granted a licence to abstract 742,089kL at the site and MDWES who are working with the builder are currently dewatering at a reduced rate under an interim licence, to maintain the status quo until the appropriate licences and additional approvals have been obtained.

Current Infiltration and Discharge Options:

It was MDWES's preference that disposal of dewatering be via a combination of onsite and offsite infiltration, as summarised below:

Onsite Infiltration

The Department of Environment Regulation (DER) recommend that wherever possible, dewatering effluent should be infiltrated as it reduces the net loss to the aquifer system and limits potential offsite impacts due to groundwater drawdown. Current infiltration is via two onsite infiltration trenches however due to the volume of water required to be abstracted, additional groundwater effluent disposal methods were, and are, being progressed.

Offsite Infiltration

Additional potential infiltration sites have been investigated by MDWES. An open swale managed by Main Roads WA (MRWA) was identified along the eastern side of the Mitchell Freeway. MRWA and the Town of Cambridge were contacted and approval was granted for the use of the swale to infiltrate dewatering effluent from the site.

Stormwater drainage maps provided by the City indicated a stormwater pipeline that runs westerly from the site, through Britannia Road Reserve, across the top of the Freeway drainage swale, and into Lake Monger.

Administration granted approval to MDWES to run a flexi dewatering hose through the stormwater pipeline via an access chamber located in the south-eastern corner of the site and brought back up to the surface near the swale via an access chamber located on the western edge of Britannia Road Reserve. From there, the pipework was buried and bored under the Freeway bike path, to the existing MRWA swale.

The MRWA swale overflows into Lake Monger at two locations. These outlets have been partially blocked by sand bags to prevent flow of the discharge water into the lake ensuring maximum infiltration, whilst still allowing for large rainfall events.

Discharge to Sewer

A current one-off discharge approval permits the discharge of dewatering water to sewer from the site at a maximum flow rate of 20L/sec.

Reinjection of Groundwater – Off Site:

It is the Department of Water's (DoW's) preference that as much groundwater as possible be returned to the aquifer as close as possible to the site of abstraction. DOW has advised that the best way to reduce any likely impacts is to infiltrate or reinject as much dewatering water, treated if necessary, back into the surrounding water table. Therefore, as part of the reissuing of the DoW licence to take water, the DoW has stipulated that MDWES, must consider and investigate reinjecting dewatering water into the area comprising Brentham Street Reserve or alternatively provide, clear reasons as to why this disposal option cannot be utilised as a preferred option rather than a contingency.

Reinjection within Brentham Street Reserve

The proposal submitted for the installation and use of reinjection bores within Brentham Street Reserve includes the following:

- Approximately 300 metres of 150mm discharge hose along the eastern edge of the reserve within a channel approximately two metres wide, predominantly along the tree lines, away from the higher use section of the reserve;
- Recharge wells at 10-15 metre spacing along the discharge line (up to 30 recharge wells);
- No recharge wells in the area behind the primary school (i.e. all wells to be installed south of Bennelong Place);
- Temporary fencing to be installed to limit the public access to the infrastructure for the duration of the works;
- Where required, temporary shallow burial of the discharge line to allow unimpeded pedestrian access to the reserve (Bennelong Place, Wylie Place, Bouverie Place and Muriel Place);
- Dilapidation monitoring of houses within the vicinity of the reinjection bores will be undertaken; and
- All surfaces to be re-instated to original condition at the conclusion of the project.

Extended builders compound area:

In association with the above proposal, MDWES have requested approval for an additional 100m² of land adjacent to the site to house an additional generator and water treatment unit.

At the Ordinary Meeting of Council 24 May 2011 Part 3 of Council's resolution, Clause (iii) stated "*the area permitted for the use of the builder's compound on the western side of Wavertree Place is approximately 5 metres wide by 100 metres in length area (approximately 500 square metres), as shown on the plan stamp dated 16 May 2011 (attachment 004) as approved by the Director Technical Services*".

The Director Technical Services, in discussion with the applicant at the time, negotiated a smaller area and therefore it is considered that the request for an extension of this area is covered under the previous approval and would be negotiated as a separate exercise under the previous approval.

MDWES has informed that there would be no noise or vibrations associated with the running of the reinjection bores, however there may be some noise from an additional generator but no more than what is currently associated with the site dewatering.

CONSULTATION/ADVERTISING:

If Council adopts Administration's Recommendation, public consultation would be undertaken regarding the proposal.

LEGAL/POLICY:

The area comprising the Brentham Street Reserve is owned by the City of Vincent in fee simple.

This report deals with a proposal to advertise the use of a portion of the reserve to gauge community sentiment.

Should the matter proceed to the next phase, following advertising and further consideration by Council, further advertising in accordance with the Local Government Act, would be required with regards to entering into a licence to use the reserve, together with any advertising requirements in relation to granting Planning Approval.

Ground water Extraction:

A licence from the DoW is required under the provisions of the Rights in Water and Irrigation Act 1914 to abstract water and, on this basis, an application for the extraction via dewatering of 910,829KL was submitted to the DoW.

The City's Administration was advised that that on 17 June 2015 the DoW issued the Builder, Pindan, with a '5C Licence' to take water from the development site conditional upon the extracted groundwater being reinfiltrated, via approximately 15 reinjection bores placed within the development site.

City's requirements:

To use the City's land, the applicant would be required to submit an application for Planning Approval and enter into a licence agreement with the City.

RISK MANAGEMENT IMPLICATIONS:

Medium: The DER and DoW encourage dewatering contractors to present a 'worst case scenario' regarding potential impacts of dewatering and therefore encourage contractors to present a range of different contingency options to manage any potential risks. As a large quantity of groundwater is proposed to be extracted during construction there are obvious benefits of reinjecting the extracted ground water near the source and this is being encouraged by the DoW.

In respect to any potential impact on surrounding dwellings as part of the reinjection proposal, the applicant would be required to arrange for a dilapidation report to be undertaken on all adjoining properties and would be required to undertake regular monitoring throughout the period of reinjection.

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:

As a large quantity of groundwater is proposed to be extracted during construction there are benefits of reinjecting the extracted ground water near the source and this is being encouraged by the DoW.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable at this stage, however should the proposal ultimately be approved the City would receive an income over the term of the licence period.

COMMENTS:

Construction works, at the Rosewood Aged Care Facility development on Lot 40, Britannia Road, Leederville, have been on hold for a considerable period of time pending approval from the Department of Water (DoW) for a new licence to extract groundwater from the site.

Recently the DoW issued the Builder, Pindan, with a Licence to take water from the development site conditional upon the extracted groundwater being reinfiltrated, via approximately 15 reinjection bores placed within the development site.

DoW has indicated that as much groundwater as possible should be returned to the aquifer as close to the development site as possible.

Therefore the developer has requested approval to use a portion of Brentham Street Reserve to reinject dewatered groundwater from the Development in the Brenham Street Reserve.

It is recommended that Council advertise the proposal prior to making a determination on this matter.

9.2.4 Proposed Closure and Subsequent Disposal of Portion of Right of Way named Merlo Lane, North Perth

Ward:	South Ward	Date:	3 June 2015
Precinct:	Precinct 9 - North Perth Centre	File Ref:	SC182, TES0276
Attachments:	1 – Location of Proposed Closure		
Tabled Items:			
Reporting Officer:	A Munyard, Senior Technical Officer – Land and Development		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

1. **NOTES** that a request has been received from the owner of No.11 Glebe Street, North Perth, to purchase a portion of Right of Way, named Merlo Lane, as shown in Attachment 1;
2. **AUTHORISES** the Director Technical Services to commence the;
 - 2.1 process to close, and dispose of, the portion of Right of Way named Merlo lane, North Perth, as shown in Attachment 1, in accordance with section 52(1)(b) of the Land Administration Act 1997; and
 - 2.2 statutory advertising and consultation process; and
3. **RECEIVES** a further report at the conclusion of the advertising period should any comments be received.

PURPOSE OF REPORT:

To inform Council of a request received for portion of a Right of Way (ROW) to be closed, and purchased by the adjacent property owner from the Department of Lands, and to seek Council's approval for the closure process to commence.

BACKGROUND:

The owner of No.11 Glebe Street, North Perth has submitted a request for the closure and acquisition of the largely redundant portion of ROW adjacent to his property.

DETAILS:

Before purchase of land which is a private ROW can be undertaken, the designation "private ROW" must be lifted. This is effected by a request to the Minister of Lands to acquire the ROW as Crown Land, under Section 52 of the Land Administration Act 1998. The ROW then becomes a public ROW, with the Crown able to dispose of portion subject to approval from the Local Government and the Department of Planning.

The ROW now named Merlo Lane, initially consisted of an East/West leg running from Glebe Street to Leake Street, and a North/South leg bisecting this, and running through to Alma Road. Some decades ago, 36.39m of the ROW was closed and acquired by the adjacent church. This area was subsequently amalgamated into the church site, leaving a "spur" of ROW remaining, which is coloured yellow in **Attachment 1**.

The Church has fenced part of this ROW spur into their site, however they are aware of the location of the actual lot boundary, as a new title was issued in 2012.

CONSULTATION/ADVERTISING:

In accordance with the requirements of the Land Administration Act 1997, the following consultation measures are required to be carried out:

- Take all reasonable steps to locate the holder of the freeholds of the land (probate search)
- Give notice to all holders of the freehold in land adjoining the ROW
- Give notice to all suppliers of public utility services to the subject land.

LEGAL/POLICY:

The process will be carried out in accordance with the requirements of the Land Administration Act 1997 (LAA), section 52, and the City's Policy 2.2.8 Laneways and Rights of Way.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

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

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

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

SUSTAINABILITY IMPLICATIONS:

No applicable

FINANCIAL/BUDGET IMPLICATIONS:

All costs will be borne by the applicant.

COMMENTS:

The City accepts applications for closure, and acquisition of ROWs as detailed in Policy 2.2.8, following the requirements of the LAA. If Council supports the closure, the consultation process will commence, and if required a further report will be submitted to Council.

9.3 CORPORATE SERVICES

9.3.1 Investment Report as at 31 May 2015

Ward:	Both	Date:	12 June 2015
Precinct:	All	File Ref:	SC1530
Attachments:	1 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	N Makwana, Accounting Officer B Wong, Act. Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

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

PURPOSE OF REPORT:

To advise Council of the level of investment funds available, the distribution of surplus funds in the short term money market and the interest earned to date.

BACKGROUND:

Surplus funds are deposited in the short term money market 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 Investments for the period ended 31 May 2015 were \$13,561,000 as compared to \$15,561,000 at the end of April 2015. At 31 May 2014, \$12,211,000 was invested.

Investment comparison table:

	2013-2014	2014-2015
July	\$9,611,000	\$11,311,000
August	\$21,411,000	\$23,111,000
September	\$20,411,000	\$22,111,000
October	\$20,411,000	\$22,411,000
November	\$19,811,000	\$21,111,000
December	\$17,811,000	\$19,361,000
January	\$17,811,000	\$19,361,000
February	\$17,811,000	\$19,361,000
March	\$16,811,000	\$19,061,000
April	\$14,311,000	\$15,561,000
May	\$12,211,000	\$13,561,000

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

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$292,600	\$281,867	\$424,706	145.15
Reserve	\$292,300	\$270,117	\$280,715	96.04

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

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%	26.9%	30%	Nil	90%	64.5%
A Category	A1	20%	19.2%	30%	Nil	80%	35.4%
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 (3) quotations. These funds are spread across various institutions and invested as Term Deposits from one (1) to twelve (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:

Not Applicable.

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 reduced from the previous period to meet the requirements for creditor 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 2.76% as compared to the Reserve Bank 90 days Accepted Bill rate of 2.15%. As of May 2015, our actuals are over budget estimates. Interest earned on Municipal Investment is higher due to a higher level of funds held, primarily due to the current level of spending on capital projects. As a result, the year to date Municipal interest revenue is currently 145% of the full year budget and the Reserve interest is 96% of the annual budget. Based on the current trend, the City will exceed the overall total interest on investments budget.

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 May 2015

Ward:	Both	Date:	12 June 2015
Precinct:	All	File Ref:	SC347
Attachments:	<u>1</u> – Creditors Report <u>2</u> – Credit Card Report		
Tabled Items:	-		
Reporting Officers:	R Tang, Accounts Payable Officer; Geoff Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

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

Cheque numbers 78293-78444	\$308,198.50
EFT Documents 1775 – 1786	\$2,860,871.12
Payroll	\$1,026,516.86
Credit Cards	\$11,168.56
Direct Debits	
• Lease Fees	\$7,172.65
• Loan Repayment	\$144,044.83
• Bank Fees and Charges	\$1,063.66
• Reject Fees	\$17.50
Total Accounts Paid	\$4,359,053.68

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

DETAILS:

The Schedule of Accounts paid, covers the following:

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account (Attachment 1)		
Automatic Cheques	78293-78444	\$308,198.50
Cancelled Cheques	-	\$0.00
EFT Payments	1787 - 1797	\$2,860,871.12
Sub Total		\$3,169,069.62
Transfer of Payroll by EFT	May 2015	\$1,026,516.86
Total Payments		\$4,195,586.48
 Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$1,063.86
Lease Fees		\$7,172.65
Corporate Credit Cards (Attachment 2)		\$11,168.56
Loan Repayment		\$144,044.83
Rejection fees		\$17.50
Total Bank Charges & Other Direct Debits		\$163,3467.20
Less GST effect on Advance Account		0.00
Total Payments		\$4,359,053.68

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 functions.

STRATEGIC IMPLICATIONS:

Strategic Plan 2013-2023:

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not Applicable.

ADVERTISING/CONSULTATION:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENT:

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

9.3.3 Financial Statements as at 31 May 2015

Ward:	Both	Date:	12 June 2015
Precinct:	All	File Ref:	SC357
Attachments:	1 – Financial Reports		
Tabled Items:	-		
Reporting Officers:	N Makwana, Accounting Officer B Wong, Accountant G Garside, Manager Finance Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

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

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

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

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

DETAILS:

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

Note	Description	Page
1.	Summary of Income and Expenditure by Service Areas	1-30
2.	Statement of Financial Activity by Programme Report and Graph	31-32
3.	Statement of Comprehensive Income by Nature and Type Report	33
4.	Statement of Financial Position	34
5.	Statement of Changes in Equity	35
6.	Net Current Funding Position	36
7.	Capital Works Schedule and Funding and Graph	37-43
8.	Cash Backed Reserves	44
9.	Receivables	45
10.	Rating Information and Graph	46-47
11.	Beatty Park Leisure Centre Report – Financial Position	48
12.	Explanation of Material Variance	49-58

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

Summary of Financial Activity By Programme as at 31 May 2015

	Original Budget \$	Revised Budget \$	Year to date Budget \$	Actual 2014/2015 \$	Variance \$	Variance %
Operating Revenue	30,810,822	31,850,786	27,021,954	23,469,000	(3,552,954)	-13%
Operating Expenditure	(51,659,410)	(54,723,686)	(50,587,278)	(47,508,309)	3,078,969	-6%
Add Deferred Rates Adjustment	-	-	-	31,665	31,665	0%
Add Back Depreciation	8,566,790	11,223,490	10,288,405	10,279,257	(9,148)	0%
(Profit)/Loss on Asset Disposal	(3,833,120)	(4,540,370)	(2,686,456)	(1,138,773)	1,547,683	-58%
Net Operating Excluding Rates	(16,114,918)	(16,189,780)	(15,963,375)	(14,867,159)	1,096,216	-7%
Proceeds from Disposal of Assets	4,455,000	6,305,000	1,591,666	1,318,930	(272,736)	-17%
Transfer from Reserves	5,789,800	6,472,560	6,472,560	5,326,795	(1,145,765)	-18%
	10,244,800	12,777,560	8,064,226	6,645,725	(1,418,501)	-18%
Capital Expenditure	(16,895,834)	(13,635,678)	(13,018,907)	(7,055,743)	5,963,164	-46%
Repayments Loan Capital	(1,743,478)	(1,743,478)	(794,117)	(794,118)	(1)	0%
Transfers to Reserve	(5,599,370)	(4,248,453)	(2,996,084)	(3,158,009)	(161,925)	5%
	(24,238,682)	(19,627,609)	(16,809,108)	(11,007,870)	5,801,238	-35%
Net Capital	(13,993,882)	(6,850,049)	(8,744,882)	(4,362,144)	4,382,738	-50%
Total Net Operating and Capital	(30,108,800)	(23,039,829)	(24,708,257)	(19,229,304)	5,478,953	-22%
Rates	26,909,021	27,302,021	27,301,632	27,478,028	176,395	1%
Opening Funding Surplus/(Deficit)	3,199,779	(4,758,710)	(4,758,710)	(4,758,710)	-	0%
Closing Surplus/(Deficit)	-	(496,518)	(2,165,335)	3,490,015	5,655,348	-261%

**Summary totals has rounding difference.*

Comments on Summary of Financial Activity by Programme:

Operating Revenue

Operating Revenue in programme reporting includes Non-operating Grants, Subsidies and Contributions. In view of this, Operating Revenue is reflecting a negative variance of 13% which is primarily due to the level of Grants received. However, this is directly linked to progress on the Capital Works program.

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

Operating Expenditure

The positive variance is currently at 6%.

Transfer from Reserves

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

Capital Expenditure

The revised budget for Purchase Building Assets has been increased by \$8,200 to provide for the Air-Conditioning Replacement at Leederville Oval Stadium as approved by Council at Ordinary Meeting of Council held on 5 May, 2015.

The variance is attributed to the scheduling and progress of projects within the Capital Works Program, particularly Infrastructure Asset projects. For further detail, refer to Note 7 on **Attachment 1**.

Transfer to Reserves

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

Rates

Rates has achieved the full year budget.

Opening Funding Surplus/(Deficit)

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

Closing Surplus/(Deficit)

There is currently a surplus of \$3,490,015 compared to year to date deficit budget of \$2,165,335. This is substantially attributed to the positive variance in operating expenditure and the current level of Capital Expenditure. A smaller positive variance is expected to be maintained through to the end of year position.

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. Statement of Financial Position (Note 4 Page 34)

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

The statement shows the current assets of \$16,535,388 and non-current assets of \$241,503,800 for total assets of \$258,039,189.

The current liabilities amount to \$7,437,622 and non-current liabilities of \$17,638,008 for the total liabilities of \$25,075,631.

The net asset of the City or Equity is \$232,963,558.

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

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

The net current funding position as at 31 May 2015 is \$3,490,015.

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

The following table is a Summary of the 2014/2015 Capital Expenditure Budget by programme, which compares the Revised and Year to date Budget with actual expenditure to date. The full Capital Works Programme is listed in detail in Note 7 of Attachment 1.

	Revised Budget	Year to date Budget	Actual to Date	Budget Remaining
	\$	\$	\$	%
Furniture & Equipment	209,075	209,075	26,791	87%
Plant & Equipment	1,854,775	1,506,238	1,139,711	24%
Land & Building	1,046,475	1,046,475	301,989	71%
Infrastructure	10,525,353	10,257,119	5,587,252	46%
Total	13,635,678	13,018,907	7,055,743	46%

	Revised Budget	Year to date Budget	Actual to Date	Budget Remaining
	\$	\$	\$	%
Capital Grant and Contribution	3,070,796	1,870,796	438,799	77%
Cash Backed Reserves	4,242,608	6,385,953	5,326,792	17%
Other (Disposal/Trade In)	247,000	247,000	276,514	-12%
Own Source Funding – Municipal	6,075,274	4,515,157	1,013,638	79%
Total	13,635,678	13,018,907	7,055,743	46%

Note: Detailed analyses are included on page 37 – 43 of **Attachment 1**.

8. Cash Backed Reserves (Note 8 Page 44)

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

The balance as at 31 May 2015 is \$6,525,295. The balance as at 30 April 2015 was \$6,494,883.

9. Receivables (Note 9 Page 45)

Receivables of \$2,635,859 are outstanding at the end of May 2015, of which \$2,450,550 has been outstanding over 90 days. These comprise:

\$2,032,167 (77.1%) relates to Infringements unpaid. Infringements are sent to Fines Enforcement Registry (FER). FER collect the outstanding balance and return the funds to the City for a fee.

\$382,405 (14.5%) relates to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangements for more than one year.

\$35,978 (1.4%) relates to Other Receivables.

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

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

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

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

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

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

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

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

Rates debtors as at 31 May 2015 including deferred rates was \$241,063 which represents 0.86% of the outstanding collectable income compared to 0.70% at the same time last year.

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

As at 31 May 2015 the operating deficit for the Centre was \$310,515 in comparison to the year to date revised budgeted surplus of \$125,579.

The revised May budget estimates for Beatty Park Leisure Centre were mostly under or less than the actual expenditure incurred or revenue received, with the overall actual deficit figure higher than anticipated. This has been detailed in the variance comments report in **Attachment 1**.

The cash position showed a current cash surplus of \$389,412 in comparison year to date revised budget estimate of a cash surplus of \$823,595. The cash position is calculated by adding back depreciation to the operating position.

12. Explanation of Material Variances (Note 12 Page 49 - 58)

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

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

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

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

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2013-2023:

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not Applicable.

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.

9.3.4 Portion of 1 (Lot 33) The Avenue, Leederville – Proposed Lease area for Telstra Corporation Limited

Ward:	South Ward	Date:	12 June 2015
Precinct:	Precinct 4 - Oxford Centre	File Ref:	PR52590
Attachments:	<u>1</u> - Map of Proposed Lease area		
Tabled Items:			
Reporting Officer:	K Davies, Executive Secretary Corporate Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council:

1. **APPROVES** advertising under the provisions of section 3.58(3) of the *Local Government Act 1995* the proposal for the lease of a portion of the premises located at 1 (Lot 33) The Avenue, Leederville with Telstra Corporation Limited;
2. **NOTES** the proposed lease is for the period 1 July 2015 to 30 June 2020 with two further five year options, as per Attachment 1, as follows:
 - 2.1 **Term:** five years plus two further five year option periods;
 - 2.2 **Rent:** \$27,500 per annum plus GST indexed to CPI;
 - 2.3 **Outgoings:** to be paid by the Lessee;
 - 2.4 **Rates & Taxes:** to be paid by the Lessee;
 - 2.5 **Permitted Use:** in accordance with Telecommunications Act;
 - 2.6 **Redevelopment Clause:** twelve (12) month notice of any potential redevelopment;
3. **DELEGATES BY ABSOLUTE MAJORITY** to the Chief Executive Officer, the power to consider any submissions received in response to the Local Public Notice in 1 above and determine whether to proceed with the proposed disposition listed in 2 above; and
4. **Subject to the lease being approved by the Chief Executive Officer, AUTHORISES** the Mayor and Chief Executive Officer to affix the common seal and execute the lease.

PURPOSE OF REPORT:

For Council to consider a request from Telstra Corporation Limited for a further lease over a portion of 1 (Lot 33) The Avenue, Leederville.

BACKGROUND:

Telstra Corporation Limited has held a lease over a 95m² portion of the car park at 1 The Avenue, Leederville for a period of 20 years, for the purpose of locating and operating a mobile telecommunications facility. The lease is due to expire on 30 June 2015.

DETAILS:

Negotiations for a further lease period commenced with Telstra Corporation Limited (Telstra) on 30 July 2013 when the City received a request from Telstra for a further 10 year term plus two five year option periods.

The City responded to this correspondence on 19 August 2013 advising as follows (in part):

"I am writing to advise that the West Australian State Government has recently announced proposed amalgamations for Metropolitan Perth, which reduces the number of Councils in Metropolitan Perth from thirty (30) to fourteen (14).

As part of the current recommendations the City of Vincent will be split between the City of Stirling and City of Perth.

The City with all other Metropolitan Councils in Perth has until 4 October 2013 to make a submission on the proposal to the Local Government Advisory Board. The state government have stated they will not entertain wholesome changes to what is proposed but may consider "tweaking" of some boundary changes.

The proposed amalgamations are effective from 1 July 2015.

As a result, the City of Vincent is not in a position at this point in time to commit to this lease proposal, which is for a period in which the City of Vincent will not be lessor of the property.

We will contact you at a later date when we are aware of the final outcome of the amalgamation process."

In May 2015 negotiations recommenced. The leasing agent representing Telstra Corporation Limited, Jones Lang LaSalle put forward a proposed lease document, Administration has reviewed the document and is satisfied the lease terms are consistent with the current lease arrangement.

CONSULTATION/ADVERTISING:

Advertising under the provisions of Section 3.58(3) of the *Local Government Act 1995 (The Act)* which will include publication of a Local Public Notice in the Guardian newspaper with an invitation for public submissions.

LEGAL/POLICY:

Local Government Act 1995 (the Act) - Section 3.58

"(1) In this section –

dispose *includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

property *includes the whole or any part of the interest of a local government in property, but does not include money.*

(2) Except as stated in this section, a local government can only dispose of property to -

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property -*
- (a) *it gives local public notice of the proposed disposition -*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned; and*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition —*
 - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5). *This section does not apply to -*
- (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*

Policy 1.2.1 - Terms of Lease

1. Any new lease granted by the Council shall usually be limited to a five year period, and any option to renew shall usually be limited to no more than a ten year period.
2. Council may consider longer periods where the Council is of the opinion that there is benefit or merit for providing a longer lease term.

RISK MANAGEMENT IMPLICATIONS:

Low: This request for the lease is a minimal risk for the City as it is for the same area already in use by Telstra.

STRATEGIC IMPLICATIONS:

In accordance with the objectives of the Strategic Plan 2013-2023:

“2.1.3 Develop business strategies that reduce reliance on rates revenue

- (c) *Continue to review leases and commercial contracts to ensure the best return for the City, whilst being cognisant of its community service obligations.”*

SUSTAINABILITY IMPLICATIONS:

Not applicable

FINANCIAL/BUDGET IMPLICATIONS:

Telstra Corporation Limited currently pay \$26,510.76 excluding GST per annum.

If approved, rent commencing 1 July 2015 will be \$27,500 plus GST increasing annually by CPI.

A valuation has been obtained from Landgate which provides a market value of \$27,500 plus GST for the site.

COMMENTS:

Administration is supportive of a further lease with Telstra Corporation Limited, subject to no submissions raising substantive objections to the proposal being received.

Telstra is taken not to be a public authority or instrumentality or agency of the Crown and therefore the lease is not exempt from the provisions of Section 3.58 of the Act. In order to consider entering into a further lease with Telstra, the City is required to comply with the requirements of Section 3.58(3) of the Act.

As this is effectively a continuation of lease for this site to Telstra, it is proposed that consideration of any submissions received in response to the Local Public Notice, determination of whether to proceed with the proposed lease and final lease negotiation (if required) be undertaken by the Chief Executive Officer under delegated authority, to ensure a timely consideration and finalisation of the lease.

9.3.5 Further Report: Approval Of Disposition - Lee Hops Cottage No. 176 (Lot 1) Fitzgerald Street, Perth

Ward:	South	Date:	12 June 2015
Precinct:	Hyde Park (12)	File Ref:	SC351
Attachments:	<u>1</u> – Submission from Department for Child Protection & Family Support <u>2</u> – Aerial Photograph of Lee Hops Cottage & Surrounds <u>3</u> – Street view of Lee Hops Cottage		
Tabled Items:	Nil		
Reporting Officer:	K Davies, Executive Secretary Corporate Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council:

1. **RECEIVES** the further report on the disposition options for Lee Hop's Cottage;
2. **APPROVES** a five year lease from 1 July 2015 to 30 June 2020 for the premises located at 176 Fitzgerald Street, Perth, being granted to Department for Child Protection and Family Support, as per Attachment 1, as follows:
 - 2.1 **Term:** five years plus five year option;
 - 2.2 **Rent:** \$15,000 per annum ex GST indexed to CPI;
 - 2.3 **Outgoings:** to be paid by the Lessee;
 - 2.4 **Rates & Taxes:** to be paid by the Lessee;
 - 2.5 **Permitted Use:** Enhanced Contact Centre; and
3. **Subject to final satisfactory negotiations being carried out by the Chief Executive Officer, AUTHORISES** the Mayor and Chief Executive Officer to affix the common seal and execute the lease.

PURPOSE OF REPORT:

To provide Council with a further report regarding the disposition options for the vacant Lee Hops Cottage property, at 176 Fitzgerald Street Perth.

BACKGROUND:

At the Ordinary Meeting of Council held 2 June 2015 Council resolved as follows:

That Council:

1. *NOTES* the submissions received from Department for Child Protection and Family Support and Jigsaw Search and Contact WA Inc. to lease the property located at 176 Fitzgerald Street; and
2. *DEFERS CONSIDERATION OF THE PROPOSAL FOR* a five year lease from 1 July 2015 to 30 June 2020 for the premises located at 176 Fitzgerald Street, Perth, being granted to Department for Child Protection and Family Support, as per Attachment 1:
3. *RECEIVES* a further report on Council's options for this property from administration including disposal of the property.

Property Details:

Address:	176 (Lot 1) Fitzgerald Street, Perth
Certificate of Title:	Plan 835, Volume 2782 Folio 188. (Robertson Park) (Former: 1077/518)
Status:	Freehold
Zoning/Land Use:	Local Scheme Reserve – Parks and Recreation. The approved use is office.
Heritage:	City's Municipal Heritage Inventory as Management Category A – Conservation Essential; and State Heritage Register.

Lee Hop's cottage is located within Robertson Park. *The Town of Vincent brochure "A Brief History of the Suburb of Perth, Town of Vincent Local Studies 2005"* includes the following reference to Lee Hops Cottage.

"Lee Hops Cottage was built on the corner of Robertson Park [Lake Henderson] in 1903 by Dr Daniel Kenny who had purchased the property in the 1890s. Lee Hop occupied the cottage from 1903 to 1914. Altogether around six Chinese men worked the 18 acres of market garden. Lake Henderson was filled in during the early 1920s and by 1928 the market gardening had ceased. Later residents of the cottage included the park's first caretaker, James Imray. Owned by the Town of Vincent since 1995, conservation works were completed in 2003 by Central TAFE students from the Aboriginal Programs Centre." (the above reference to "owned" relates to the transfer from City of Perth to Town of Vincent.)

In respect to the broader Robertson Park property, the City's Heritage website included the following reference, *"Robertson Park is a product of the 'City Beautiful' movement. Occupying the site of the former Lake Henderson, within the streetblock bounded by Fitzgerald, Randell, Palmerston and Stuart Streets, it is an open grassed parkland with perimeter chain link fencing, that comprises grass tennis courts, along its northern side; tennis club room facilities, centrally located, the former bottleyard site in the south-east corner, and Lee Hop's cottage and Halvorsen Hall in the south west quadrant of the park.*

The facilities are set within parkland elements, although the park has not had a formal design coherence and co-ordination until the recent management plan. Archaeological investigations in the vicinity of Lee Hop's Cottage have demonstrated the nature of the market gardening activity that was undertaken on the foreshores of Lake Henderson and the nature of the layers of filling that produced the park formation."

A caveat was registered by the City of Perth over the title of a number of properties in 1942, including Robertson Park. The caveat references a trust deed.

The Trust Deed dated 22 July 1942 states:

"Whereas the City of Perth is the registered proprietor of the lands mentioned in the Schedule hereto and holds and uses the same for the purposes of recreation and desires that the said lands should be held for all time for such purpose.

NOW THIS DEED WITNESSETH that the said The City of Perth HEREBY DECLARES that it holds the said land in trust for the purposes of recreation for the people, reserving unto itself the right to exercise all or any of its powers under section 250 of the Municipal Corporations Act 1906-41 and all other of its powers under the said Act relating to Reserves."

The caveat was still in place when the title over Robertson Park was transferred (in accordance with the *City of Perth Restructuring Act 1993*) to the Town of Vincent in 1995. In 2011, a new multi-lot title (2782/188) was issued to “*redefine portion of the land and allocate a valid lot number*”. A copy of the current Certificate of Title was obtained which does not reference *any caveat, however under ‘limitations, interests, encumbrances and notifications’, it specifies “Crown Grant in Trust”* applies.

Following the conservation works in 2003, Lee Hops Cottage has been leased out to various community groups. Life Without Barriers were leasing the property for the two year period from 1 June 2013 to 31 May 2015, however they have advised that they no longer require the property and have vacated the premises.

DETAILS:

The City has been approached by two organisations, the Department for Child Protection and Family Support (the Department) and Jigsaw Search and Contact WA Inc. (Jigsaw) to lease the property as reported to the Ordinary Meeting of Council on 2 June 2015.

Local Governments are required to comply with the requirements of Section 3.58 of the *Local Government Act 1995* (the Act) when considering selling or leasing properties. (See Legal/Policy Section of this report)

Given the property is currently vacant, Council can explore options to lease the cottage or potentially even sell the property. Each of the disposal options are explored in more detail below.

Lee Hops Cottage is approximately 130m² inclusive of verandahs. It has three rooms plus a kitchen, with a toilet built on the rear verandah as part of the 2003 renovations. The cottage is very simple, it is equipped with split system air conditioning however it is not provided with any on-site parking.

Sale of the property or portion thereof

Lee Hops Cottage and the broader Robertson Park is recognised for its heritage value. In addition, the previous caveat registered on the title of Robertson Park specified the land was to be held “for all time” in trust for the people. On the current Certificate of Title, this appears to have been replaced by a more general provision/encumbrance, noting the title is a “Crown Grant in Trust”.

The following extracts have been obtained from the Department of Lands’ ‘Crown Land Administration and Registration Practice Manual’, specifically in respect to Crown Grants:

“A Crown Grant is a title to land in fee simple, formerly Crown land, granted by the Queen (by her Western Australian representative, the Governor) to a person, company, statutory body or incorporated association.”

“Service or religious organisations may have been granted land free of cost to be held on trust for specific purposes beneficial to the community. In this case, the land must be used only for that specific purpose and the Crown Grant was said to be a Crown Grant in Trust. Under the LAA, such land is now known as conditional tenure land.”

“When the land is no longer required for its stated purpose, it may be sold and the value of the land returned to the Crown (State Government), leaving the value of the building on the land as the revenue to be returned to the organisation.”

Given the heritage value of Lee Hops Cottage, together with the site constraints, including the fact the cottage is on the same title as the balance of Robertson Park, it is considered the sale of Lee Hops Cottage may be problematic. However, in the event Council wished to pursue this option, legal opinion would need to be sought, together with consultation with Landgate on the status of the Title (Crown Grant in Trust).

Lease

Whilst the location of the cottage is good with convenient access to public transport, the cottage is likely to be attractive to a narrow category of users. However, current interest does demonstrate lease potential.

In considering the requirements of the Act, the following processes can be considered to achieve a lease over Lee Hops Cottage:

Option 1 - Appoint an Agent to Secure a Lease

This option is likely to be the most expensive and in the event that the process resulted in a proposal to lease the property to an organisation that did not meet any of the exemption provisions under the Act (essentially a company seeking to use it as an office), it would be necessary to obtain a formal market valuation and publish a Local Public Notice inviting public submissions on the proposed disposition in accordance with Section 3.58(3) of the Act.

Option 2 - Expression of interest process, on a Local Public Notice basis

This would be a relatively normal process for local governments seeking to lease out vacant community facilities. This method markets the property broadly to the local community but the key disadvantage of this option is it still does not comply with the requirements of section 3.58 of the Act and therefore if a submission was received from a non-exempt organisation, it would be necessary to proceed with the 3.58(3) requirements (Market valuation and Local Public Notice).

If a lease proposal was obtained from an "exempt" organisation, Council would be in a position to accept the proposal and enter into a lease.

Option 3 – Request for Tender

This option would be fully compliant with the requirements of Section 3.58. It is more onerous up front for the City and prospective tenderers, however it is the option with the widest marketing exposure. The public notice costs more than a 'local public notice', however, it would avoid the need for the extra cost of obtaining a market valuation (reasonable to assume the tenders represent the market). The tender would involve placing a public notice in the Western Australian newspaper and other requirements associated with a 'Public Notice', supplemented by other online media.

Option 4 – Consider the current offer from Department for Child Protection and Family Support

The Department has requested a minimum three year lease commencing 1 July 2015 and preferably an option term. In return it proposes paying an annual amount of \$15,000 per annum plus outgoings (indexed to CPI).

The Department's proposal is to lease the facility as a venue for the Perth District Enhanced Contact Centre (ECC).

An ECC is intended to promote contact between children in care and their parents, in a family friendly environment. It is based on a number of principles including:

- Children have a right to enjoy quality contact with their parents and those who are significant to them;
 - Parents should be supported during contact to have natural and positive interactions with their children; and
 - Contact is supported and normalises the experience for children.
-

An ECC is operated by departmental Family Resource employees and all participants are assessed for suitability for contact outside of the office environment. This location is supported by the Department due to its proximity to the Department's office in Stirling Street and convenient access to public transport for participants.

As the Department is a Government agency it is exempt from Section 3.58 of the Act and would be able to commence leasing the property as soon as possible.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Local Government Act 1995 Section 3.58 Disposing of Property

“(1) In this section –

***dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

***property** includes the whole or any part of the interest of a local government in property, but does not include money.*

- (2) Except as stated in this section, a local government can only dispose of property to -*
- (a) the highest bidder at public auction; or*
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property -*
- (a) it gives local public notice of the proposed disposition -
 - (i) describing the property concerned; and*
 - (ii) giving details of the proposed disposition; and*
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and**
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) the names of all other parties concerned; and*
 - (b) the consideration to be received by the local government for the disposition; and*
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.**
- (5) This section does not apply to -*
- (a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) any other disposition that is excluded by regulations from the application of this section.*
-

In accordance with Section 3.58(5)(d) above, Regulation 30 of the *Local Government (Functions and General) Regulations 1996* provides a range of dispositions that are exempt from the application of Section 3.58 of The Act, including dispositions to:

- *A body, whether incorporated or not. The objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions; or*
- *The Crown in right of the State or the Commonwealth; or a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or*
- *Another local government.*

City of Vincent Policy 1.2.1 – Terms of Leases:

1. Any new lease granted by the Council shall usually be limited to a five (5) year period, and any option to renew shall usually be limited to no more than a ten (10) year period.
2. Council may consider longer periods where the Council is of the opinion that there is benefit or merit for providing a longer lease term.

RISK MANAGEMENT IMPLICATIONS:

High Leaving the property vacant poses a high risk to the City due to the increased potential for vandalism and anti-social behaviour to occur.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2013-2023:

"2.1.3 Develop business strategies that reduce reliance on rates revenue

- (c) *Continue to review leases and commercial contracts to ensure the best return for the City, whilst being cognisant of its community service obligations."*

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

In order to advertise for tenants, a combination of the following indicative costs could be incurred:

- Market valuation \$1,500 - \$2,500
- Local Public Notices \$500 (The Guardian/Voice)
- Public Notice \$1,500 (The West Australian)

The Department for Child Protection and Family support has proposed an annual lease payment of \$15,000 per annum linked to the annual Consumer Price Index (CPI). This is considered a reasonable lease fee given the nature of the building and is favourable compared to the lease fee that was previously received (\$7,637.21 per annum).

COMMENTS:

Administration is of the opinion that a lease arrangement with the Department to operate the Perth District Enhanced Contact Centre would be a suitable lease option for this particular site, delivering stability of tenure, prompt occupation of the premises and a reasonable income stream.

9.3.6 Request to write off debt – North Perth Community Bank Sponsorship

Ward:	Both	Date:	12 June 2015
Precinct:	All	File Ref:	SC2185
Attachments:	1 – Copy of Tax Invoice		
Tabled Items:	Nil		
Reporting Officers:	G Wong, Accounts Receivable Officer G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council:

- 1. NOTES the current position in regard to the outstanding amount for sponsorship from North Perth Community Bank; and**
- 2. APPROVES BY ABSOLUTE MAJORITY to “write-off” the amount of \$21,868.47 owed by North Perth Community Bank for Beatty Park Leisure Centre Sponsorship due to the reasons detailed in this report.**

PURPOSE OF REPORT:

To seek authorisation to “write-off” outstanding monies from North Perth Community Bank for a proposed Beatty Park Leisure Centre sponsorship.

BACKGROUND:

In 2013, City Officers and representatives from Bendigo North Perth Community Bank (North Perth Community Financial Services Limited) met to discuss a range of sponsorship opportunities, including one for the redeveloped Beatty Park Leisure Centre. A proposal was discussed for sponsorship of the purchase of wall mounted monitors/screens and software at Beatty Park, in recognition of advertising being displayed on the monitors promoting Bendigo Bank.

No formal sponsorship agreement was executed to formalise the arrangement.

DETAILS:

In December 2013, the City purchased a number of monitors, as part of the Beatty Park Upgrade project, which are used for internal promotion purposes. On 24 December 2013, invoice 29693 to the value of \$21,868.47 was raised to the North Perth Community Bank for the sponsorship.

North Perth Community Financial Services Limited (Franchisee of Bendigo and Adelaide Bank) advised the sponsorship was agreed on the condition of advertising being placed on each monitor and the transferring of Beatty Park’s banking needs to the Bendigo North Perth Community Bank.

As it is not practicable to segregate the City’s banking requirements, it has not been possible to meet the conditions of the sponsorship.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Policy No. 1.2.13 – Recovery of Debts, Rates and Service Charges

Clause 2.4 - Write-Off

- (a) Once all reasonable attempts to either locate the Debtor or to obtain payment have failed, or the cost of recovery exceeds the Debt amount the City employee responsible for raising the debt and/or their Manager will submit a written request to the Director Corporate Services, for the invoice to be considered for write off.
- (b) Approval will be sought from the Chief Executive Officer and subsequently Council (if required) for approval for the debt to be written off. Once approval has been received, the appropriate entries will be made in the Debtors System.

RISK MANAGEMENT IMPLICATIONS:

High: This amount will not be recovered from the debtor.

STRATEGIC IMPLICATIONS:

This matter is in keeping with the City's Strategic Plan 2013-2023:

"2.1.2 Develop and promote partnerships and alliances with key stakeholders

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The amount of \$21,868.47 will remain outstanding in the Debtors Ledger until consideration has been given to write off the debt.

COMMENTS:

It is considered that the invoice for the sponsorship was raised prematurely, given no formal agreement had been reached on the detail of the sponsorship arrangement.

The City has attempt to resolve this matter with North Perth Community Bank, however the banking condition remains the issue. As North Perth Community Bank believed the City is not fulfilling the conditions of the agreement recovery is not able to be enforced.

9.4 COMMUNITY SERVICES

9.4.1 Leederville Town Centre Enhancement Working Group Abolishment

ITEM WITHDRAWN BY ADMINISTRATION.

9.4.2 North Perth Tennis Club – Funding Allocation

ITEM WITHDRAWN BY ADMINISTRATION.

9.4.3 Tender for the Construction of the Mary Street Piazza – Delegated Authority

Ward:	South	Date:	16 June 2015
Precinct:	Precinct 11 – Mt Lawley Centre	File Ref:	SC2075
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	D Doy, Place Manager J Anthony, Manager Community Development R Boardman, Director Community Services		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That Council DELEGATES BY ABSOLUTE MAJORITY, pursuant to Section 5.42 of the Local Government Act 1995, to the Chief Executive Officer to accept a tender for the construction of the Mary Street Piazza, to a maximum value of \$290,000.

PURPOSE OF REPORT:

To consider delegating authority to the Chief Executive Officer to accept a tender for the construction of the Mary Street Piazza, in accordance with the budget for this project, given that the Chief Executive Officer’s current delegation of authority is limited to \$250,000.

BACKGROUND:

At the Ordinary Meeting held on 5 May 2015, Council resolved as follows:

“That Council:

1. *APPROVES the Mary Street Piazza Concept Plan 1 prepared by Landscape Architect Consultants ‘Place Laboratory’, as shown in Attachment 2;*
2. *LISTS FOR CONSIDERATION the allocation of an additional \$165,000 in the Draft 2015/2016 Budget for the Mary Street Piazza project;*
3. *ADVISES the local community, ‘Beaufort Street Network’ and business owners of its decision.”*

Following Council’s approval, Place Laboratory (the Consultant) prepared detailed design drawings for site works and construction of the Mary Street Piazza, which form part of the tender specification for this project. The tender process to appoint the contractor to build the Mary Street Piazza commenced advertising on 17 June 2015 and will conclude on 2 July 2015.

The Mary Street Piazza project schedule has an intended completion date of 30 October 2015. It is vital that construction begins as soon as possible in order to meet the intended completion date.

DETAILS:

Council’s existing Delegated Authority Clause relates to 4.6 the Acceptance of Quotations and Tenders. Under this delegation, the Chief Executive Officer is delegated the power to invite tenders and enter into contracts for the supply of goods or services, to a maximum value of \$250,000.

As the estimated cost for the Piazza’s construction is \$288,223, administration is seeking a ‘one-off’ delegation of authority to the Chief Executive Officer to accept a tender for the project to a maximum value of \$290,000. This is only \$40,000 more than the Chief Executive Officer’s existing delegation limit and will ensure a tender can be accepted soon after the tender submission period, without the delay of needing to submit a report to Council on 28 July 2015, which could delay the project completion date.

CONSULTATION/ADVERTISING:

Not required.

LEGAL/POLICY:

Section 5.42 of the *Local Government Act 1995* states that:

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

**Absolute majority required'*

RISK MANAGEMENT IMPLICATIONS:

There are minimal risks to Council and the City's business function for the Chief Executive Officer to exercise discretionary power to determine the tender for the construction of the Mary Street Piazza.

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*
 - 1.1.2 *Enhance and maintain the character and heritage of the City*
 - 1.1.5 *Take action to improve transport and parking in the City and mitigate the effects of traffic*

Community Development and Wellbeing

- 3.1 *Enhance and promote community development and wellbeing*
 - 3.1.2 *Promote and foster community safety and security*
 - 3.1.3 *Promote health and wellbeing in the community*
 - 3.1.6 *Build capacity within the community to meet its needs"*

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$170,000 has been itemised within the existing Beaufort Streetscape Enhancement Budget for the Piazza. The Consultant fees for the design, documentation and project management of the Piazza totals \$43,880, leaving a budget of \$126,120 for the construction of the Piazza.

The overall construction cost of the Mary Street Piazza design recently approved by Council is estimated to be \$288,223, which is \$162,103 more than the existing (2014/15) construction budget.

An amount of \$165,000 has been included in the Draft 2015/2016 Budget for Council's consideration, which if approved would increase the project budget to \$291,120.

COMMENTS:

The tender application period for the construction of the Mary Street Piazza concludes on 2 July 2015. Administration requests a 'one-off' delegated authority be provided to the Chief Executive Officer to accept a tenderer up to \$290,000.

9.5 CHIEF EXECUTIVE OFFICER

9.5.1 Delegated Authority Review

Ward:	-	Date:	23 June 2015
Precinct:	-	File Ref:	
Attachments:	1 – Delegated Authority Register 2015 - 2016		
Tabled Items:	Nil		
Reporting Officer:	R Hall, Project Manager – Business Improvement		
Responsible Officer:	L Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

That Council:

1. **NOTES** the annual review of its Delegations of Authority in accordance with Section 5.46(2) of the *Local Government Act 1995*, as outlined in this report and summarised in Attachment 1; and
2. **REVOKES** the following Delegations of Authority for the reasons summarised in Attachment 1:
 - 1.1 Provision of Services and/or Facilities
 - 1.2 Amending and Updating Policies and Policy Manuals
 - 1.4 Appointment of Employees and Determination of an Organisational Structure
 - 1.5 Appointment of Consultants and Contractors
 - 1.8 Legal Representation – Council Members and Employees
 - 1.9 Obtaining Legal Advice
 - 1.10 Use of Corporate Logo
 - 1.11 Receptions, Civic Functions and Use of Administration and Civic Centre
 - 1.12 Preparation of Annual Report
 - 1.13 Preparing and Issuing the City's Newsletter
 - 1.15 Purchase and Provision of Vehicles for the City
 - 2.2 Performing Its Executive functions Outside the City District
 - 3.4 Amending the Rate Record
 - 3.12 Revocation of Instalment Options for Rates or Service Charges
 - 3.15 Preparation of Monthly financial Statements and Reports
 - 3.16 Disposal of Surplus Plant, Equipment or Materials
 - 3.17 Signing of Requisitions and Purchase Orders
 - 3.19 Issue of Petty Cash Advances
 - 3.20 Submission of Grants and Subsidy Applications
 - 3.21 Negotiating Terms and Conditions for Leases and Properties
 - 8.1 Disturbing Local Government Land or Anything On It
 - 8.2 Obstructing A Public Thoroughfare
 - 8.3 Encroaching A Public Thoroughfare
 - 8.4 Offences Relating to the Repair of Gates and Fences
 - 8.5 Dangerous Excavation in or Near Public Thoroughfare

- 8.6 Crossing from Public Thoroughfare to Private Land or Private Thoroughfare Without Approval
- 8.7 Requirement to Construct and Repair a Crossover
- 8.8 Private Works On, Over or Under Public Place
- 8.9 Offences Relating to Watercourses, Drains, Tunnels and Bridges
- 8.10 Offences Relating to the Protection of Thoroughfares from Water Damage
- 8.11 Action Against Persons in Relation to Wind Erosion and Sand Drifts
- 9.1 Parks and Reserves – Allocation, Use, Banners, Recovery of Costs, Use of Alcohol
- 9.2 Street Trees – Management, Planting, Pruning and Removal
- 9.3 Halls, Parks and Reserves – Hire, Fees, Selling of Goods
- 9.4 Traffic Management Treatments/Local Traffic Management Schemes/Referrals to the City’s Integrated Transport, Traffic and Road Safety Advisory Group
- 9.5 Unauthorised works in a Street – Serving of Notices
- 9.6 Works in the Street
- 9.7 Materials to be Used in the Road Reserve
- 9.8 Reinstatements of Roads and Footpaths
- 9.9 Approval of Works Orders to Public Utility Service Authorities
- 9.10 Upgrading of Existing Street Lighting and Underground Power
- 9.11 Location of Bus Shelters and Seats
- 9.12 Footpaths – Prevention of Damage to
- 9.13 Approval of Design Projects
- 9.14 Laneways and Rights of Way – Closure, Part closure, Amalgamation, Paving, Drainage and Obstruction of
- 9.15 Approval of ACROD Car Parking Bays
- 9.16 Recovery of Overdue Library Books and Other Loaned Items
- 9.17 Approval of Grants, Donations, Sponsorship and Waiver of Fees and Charges
- 10.2 Stadium (Medibank) Management Committee
- 10.3 Leederville Masterplan Management Committee

3. NOTES that further reports will be submitted to Council to consider:

- a) changes to existing Delegations of Authority which are not being revoked by 2 above; and
- b) any new Delegations of Authority

being proposed by Administration.

PURPOSE OF REPORT:

To consider the annual review of Council’s delegations of authority to the Chief Executive Officer (CEO), as required by Section 5.46(2) of the *Local Government Act 1995* (‘the Act’).

BACKGROUND:

Under the Act, Council can delegate certain powers and duties to the CEO and the CEO, in turn, can on-delegate those powers and functions to other employees.

Section 5.46 of the Act requires the CEO to keep a record of the delegations adopted by Council and on-delegated by the CEO. This Section also requires the delegations to be reviewed at least once every financial year.

The current Delegated Authority Register was last reviewed by Council at its meeting on 9 July 2013 (in the 2013/14 financial year) and the delegations have not yet been reviewed in the 2014/15 financial year. The 30 June 2015 Council meeting is the last opportunity to review the delegations for the 2014/15 financial year, to fulfil the review obligation under s.5.46 of the Act.

DETAILS:

The Act does not specify the manner in which Council must 'review' its delegations and simply states that a review must occur. In the past, these annual reviews have resulted in very few or no changes being made to the delegations previously granted by Council.

In the case of the current review process, Administration has reviewed and tested the appropriateness of all delegations granted by Council and has identified that the delegations generally fall into the following categories:

- The delegation relates to a power that is already a function of the CEO under the Act and which Council therefore has no ability to delegate;
- The delegation relates to a power that is exercisable by Administration in an 'Acting Through' capacity and which does not require a delegation;
- The delegation operates as a *de facto* Policy in the absence of a formal Council Policy;
- The delegation is contrary to the Act or Policy;
- The delegation is appropriate, with or without some modification.

For the purpose of this review exercise, Administration is proposing a staged and detailed consideration of the delegations that fall into each of the above categories. This will provide an improved opportunity for Council to discuss and determine a position on the delegations that fall in those different categories through separate reports to Council; providing more detail on the 'Recommended Approach' than that contained in **Attachment 1**. However, in the first instance, Administration is recommending (as part of this annual review) that Council revoke the delegations of authority which are CEO functions at law and which Council therefore has no ability to delegate to the CEO, given that Council can only delegate the powers and duties which would otherwise only be exercisable by Council.

Importantly, revoking delegations, as recommended by Administration, will not change or remove the need for Administration to still comply with any adopted Council Policy relating to the exercise of that particular function.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Section 5.46(2) of the Local Government Act 1995 requires the Council to carry out a review of its delegations at least once every financial year.

RISK MANAGEMENT IMPLICATIONS:

High: To comply with the Act the delegations must be reviewed by 30 June 2015.

STRATEGIC IMPLICATIONS:

Nil in terms of the recommendation to revoke delegations for powers that already and automatically rest with the CEO.

SUSTAINABILITY IMPLICATIONS:

Nil

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

Attachment 1 summarises the results of Administration's review of all existing delegations and outlines for each delegation the 'Recommended Approach' for that delegation as well as any corresponding Policy links to guide the exercise of each function.

Administration is recommending that Council notes the annual delegation review for 2014/15, revokes the existing delegations referenced in Attachment 1 as are CEO functions and notes that further reports will be submitted to Council in the coming months to consider the recommended approaches to the various other categories of delegations listed in **Attachment 1**.

9.5.2 Resignation of Cr James Peart

Ward:	-	Date:	15 June 2015
Precinct:	-	File Ref:	SC278
Attachments:	Nil		
Tabled Items:	-		
Reporting Officer:	L Kosova, Chief Executive Officer		
Responsible Officer:	L Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

That Council:

- 1. NOTES the resignation of Councillor James Peart effective from 6 July 2015 and THANKS Cr Peart for his service on Council since being elected in February 2014; and**
- 2. In accordance with Section 4.17 (2) of the Local Government Act 1995 ALLOWS the South Ward vacancy created by Cr Peart's resignation to remain unfilled until the Ordinary Local Government Elections on 17 October 2015.**

PURPOSE OF REPORT:

To note Cr James Peart's resignation from Council and to consider leaving the resultant unfilled in the South Ward until the Ordinary Local Government Elections on 17 October 2015.

BACKGROUND:

On 1 June 2015 the Chief Executive Officer received a written resignation from Cr James Peart, effective from 6 July 2015. Cr Peart was elected to Council by extraordinary election held on 28 February 2014 with his term ending on 17 October 2015.

DETAILS:

If the office of a Councillor becomes vacant because of the resignation of a member, an extraordinary election must be held within four months of the vacancy occurring unless the vacancy occurs between the third Saturday in January and the third Saturday in July in an election year, as in this instance.

Under Section 4.17(2) of the *Local Government Act 1995* Council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled and, in that case, the term of the member who held the office is to be regarded as ending on the day on which it would have ended if the vacancy had not occurred.

CONSULTATION:

Administration has notified the Western Australian Electoral Commission of Cr Peart's resignation and requested the Electoral Commissioner's approval for the vacancy to remain unfilled until the Ordinary Local Government Elections on 17 October 2015.

The Electoral Commissioner has agreed to the vacancy remaining unfilled until the October 2015 Ordinary Elections.

LEGAL/POLICY:

Section 4.17 of the *Local Government Act 1995* applies.

RISK MANAGEMENT IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

Nil.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Filling the Council Member vacancy through the Ordinary Local Government Elections will avoid the need and cost to conduct an extraordinary election and will not result in any added expense in holding the Ordinary Elections.

COMMENTS:

Cr Peart's term was due to end on 17 October 2015 and, as such, if Council were to conduct an extraordinary election now to fill the vacancy created by Cr Peart's resignation, the newly appointed Council Member would only serve on Council for a month or two, before the term naturally ends.

Cr Peart's vacancy can be filled through the Ordinary Elections in October, thus avoiding the cost, disruption and impracticality of holding an extraordinary election for a term expiring in October this year.

9.5.3 Chief Executive Officer's Performance Review 2014/15 – Appointment of Human Resources Consultant

Ward:	-	Date:	12 June 2015
Precinct:	-	File Ref:	PR25043; 5.2014.540.1
Attachments:	1 — Request for Quotation		
Tabled Items:	Nil		
Reporting Officer:	L Kosova, Chief Executive Officer		
Responsible Officer:	L Kosova, Chief Executive Officer		

RECOMMENDATION:

That Council **APPOINTS** Portland Broome to conduct the Chief Executive Officer's Performance Review 2014/15 as outlined in this report and in its confidential response to the City's Request for Quotation.

PURPOSE OF REPORT:

To consider appointing a Human Resources Consultant to assist Council in conducting the Chief Executive Officer's (CEO's) first annual performance review, for the 2014/15 period.

BACKGROUND:

Council appointed the CEO at a Special Meeting of Council held on 3 June 2014. At the time, due to the pending uncertainty of local government reform, the appointment was offered as a two year contract commencing on 4 September 2014 (unless otherwise agreed) and ending on 4 September 2016. The CEO negotiated an early release from his contract with his previous employer, and commenced employment with the City of Vincent on 4 August 2014.

Clause 3.3(b) of the CEO's employment contract states that *"The Council will review your performance each year on June 1 with the first review on December 1 2014 (unless otherwise agreed)..."*. Clause 3.3(c) of the contract goes on to say that the performance review will take account of *"(i) your performance, including whether or not you have met the KPIs and other requirements of your Position Description; and (ii) your responsibilities during the preceding year"*.

Due to the uncertainty of local government reform there seemed to be little urgency in undertaking the CEO's performance review prior to his 12 month anniversary date – particularly in light of the other issues and priorities needing to be addressed. However, it is now considered appropriate for Council to conduct the CEO's performance review given that the State Government has abandoned its metropolitan local government reform agenda.

DETAILS:

Quotations have been obtained from four suitably qualified human resources consultants to conduct the CEO's performance review. Each consultant was provided with identical information and was requested to describe their experience and recommended methodology for conducting the performance review. A summary of the quotations received is included as **Attachment 1**. A complete copy of each confidential quotation submission is included for Elected Member's reference in **Confidential Attachment 1**

CONSULTATION:

Nil.

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

Nil.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS

Funds are available in the CEO's Budget area to engage any one of the consultants to conduct his performance review.

COMMENTS:

The following comments are provided in response to each quotation submission:

Alliance Recruitment: This quotation failed to outline the consultant's methodology for conducting the performance review (this was a specific requirement of the Request for Quotation) and the company nominated a sub-consultant to conduct the review.

Anne Lake: The consultant demonstrated some recent experience in conducting CEO performance reviews. The stated methodology for conducting the review was quite brief and generic, but was described by the consultant as being deliberately flexible enough to accommodate any changes that Council might want.

Price Consulting: Price Consulting previously conducted the CEO remuneration and benchmarking reviews at the City of Canning, City of Vincent (in September/October 2013) and Town of Cambridge. A remuneration and salary benchmarking review is not the same or as extensive as conducting an entire performance review. The consultant provided insufficient detail to demonstrate the firm's experience in conducting CEO-level performance reviews and engaging with Council (or a governing Board) to do so.

Portland Broome: Portland Broome demonstrated substantial, recent and relevant experience in conducting CEO performance reviews and also included the Mayors of the Cities of Fremantle and Rockingham as referees. The methodology outlined in their quotation is far more comprehensive than any other quotation received. Whilst their quoted price is the highest of all submitted quotations, this is considered justifiable given that the Managing Director of the company (Paul Syme) would personally be conducting the review.

On the basis of the above, Portland Broome is considered to be the most capable consultant to carry out the CEO's performance review, followed by (in order) Anne Lake and Price Consulting. It is recommended that the quotation from Alliance Recruitment be excluded from consideration as it failed to outline a methodology for conducting the review, which was an essential criterion of the Request for Quotation.

For the record and for the avoidance of doubt, the CEO advises that he has no relationship or past professional association whatsoever with any of the consultants who have submitted a quotation to conduct his performance review.

9.5.4 City of Perth Bill

Ward:	All	Date:	17 June 2015
Precinct:		File Ref:	
Attachments:	<u>1</u> – City of Perth Bill 2015		
Tabled Items:	Nil		
Reporting Officer:	Len Kosova, Chief Executive Officer		
Responsible Officer:	Len Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

That Council:

1. **REAFFIRMS** its position adopted on 20 January 2015 that any change to the City of Perth's boundaries under a new *City of Perth Act* should reference the existing provisions of the *Local Government Act 1995* or require a change to the boundaries depicted in the *City of Perth Act* through the normal Parliamentary process; and
2. **ADVISES** all Members of the Parliament of Western Australia that Section 37 of the *City of Perth Bill* is of such concern to the City of Vincent Council that it should be deleted from the Bill.

PURPOSE OF REPORT:

To adopt a formal Council position on the *City of Perth Bill* which is currently before Parliament.

BACKGROUND:

At its Ordinary Meeting held on 28 October 2014, Council considered the State Government's decision on Metropolitan Local Government Reform which, at that stage and among other things, proposed to amalgamate the City of Vincent with the City of Perth under a new City of Perth Act. No details were provided at the time about the proposed City of Perth Act although it was clear the introduction of that Act and the amalgamation of the City's of Vincent and Perth would have circumvented the 'Dadour' poll provisions of the Local Government Act 1995. Council's resolution from that meeting included the following:

"5. *In relation to the proposed City of Perth Act:*

- a) *NOTES that the State Government's proposed introduction of a City of Perth Act would deny City of Vincent electors access to the ('Dadour') poll provisions that might otherwise be available to them under clause 8 of Schedule 2.1 of the Local Government Act 1995; and*
- b) *AUTHORISES the Mayor to write to the Premier, Hon. Colin Barnett requesting that the Government carry out a referendum of affected electors to ascertain the community's sentiment on the proposed introduction of a City of Perth Act;"*

The Mayor, Deputy Mayor and Chief Executive Officer were subsequently invited to participate in meetings of the City of Perth Act Advisory Group, together with representatives from the City of Perth, Department of Local Government and Communities and the Office of the Minister for Local Government. The purpose of the group was to consider and make recommendations to the Minister for Local Government on the content of a City of Perth Act.

In response to discussions at the City of Perth Act Advisory Group meetings, Council at its meeting held on 20 January 2015 considered a late confidential item on the proposed Act and resolved to endorse a draft position paper tabled at that meeting and prepared by the Mayor, Deputy Mayor and CEO.

Council's adopted position paper on the City of Perth Act was subsequently uploaded to the City's website and formed the basis for a Community Forum held on 28 January in the Function Room of the City's Administration and Civic Centre.

Council's position paper highlighted five Critical Issues of concern for the City of Vincent, the first of which was "New City of Perth Boundaries". The commentary on this issue in the position paper stated that:

"In terms of any future expansion or contraction of the new City of Perth boundaries, the City of Vincent has always maintained that its community should have a say in any boundary adjustment, consistent with the poll provisions under the existing Local Government Act 1995. On that basis, any 'annexation provisions' to be included in the new City of Perth Act should either call up the provisions of the existing Local Government Act, or should clearly express that any change to the City of Perth's boundaries requires a change to the City of Perth Act, through the normal Parliamentary process."

In the weeks following Council's 20 January decision, a dramatic shift occurred in the reform debate, with three local government amalgamations rejected by referendums and the WA Local Government Association (WALGA) withdrawing its support for the reform process. Subsequently, on 17 February 2015, the Premier and Minister for Local Government announced that the State Government would no longer be pursuing its Metropolitan Local Government Reform agenda, but would still proceed with the introduction of a City of Perth Act.

On 21 May 2015, the Minister for Local Government introduced the *City of Perth Bill* into the Legislative Assembly of the WA Parliament. A copy of the Bill is included as **Attachment 1**.

DETAILS:

The stated purpose of the *City of Perth Bill* is to:

- continue the City of Perth as a local government district but redefine its boundaries; and
- recognise Perth as the capital of Western Australia and the special significance of the role and responsibilities of the City of Perth that flow from that; and
- establish a City of Perth Committee with functions that include the facilitation of collaboration between the State and the City of Perth; and
- repeal the *City of Perth Restructuring Act 1993*; and
- make consequential and other amendments to the *Botanic Gardens and Parks Authority Act 1998*, the *Local Government Act 1960 Part VIA* and the *Local Government Act 1995*; and
- provide for related matters.

Of particular note in the Bill is Clause 37, relating to matters which the Local Government Advisory Board (LGAB) shall have regard to when considering a proposal to change the boundaries of a local government district.

Clause 37 would insert (in Schedule 2.1 of the *Local Government Act 1995*) an additional factor for the LGAB to have regard to when considering boundary adjustment proposals which directly affect the City of Perth. The Explanatory Memo accompanying the Bill states “*This factor is the special significance of the role and responsibilities of the City of Perth that flow from Perth being the capital of Western Australia*” and [this] “*recognises that the City of Perth has a unique status and role, and that this should be taken into account in the Board’s considerations*”.

The LGAB could use this clause to apply a higher degree of importance and priority to a boundary change proposal that would strengthen the City of Perth’s role as capital city, potentially regardless of the impact on any *other* local government or community, notwithstanding submissions received on that proposal, and without the need to amend the municipal area of the City of Perth, as shown on the map included in the Bill.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The *City of Perth Bill* is currently before Parliament and is intended to operate in addition to the *Local Government Act 1995*.

RISK MANAGEMENT IMPLICATIONS:

MEDIUM/HIGH: The additional power proposed in clause 37 of the Bill presents a very real risk for parts of the City of Vincent to be transferred to the City of Perth in future.

STRATEGIC IMPLICATIONS:

The *City of Perth Bill* formally recognises the special characteristics of the City of Perth and its role as the State’s capital city, consistent with the capital city legislation in other states of Australia. However, clause 37 of the Bill could have strategic implications for the City of Vincent for the reasons discussed earlier.

SUSTAINABILITY IMPLICATIONS:

The Bill itself is unlikely to have any significant or material impact on the social, environmental or economic landscape in the City of Vincent, unless clause 37 is preserved in the enacted legislation and is later used by the LGAB to justify the transfer of some (or all) of the City of Vincent into the City of Perth.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Administration’s view is that clause 37 should be deleted from the Bill, as the existing provisions of Schedule 2.1 of the *Local Government Act 1995* are well established in the governance and decision-making structures of Western Australia’s local government system and in no way prevent the LGAB from having regard to the capital city status of the City of Perth when considering any future boundary adjustment proposal. This view is consistent with the position paper adopted by Council at its meeting on 20 January 2015, regarding the *City of Perth Act*.

9.5.5 Information Bulletin

Ward:	-	Date:	12 June 2015
Precinct:	-	File Ref:	-
Attachments:	<u>1</u> – Information Bulletin		
Tabled Items:	-		
Reporting Officer:	J Highfield, Executive Assistant		
Responsible Officer:	Len Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Information Bulletin dated 12 June 2015 as distributed with the Agenda.

DETAILS:

The items included in the Information Bulletin dated 12 June 2015 are as follows:

ITEM	DESCRIPTION
IB01	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 6 May 2015
IB02	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 19 May 2015
IB03	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 20 May 2015
IB04	Progress Report No. 7 – Heritage Assistance Fund
IB05	Unconfirmed Minutes of the Safer Vincent Crime Prevention Partnership (SVCPP) Meeting held on 6 May 2015
IB06	Register of Petitions – Progress Report – June 2015
IB07	Register of Notices of Motion – Progress Report – June 2015
IB08	Register of Reports to be Actioned – Progress Report – June 2015
IB09	Register of Legal Action (Confidential – Council Members Only) – Monthly Report as at 11 June 2015
IB10	Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 11 June 2015
IB11	Register of Applications Referred to the Design Advisory Committee – 2015
IB12	Register of Applications Referred to the MetroWest Development Assessment Panel – Current
IB13	Forum Notes – 12 May 2015

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 NOTICE OF MOTION: Mayor John Carey - Western Australian Local Government Annual General Meeting

That Council **AUTHORISES** the Mayor to submit the following motion to the Western Australian Local Government Association's Annual General Meeting on 5 August 2015:

"That the Western Australian Local Government Association:

1. *Advocates for reforms to the Local Government Act 1995 and related Regulations to enhance governance, transparency, accountability and consistency in Local Government, particularly in relation to:*
 - a) *Recording of Council Member contact with Developers;*
 - b) *Prohibition of donations from developers to local government election candidates;*
 - c) *Reporting and publicising of gifts and hospitality to Council Members and local government employees;*
 - d) *Reporting and publicising of travel undertaken by Council Members and local government employees;*
 - e) *Appointment and review of performance of the Chief Executive Officer and prescribed contract renewal procedures;*
 - f) *Any other areas which lead to improved governance and transparency.*
2. *Develops the suite of reforms referred to in 1. above in consultation with members by no later than 3 months before the February 2017 State Election for consideration by all political parties in Western Australia."*

REASON:

The Western Australian Local Government Association (WALGA) is holding its Annual General Meeting on Wednesday 5 August 2015. At that meeting, member councils have the opportunity to put forward motions to the AGM to consider. The Mayor and Deputy Mayor will be attending the AGM as the City of Vincent's voting delegates.

It is recommended that Council authorises the Mayor to put forward the above motion for consideration at WALGA's AGM. As with local government, WALGA is not bound by motions adopted at its AGM but those motions would, at least, require consideration and response by WALGA in respect of any action the Association agrees to take.

The proposed motion is considered to be in keeping with the leadership shown by Council in its recent adoption of Policy No. 4.2.15 – Council Member Contact with Developers; is reflective of Cr Harley's proposed Motion on Notice to the 30 June 2015 Council Meeting; and is intended to stimulate discussion in the local government sector about ways to introduce improved transparency and innovation in Western Australian local government.

ADMINISTRATION COMMENT:

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

10.2 NOTICE OF MOTION: Cr Roslyn Harley - Publication of Gift Register

That Council REQUESTS the Chief Executive Officer to, by 31 July 2015, make the City of Vincent's Register of Gifts and Hospitality to Council Members and Employees publicly accessible on the City's website.

REASON:

To further enhance the City's good governance and transparency it is considered appropriate to adopt the City of Melbourne's practice of uploading its Register of Gifts and Hospitality to its website as a means of making the Register available for public inspection.

Local government legislation in Western Australia already requires the Chief Executive Officer of a local government to keep and make publicly available for inspection a register of notifiable gifts (including hospitality). Uploading this register to the City's website will simply make it easier for our community and customers to inspect this information.

ADMINISTRATION COMMENT:

Rules governing the acceptance, disclosure and recording of gifts by Council Members and employees are set out in Sections 5.82 and 5.94(u)(ii) of the *Local Government Act 1995*, Regulations 25, 29(1)(bb) and 34B of the *Local Government (Administration) Regulations 1996* and Part 4 of the City of Vincent's Code of Conduct for Council Members and Employees.

Generally speaking (and among other things), these rules require that "notifiable gifts" are to be disclosed by the recipient and recorded in a register by the Chief Executive Officer, which is to be made available for public inspection. The rules also require Council Members and staff to refrain from accepting "prohibited gifts", being those of a certain type and value.

A "notifiable gift" is defined as a gift worth between \$50 and \$300 (including multiple gifts received from the same giver within a 6 month period with a combined value equivalent to these limits). Notwithstanding, it is common practice for employees and Council Members to disclose and register all gifts that have been accepted, regardless of their value, even though there is no statutory requirement to do so.

Because the Act already requires the Gift Register to be made available for public inspection, uploading that register to the City's website will only improve accessibility to the Register.

The Chief Executive Officer supports the proposed Motion and if adopted by Council, the on-line version of the register would be updated simultaneously with the hard-copy register.

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. 20 (Lot: 450 D/P: 302403) Burgess Street, Leederville – Proposed Demolition of an Existing Single House and Construction of Eight Multiple Dwellings – Reconsideration under s31 of the State Administrative Tribunal (SAT) Act 2004 (DR 133 of 2015)

Ward:	South	Date:	12 June 2015
Precinct:	Precinct 3 – Leederville	File Ref:	PR19453; 5.2014.687.1
Attachments:	Confidential – Amended Plans showing the revised proposal following SAT Mediation Confidential – Marked up plans showing proposed versus required setbacks Confidential – SAT Orders		
Tabled Items:	Nil		
Reporting Officer:	T Wright, Planning Officer (Statutory)		
Responsible Officer:	G Poezyn, Director Planning Services		

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

LEGAL:

The *Local Government Act 1995*, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The City of Vincent Local Law Relating to Standing Orders states the following:

“2.14 Confidential business

- (1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.”*

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

In accordance with the legislation, the report is to be kept confidential until determined by Council to be released for public information.

At the conclusion of these matters, Council may wish to make some details available to the public.

14.2 LATE ITEM: 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)

Ward:	South	Date:	25 June 2015
Precinct:	Precinct 3 – Leederville	File Ref:	PR25043; 5.2014.540.1
Attachments:	Confidential – State Administrative Tribunal Orders		
Tabled Items:	Nil		
Reporting Officer:	A Groom , Planning Officer (Statutory)		
Responsible Officer:	G Poezyn, Director Planning Services		

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

LEGAL:

The *Local Government Act 1995*, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

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At the conclusion of these matters, the Council may wish to make some details available to the public.

15. CLOSURE
