



CITY OF VINCENT

ORDINARY COUNCIL MEETING

5 MAY 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 5 May 2015** at 6.00pm.

Len Kosova
CHIEF EXECUTIVE OFFICER

1 May 2015

ENHANCING AND CELEBRATING OUR DIVERSE COMMUNITY

This document is available in other formats and languages.

DISCLAIMER

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

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

Copyright

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

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

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

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

RECORDING OF COUNCIL MEETINGS

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

ORDER OF BUSINESS

1. (a) Declaration of Opening

(b) Acknowledgement of Country Statement

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

2. Apologies/Members on Approved Leave of Absence

2.1 Cr John Pintabona on approved leave of absence from 30 April 2015 to the 6 May 2015 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 Mayor John Carey requesting leave of absence from 6 May 2015 – 10 May 2015 due to personal commitments.

5. The Receiving of Petitions, Deputations and Presentations

Nil.

6. Confirmation of Minutes

6.1 Ordinary Meeting of Council held on 7 April 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

Nil.

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

Nil.

12. Representation on Committees and Public Bodies

Nil.

13. Urgent Business

Nil.

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

Nil.

15. Closure

INDEX
(5 MAY 2015)

ITEM	REPORT DESCRIPTION	PAGE
9.1 PLANNING SERVICES		
9.1.1	No. 139 (Lots: 6 and 7 D/P 1346) Richmond Street, Leederville – Proposed Demolition of Existing Single House and Construction of Eight Multiple Dwellings (5.2015.65.1; PR25053)	1
9.1.2	No. 71 (Lot: 200; D/P 92012) Edward Street, Perth – Demolition of Existing Slumping Building and Construction of New Slumping Building (Hanson Concrete Batching Plant) (5.2014.704.1; PR52145)	15
9.1.3	No. 49 (Lot 86; D/P 6064) Milton Street, Mount Hawthorn – Proposed Demolition of Existing Single House and Construction of Four Two-Storey Grouped Dwellings (5.2014.645.1; PR50115)	24
9.1.4	No. 45 (Lot: 770 D/P: 301693) Cowle Street, West Perth – Proposed Demolition of Existing Single House and Construction of Four Storey Development (PRO3685, 5.2014.438.1)	37
9.1.5	Nos. 454 – 456 (Lot: 8; D/P: 1843) Fitzgerald Street, North Perth – Proposed Construction of Three Storey Commercial Building including Basement Car Parking (5.2014.689.1; PR53516)	54
9.1.6	No. 110 (Lot: 31, D/P 18903) Broome Street, Highgate – Proposed Balcony Extension to Unit Two of a Nine Unit Multiple Dwelling Development Under Construction (5.2015.42.1; PR19010)	65
9.1.7	Amendment No. 40 to Town Planning Scheme No. 1 – Prohibition of Multiple Dwellings in Mount Hawthorn (SC1988)	70
9.1.8	LATE ITEM: No. 174 (Lot: 4 D/P: 10539) Loftus Street, North Perth – Proposed Demolition of an Existing Single House and Construction of Nine (9) Multiple Dwellings and associated Car Parking (5.2014.609.1; PR14622)	76
9.2 TECHNICAL SERVICES		
9.2.1	Leederville Town Centre Enhancement Project – Newcastle Street and Carr Place Intersection Proposed Modifications – Further Report (SC1669)	92
9.2.2	State Underground Power Program – Brookman Street and Moir Street Heritage Precinct Underground Power Project – Progress Report No. 4 (SC201) ITEM WITHDRAWN BY ADMINISTRATION	96
9.2.3	Proposed Amendment to Section 5 “Guidelines and Policy Procedures for Rights of Way, Policy No. 2.2.8” - Naming of Rights of Way (ADM0023)	97
9.2.4	Proposed Fitzgerald Street Peak Period Bus Lanes (SC976, SC228)	100
9.2.5	Urgent Works: Air Conditioning Replacement – East Perth Football Club, Medibank Stadium (Leederville Oval) (SC641) [Absolute Majority Decision Required]	104
9.2.6	Vincent Greening Plan – 2015 Garden Competition (SC17)	106

**INDEX
(5 MAY 2015)**

ITEM	REPORT DESCRIPTION	PAGE
9.3	CORPORATE SERVICES	
9.3.1	Investment Report as at 31 March 2015 (SC1530)	110
9.3.2	Authorisation of Expenditure for the Period 1 to 31 March 2015 (SC347)	113
9.3.3	Financial Statements as at 31 March 2015 (SC357)	116
9.3.4	Kidz Galore Request for Lease Extension - No. 13 (Lot 9) Haynes Street, North Perth (SC590)	124
9.3.5	Differential Rating Strategy 2015/16 (SC245)	126
9.4	COMMUNITY SERVICES	
9.4.1	Proposed Amendment Policy No. 3.9.3 Parking Permits (SC2039) ITEM WITHDRAWN BY ADMINISTRATION	134
9.4.2	Project Update – Mary Street Piazza (SC2075)	135
9.5	CHIEF EXECUTIVE OFFICER	
9.5.1	Use of the Council's Common Seal (SC406)	142
9.5.2	Strategic Plan 2013-2023 – Progress Report for the Period 1 January 2015 to 31 March 2015	143
9.5.3	Information Bulletin	145
10.	COUNCIL MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	
	Nil	146
11.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (Without Discussion)	
	Nil	146
12.	REPRESENTATION ON COMMITTEES AND PUBLIC BODIES	
	Nil	146
13.	URGENT BUSINESS	
	Nil	146
14.	CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“Behind Closed Doors”)	
	Nil	146
15.	CLOSURE	146

9.1 PLANNING SERVICES

9.1.1 No. 139 (Lots: 6 and 7 D/P 1346) Richmond Street, Leederville – Proposed Demolition of Existing Single House and Construction of Eight Multiple Dwellings

Ward:	South	Date:	17 April 2015
Precinct:	Precinct 3 – Leederville	File Ref:	5.2015.65.1; PR25053
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Planning Report 4 – Design Advisory Committee Comments 5 – Car Parking and Bicycle Tables 6 – Marked up plans showing proposed versus required setbacks		
Tabled Items:	Nil		
Reporting Officer:	T Wright, 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 PB Designs on behalf of the owner Beverley and Douglas Gordon, for the proposed demolition of an existing Single House and construction of a two storey Development comprising of eight One Bedroom Multiple Dwellings and associated car parking at No. 139 (Lots: 6 and 7) Richmond Street, Leederville as shown on plans date stamped 10 April 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. **Amalgamation**
Lots 6 and 7 shall be amalgamated into one lot on a Certificate of Title;
3. **Boundary Wall**
The owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 141A Richmond Street, in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork to the satisfaction of the City;
4. **Car Parking and Accessways**
 - 4.1 A minimum of six (6) resident and two (2) visitor bays shall be provided onsite;
 - 4.2 The car park shall be used only by residents and visitors directly associated with the development;
 - 4.3 The visitor bays are to be marked accordingly;
 - 4.4 The car parking and access areas are to comply with the requirements of AS2890.1;
 - 4.5 Vehicle and pedestrian access points are required to match into existing footpath and ROW levels; and
 - 4.6 All new crossovers shall be constructed in accordance with the City’s Standard Crossover Specifications;

5. **External Fixtures**

All external fixtures shall not be visually obtrusive from Richmond 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;

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

6.1 **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* and a condition being included on the Sales Contract notifying proprietors and/or (prospective) purchasers of the property that:

6.1.1 The City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential dwelling; and

6.2 **Acoustic Report**

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

6.3 **Landscape and Reticulation Plan**

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

- 6.3.1 The location and type of existing and proposed trees and plants;
- 6.3.2 Large mature trees in the communal open space area within the front setback; and
- 6.3.3 Areas to be irrigated or reticulated;

6.4 **Schedule of External Finishes**

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

6.5 **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, shall be submitted to and approved by the City, in accordance with the requirements of the City's Policy No. 7.5.23 – Construction Management Plans. Construction on and management of the site shall thereafter comply with the approved Construction Management Plan;

6.6 **Waste Management**

- 6.6.1 A Waste Management Plan prepared to the satisfaction of the City shall be submitted and approved;
 - 6.6.2 A bin store area of sufficient size to accommodate the City's bin requirements shall be provided, to the satisfaction of the City; and
 - 6.6.3 Waste management for the development shall thereafter comply with the approved Waste Management Plan; and
-

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

7.1 **Clothes Drying Facility**

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

7.2 **Car Parking**

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

7.3 **Stormwater**

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

7.4 **Acoustic Report Certification**

In relation to condition 6.2, certification from an acoustic consultant that the recommended measures have been undertaken shall be provided to the City;

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

In relation to condition 6.1, the notification shall be lodged and registered in accordance with the *Transfer of Land Act 1893*;

7.6 **Landscape Plan and Verge Upgrade Plan**

In relation to condition 6.3, all works shown in the plans approved with the Building Permit shall be undertaken in accordance with the approved plans and maintained thereafter to the satisfaction of the City at the applicant's expense; and

7.7 **Bicycle Bays**

A minimum of three (3) resident bays and one (1) visitor bay is to be provided on-site. Bicycle bays must be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3.

ADVICE NOTES:

1. With regard to condition 4.5, the portion of the existing footpath traversing the proposed crossover must be retained. The proposed crossover levels shall match into the existing footpath levels. Should the footpath not be deemed to be in satisfactory condition, it must be replaced with in-situ concrete panels in accordance with the City's specification for reinstatement of concrete paths;
 2. With reference to condition 4.6 all new crossovers to the development site are subject to a separate application to be approved by the City;
-

3. **A Road and Verge security bond for the sum of \$3,500 shall be lodged with the City by the applicant, prior to the issue of a building permit, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City's Technical Services Directorate. An application for the refund of the security bond shall be made in writing. The bond is non-transferable;**
4. **With regard to condition 6.3, Council encourages landscaping methods and species selection which do not rely on reticulation;**
5. **The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5m) 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; and**
6. **With reference to condition 7.3, no further consideration shall be given to the disposal of stormwater 'off site' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'off site' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings.**

PURPOSE OF REPORT:

For Council to determine the application for eight multiple dwellings.

BACKGROUND:

Nil.

DETAILS:

Landowner:	Beverley and Douglas Gordon
Applicant:	PB Designs
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R60 Draft Town Planning Scheme No. 2 (TPS2): Residential R60
Existing Land Use:	Single House
Use Class:	Multiple Dwellings
Use Classification:	"P"
Lot Area:	673 square metres
Right of Way:	5 metres on the east and south sides
Date of Application:	9 February 2015

The proposal is for the demolition of an existing single house and construction of a two storey development comprising of eight one-bedroom multiple dwellings and associated car parking.

The site is unique in the sense that it abuts a 5 metre ROW that runs the length of the eastern and southern lot boundaries. The ROW terminates in a cul-de-sac and only serves a limited number of properties.

The proposed development comprises four dwellings on the ground floor and four dwellings on the first floor. Seven car parking bays are located directly from a ROW running along the eastern boundary and one car parking bay is located directly off the ROW running along the southern boundary. The ROW currently only provides vehicles access to three other sites.

The proposed development bulk is extruded along the north-south orientated site and is arranged in an "L" shape with dwellings fronting the street and car parking concealed behind the built form.

The built form is setback from the side lot boundaries and sits relatively central on the site, with areas of open space and car parking surrounding the development.

The development proposes six resident bays and two visitor bays, which is compliant with the requirements of the R-Codes, even though the applicant has chosen not to allocate every unit with a parking bay.

ROW widening is required as part of the proposed development and is included in the proposed plans to the satisfaction of the City.

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 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		✓
Streetscape	✓	
Front Setback		✓
Front Fence	✓	
Building Setbacks		✓
Boundary Wall	✓	
Building Height	✓	
Building Storeys	✓	
Roof Form		✓
Open Space	✓	
Privacy	✓	
Access & Parking	✓	
Bicycles	✓	
Solar Access	✓	
Site Works	✓	
Essential Facilities	✓	
Surveillance	✓	
ROW Setbacks		✓

Detailed Assessment

Acceptable Variations

Issue/Design Element:	Density/Plot Ratio
Requirement:	<p>Residential Design Codes Clause 6.1.1</p> <p>Required Plot Ratio: 0.7 or 471 square metres</p>
Applicant's Proposal:	<p>Proposed Plot Ratio: 0.73 or 494 square metres, (variation of 0.03 or 23 square metres).</p>
Design Principles:	<p>Residential Design Codes Clause 6.1.1</p> <p>P1 Development of the building is at a bulk and scale indicated in the local planning framework and is consistent with the existing or future desired built form of the locality.</p>
Summary of Applicant's Justification:	<p><i>Following a series of meetings with the DAC and the Planning Department, the drawings are a result of those consultations that will achieve the best outcome for the future owner/occupiers of these apartments. As a consequence the proposal has a plot ratio of 0.73 or 493.95m², slightly more than the 0.7 or 471.1m² required. The proposal has met the landscape requirements, an achievement in itself and there is good useable private space as well as communal space that will enhance the development.</i></p> <p><i>Although it may be possible to reduce the plot ratio square meters, this would be to the detriment of the 'good' practical design which has been based on functional, furnishable spaces. As an area in transition, with increased density zoning, future developments will be consistent with the approach to the proposed development both in bulk and scale and it is important the development will reflect these changes rather than the existing traditional lower zoned structures.</i></p>
Officer Technical Comment:	<p>The proposed plot ratio variation of 23 square metres is minimal.</p> <p>The development is appropriately setback from all boundaries providing large open space areas that reduce the impact of bulk and scale to neighbouring properties and the streetscape. In addition, the lot abuts a ROW that runs along the eastern and southern boundary, which further separates the development from neighbouring properties and reduces the impact of bulk and scale.</p> <p>The elevations are well articulated with the use of different materials and colours that serve to moderate the aesthetic impact of the built form and enhance the amenity of the development.</p>

Issue/Design Element:	Front Setback
Requirement:	<p>Residential Design Elements Policy No. 7.2.1</p> <p>Buildings are to be setback from the street alignment such distance as is generally consistent with the building setback on adjoining land and in the immediate locality.</p> <p>This equates to:</p> <ul style="list-style-type: none"> • 5 metres for the ground floor; • 7 metres for the upper floor; and • 6 metres for the upper floor balconies.
Applicant's Proposal:	<ul style="list-style-type: none"> • 3.75 metres for the ground floor, (variation of 1.25 metres); • 4.88 metres for the upper floors, (variation of 2.12 metres); and • 3.46 metres for the upper floor balconies, (variation of 2.54 metres).
Design Principles:	<p>Residential Design Elements Policy No. 7.2.1</p> <p>SPC 5</p> <p>(i) 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>(ii) Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>
Summary of Applicant's Justification:	<p><i>Although complying with the Residential Design Codes, the Residential Design Elements Policy asks for an average of the 5 adjoining properties either side and across the road. A plan showing the adjoining property setbacks has been included and it can be seen there are examples of setbacks less than we are proposing. The first floor Balcony protrudes slightly in front of the ground floor with the inclusion of a low planter that assists in reducing the bulk and impact to the streetscape. The first floor of the proposal, has been designed with a mixture of textures, finishes and a staggered facade in keeping with the contemporary elevation that provides an interesting articulation that reduces the impact of the first floor. It is not difficult to predict that future developments within the precinct (and with the higher densities), will utilize more of the street setback.</i></p>

Issue/Design Element:	Front Setback
Officer Technical Comment:	<p>The setbacks distances vary within the street, primarily due to the composition of newer medium density infill development and older single dwellings. As a consequence, there is little consistency with setback distances.</p> <p>The variations proposed maintain the character and amenity of setbacks within the street and neighbouring properties by providing sufficient space for private and communal landscaping within the front setback area. The landscaping will enhance the amenity of the streetscape and improve the aesthetics of the built form.</p> <p>In addition, the applicant has agreed to a condition being imposed on the approval that requires large mature trees to be planted in the communal open space areas within the front setback. The trees will enhance the amenity of the streetscape as the verge area is too narrow to accommodate verge trees.</p>

Issue/Design Element:	Building Setbacks
Requirement:	<p>Residential Design Codes Clause 6.1.4</p> <p><u>Western Boundary</u></p> <ul style="list-style-type: none"> • First floor – Unit Five's bedroom wall is required to be setback 1.2 metres.
Applicant's Proposal:	<p><u>Western Boundary</u></p> <ul style="list-style-type: none"> • First floor – Unit Five's bedroom wall setback is 1.0 metres, (variation of 0.2 metres), (refer to Attachment 6).
Design Principles:	<p>Residential Design Codes Clause 6.1.4</p> <p>P3.1 Buildings set back from lot boundaries so as to:</p> <ul style="list-style-type: none"> • reduce impacts of building bulk on adjoining properties; • provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • minimise the extent of overlooking and resultant loss of privacy on adjoining properties.
Summary of Applicant's Justification:	<p><i>West side first floor: As with the ground floor the first floor has a section (3.96m) of Unit 1 that is 1.0m from the side boundary instead of 1.2m. We are justifying this reduced setback on the basis of the adjoining property that has a 1.2m wide pedestrian access way to service a rear lot. The proposed building has no effect, privacy or overshadowing on the adjacent property. The bulk and street impact is minimised by the nature of the design, a series of low pitched skillion roofs incorporating skylights with staggered setbacks that result in a contemporary elevation in keeping with the latest architecture of the suburb.</i></p>

Issue/Design Element:	Building Setbacks
Officer Technical Comment:	<p>The setback proposed is 1.0 metre, in lieu of the required 1.2 metres and relates to a 3.96 metre length of wall. The variation proposed will have no detrimental impact to the neighbouring properties by way of bulk and scale.</p> <p>The bedroom wall abuts a fence-enclosed 1.0 metre to 1.5 metre wide pedestrian access path on the western neighbouring property's side. The pedestrian access path further separates the distance between the proposed building and the neighbouring property's building, which reduces the impact of bulk and scale.</p> <p>The variation will have no impact on access to natural ventilation and direct sun for neighbouring properties and the proposed development is fully compliant with the privacy requirements.</p>

Issue/Design Element:	Roof Forms
Requirement:	<p>Residential Design Elements Policy No. 7.2.1</p> <p>Roof pitch to be between 30-45 degrees.</p>
Applicant's Proposal:	Skillion Roofs
Design Principles:	<p>Residential Design Elements Policy No. 7.2.1</p> <p>BDPC 3</p> <p>(i) The roof of a building is to be designed so that:</p> <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
Summary of Applicant's Justification:	<p><i>It is proposed that the development is contemporary in design as it reflects the architecture of the development of Leederville with the increase in density and the transition of the suburb to meet inner city lifestyle requirements. The contemporary architecture incorporates 'skillion' roof forms rather than the traditional 30-45 degree roof pitch. The proposal will help to reduce the impact and bulk of the buildings and has no additional overshadowing of adjacent properties. Although at present the existing neighbouring architecture is a mixture of eras, the proposal will be in keeping with the future development of the area and as such it will be sympathetic with future streetscape character.</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 serve to reduce the overall height of the development to 7 metres. A pitched roof would add further height and bulk to the development.</p>

Issue/Design Element:	ROW Setbacks
Requirement:	<p>Residential Design Elements Policy No. 7.2.1</p> <ul style="list-style-type: none"> • 2 metres for the ground floor; and • 3 metres for the upper floors.
Applicant's Proposal:	<p><u>Eastern Boundary</u></p> <ul style="list-style-type: none"> • 1.5 metres for the ground floor, (variation of 0.5 metres); and • 1.5 metres for the upper floor, (variation of 1.5 metres), (refer to Attachment 6).
Design Principles:	<p>Residential Design Elements Policy No. 7.2.1</p> <p>SPC 9</p> <p>(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>We are proposing a setback of 1.5m instead of 2.0m to the ground floor and 1.5m instead of 3.0m to the first floor. We are justifying this setback on the basis that the proposed building is adjacent to a 5.0m wide paved right of way and therefore the impact of the building is greatly reduced. As this is the first development on this leg of the ROW, it has no established pattern to comply with.</i></p>
Officer Technical Comment:	<p>The intention of the ROW setback requirement is to maintain a pattern of development that presents to the ROW. In this instance the established pattern of development that abuts the ROW is inconsistent.</p> <p>The variation proposed relates to short sections of wall. The variations will have no detrimental impact to the amenity of neighbouring properties or the ROW.</p> <p>The development engages with and enhances the amenity and interest of the ROW as minimal fencing is proposed along the southern boundary. This will increase the interest and amenity of the ROW and make it feel more like a "place" and less like a functional vehicle access path.</p>

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	27 February 2015 to 13 March 2015		
Comments Received:	Eleven (11) objections and one neither supporting nor objecting but has some concerns.		

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

Summary of Comments Received:	Officer Technical Comment:
<p><u>Traffic and Parking</u></p> <p>The increase in traffic along Richmond Street and the laneway is a concern. The fact that Richmond Street narrows down will create safety issues along the street.</p> <p>Emergency services have difficulty accessing the road on busy days when people park on the street.</p> <p>Furthermore when cars park on both sides of the street, it is difficult to drive down the street.</p> <p>Even though there is a two-hour parking limit people park along the street all day as it is close to the Leederville Centre and TAFE.</p> <p>There are not enough onsite car bays proposed for the amount of units and parking will be a problem along Richmond Street.</p> <p>There are no visitor bays proposed and I presume two visitor bays are required?</p>	<p>The local roads and the laneway have the capacity to handle traffic generated by additional development in the area.</p> <p>The short ROW is a cul-de-sac that provides vehicle access to a minimal number of properties. The ROW serves to reduce the number of vehicles having to manoeuvre in and out directly onto Richmond Street from their car parking spaces.</p> <p>The development proposes six resident bays and two visitor bays, which is compliant with the requirements of the R-Codes, even though the applicant has chosen not to allocate every unit with a parking bay.</p>
<p><u>Consideration of Applications</u></p> <p>Each development must be considered individually and must consider location, context and the physical environment.</p>	<p>Each development is considered individually and the merits of the development is considered in relation to its location, context and the physical environment.</p> <p>The City has assessed and considered the application against the requirements of the R-Codes and applicable Council Policies.</p>
<p><u>Quantity of Variations</u></p> <p>Recently applications seem to have pages of variations, instead of only a few variations.</p>	<p>The quality of proposed developments is unrelated to the quantity of variations proposed. Of greater importance is the impact of the variations on the amenity of the streetscape and neighbouring properties.</p> <p>The City considers each variation against the design principles that relate to each individual design aspect.</p>
<p><u>Out of Keeping with Streetscape</u></p> <p>The proposed development is out of keeping with the current streetscape in terms of setbacks and skillion roofs.</p>	<p>There is no consistent or specific form of development along Richmond Street.</p> <p>The street setback provides sufficient area for the provision of landscaping, including the planting of large mature trees, which will provide a contrast to the built form and enhance the amenity of the streetscape.</p> <p>The proposed skillion roofs provide a lower overall height relative to a traditional pitched roof and provide interest to the streetscape.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><u>Exceeding Two Storeys</u></p> <p>No other development in the area have exceeded two storeys.</p> <p>Although the development states it is two storeys, it appears higher (three storeys) from the front.</p>	<p>The proposed development is two storeys in height and has a maximum height of 6.8m, which gives the impression of a two storey high building and complies with the building height requirements.</p>
<p><u>Blocking the Laneway</u></p> <p>Ensure full and unfettered access through the lane so that other residents can access their properties.</p>	<p>It is recommended that a condition is imposed on the approval that requires a Construction Management Plan be prepared and approved by the City, which will address the impact of this development on the ROW during construction.</p> <p>Applications can be made for a permit to obstruct a laneway for a short duration for installation of services etc. and conditions will be applied requiring all affected neighbours to be given 24 hours' notice of the closure.</p>
<p><u>Density</u></p> <p>The proposed plot ratio must comply with the R60 zoning.</p>	<p>The R60 requirements of the R-Codes require a plot ratio of 0.7. The development proposes a plot ratio of 0.73. While this is a variation, it is minor. Removing the 23 square metres excess area will not change the overall bulk of the development and is therefore acceptable.</p>
<p><u>Lot Boundary Setbacks</u></p> <p>The setbacks must comply.</p>	<p>The built form is adequately setback and separated from neighbouring properties to ensure the amenity of neighbouring properties is maintained.</p>
<p><u>Size and Type of Units</u></p> <p>I do not support the amount of only one-bedroom units in one development and I think the size of the units are too small to offer occupants a healthy living environment.</p>	<p>The development of one-bedroom units will provide diversity in housing choice to enable a diverse range of occupants in the area.</p> <p>The size of the units exceed the minimum size limit required under the R-Codes.</p>
<p><u>Privacy</u></p> <p>Balconies will look directly into our backyard.</p>	<p>The proposed development is fully compliant with the privacy requirements of the R-Codes.</p>
<p><u>Unit Development</u></p> <p>The amount of unit development occurring in the immediate locality is eroding the amenity and character of the area.</p>	<p>Unit developments are a permitted use in this area.</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 proposed development does not require design excellence.

The proposed development was considered by the DAC on two occasions. The DAC were generally accepting of the design but recommended minor changes, which were incorporated into the plans currently under consideration.

The submitted plans have adequately addressed the mandatory items from DAC, (**Attachment 4**). The Chairman of the DAC advised on 24 November 2014 that the proposal was not required to be reviewed by the DAC again.

LEGAL/POLICY:

The following legislation and policies apply to the demolition of an existing single house and the construction of a two storey development comprising of eight (8) one-bedroom multiple dwellings and associated car parking.

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- *Residential Design Codes of Western Australia 2013;*
- Policy No. 7.1.3 – Leederville Precinct;
- Policy No. 7.2.1 – Residential Design Elements Policy; and
- Policy No. 7.4.8 – Development Guidelines for Multiple Dwelling.

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 help to offset urban sprawl and its 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 the new infrastructure required by Greenfield developments. It will also result in more affordable living for residents by avoiding the significant transport and car ownership costs that come with living in middle and outer suburbs.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposed development is consistent with other medium density infill development within this locality, and is appropriate as the site is close to the Leederville Centre where infill development is needed to foster vibrancy and to enhance the viability of services.

This proposal includes few variations, each of which is minimal and will have no adverse impacts on the streetscape and neighbouring properties. Multiple dwelling developments are a permitted use on this site and the proposed two storey height is permitted.

The proposed front setback provides sufficient space for private and communal landscaping within the front setback area to enhance the amenity of the streetscape, including the planting of large mature trees in the communal open space areas within the front setback.

The development is separated from neighbouring properties as the site abuts a 5 metre ROW along the eastern and southern lot boundary and together with the generous setbacks provided from the side and rear boundaries, these areas serve to reduce the impact of bulk and scale of this development on neighbouring properties.

CONCLUSION:

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

9.1.2 No. 71 (Lot: 200; D/P 92012) Edward Street, Perth – Demolition of Existing Slumping Building and Construction of New Slumping Building (Hanson Concrete Batching Plant)

Ward:	South	Date:	17 April 2015
Precinct:	Precinct 15 – EPRA	File Ref:	5.2014.704.1; PR52145
Attachments:	1 – Consultation Map 2 – Development Plans 3 – Applicant Submission 4 – Applicant Justification 5 – Development Background of Site 6 – Marked up plans showing proposed versus existing development		
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 East Perth Redevelopment Authority Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Allering and Associates on behalf of the owner Hanson Construction Materials Pty Ltd, for the Demolition of the Existing Slumping Building and Construction of a New Slumping Building to the Existing Concrete Batching Plant (Hanson Batching Plant) at No. 71 (Lot 200) Edward Street, Perth as shown on plans date stamped 18 December 2014, 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. **Stormwater**

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

3. **Street Trees**

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

4. Prior to the issue of a Building Permit for this development, the following shall be submitted to and approved by the City:

4.1 **Construction Management Plan**

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

4.2 Revised Plans

4.2.1 Lord Street Boundary Wall – Western Elevation

The proposed wall along the Lord Street frontage shall include the same architectural features as the current wall;

4.2.2 Landscaping and Irrigation Plan

A detailed landscape and reticulation plan for the development site and adjoining road verge area shall be submitted to the City for approval.

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

- a. the location and type of existing and proposed trees;
- b. the provision of any new verge trees alongside the proposed feature wall to the satisfaction of the City;
- c. all vegetation including lawns;
- d. proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- e. separate soft and hard landscaping plans (indicating details of materials to be used); and

4.3 Acoustic Report

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

5. Prior to the First Occupation of the Development, the following shall be submitted to and approved by the City:

5.1 Acoustic Report

In relation to condition 4.3, certification shall be provided that the measures recommended in the Acoustic Report approved for this development have been implemented;

5.2 Lord Street Boundary Wall

In relation to condition 4.2.1, the proposed boundary wall is to be maintained to the satisfaction of the City; and

5.3 Landscaping

In relation to condition 4.2.2, the landscaping is to be installed and maintained to the satisfaction of the City.

ADVICE NOTES:

1. This Concrete Batching Plant is approved to operate until 16 October 2017 as per the decision from the Minister for Planning; Culture and Arts; Science and Innovation on 21 May 2012;
-

2. The development must be carried out in accordance with the recommendations of the SVT Engineering Consultants Environmental Noise Assessment for the East Perth Concrete Batching Plant dated 21 April 2011, or other Noise Management Plan endorsed by the City, including in particular, but without limitation:
- 2.1 an updated Acoustic Report that demonstrates compliance with the *Environmental Protection (Noise) Regulations 1997*;
 - 2.2 operations at the premises are to maintain compliance with the 'East Perth Concrete Plant Management Plan' dated May 2014;
 - 2.3 control/reduction of noise emitted from the site and activities associated with the site;
 - 2.4 maintenance of plant/mechanical equipment and application of inspection schedules to ensure optimal, quiet working order;
 - 2.5 selection of equipment for onsite operations, including both prospective equipment, and retrofitting of existing equipment, to minimise individual and accumulative noise impacts from the site;
 - 2.6 induction and training of workforce to promote compliant operation, in accordance with the Noise Management Plan;
 - 2.7 detail the methods of on-going self-monitoring, including testing equipment, locations, frequency, technical parameters, interpretation of results, and periodic evaluation of the monitoring method (to account for further encroachment of residential development and changes to surrounding built environment over time);
 - 2.8 complaint response methods, including short and long term abatement measures and record keeping; and
 - 2.9 details of staff member(s) accountable for overseeing compliance with the Noise Management Plan;
3. Sound levels created shall not exceed the provisions of the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*. All construction work must be carried out in accordance with control of noise practices described in Section Six (6) of AS2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites":
- The equipment used for the construction work must be the quietest reasonably available;
 - Construction work is not to commence before 7.00am, or carry on after 7.00pm on Monday to Saturdays; and
 - No construction work is permitted on Sundays or Public Holidays.

Should work need to be undertaken out-of-hours, the builder/developer is to submit a Regulation 13 application to the City's Health Services, seeking approval for an exemption – the application is to be accompanied by a Noise Management Plan – exemptions will only be considered where a demonstrated need and justification exists (safety concerns with Main Roads etc.);

4. All mechanical devices/installations (i.e. roller doors, air conditioners, exhaust outlets, pool pumps, compressors etc.), to be located in a position that will not result in the emission of unreasonable noise, in accordance with the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*. Should you be uncertain as to whether compliance will be achieved, it is highly recommended that you contract the services of an Acoustic Consultant, as the City's Environmental Health Officers cannot provide technical advice in this regard. Section 80 of the *Environmental Protection Act 1986* places onus on the installer to ensure that noisy equipment is installed so as not to create unreasonable noise. It is important that you inform mechanical equipment installers of this requirement;
5. In relation to condition 2 above, 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. Compliance with the requirements of the *Environmental Protection (Noise) Regulations 1997 (WA)* by ensuring that during the period:
 - 6.1 7.00am to 10.00pm Monday to Saturday, two trucks are not simultaneously idling or moving between the filling and slumping stations for a period exceeding 24 minutes in any four hour period; and
 - 6.2 10.00pm and 7.00am Monday to Saturday only one truck is ever idling or moving between the filling and slumping stations at any one time and that such idling or movement does not exceed 24 minutes in any four hour period;
7. A Road and Verge security bond for the sum of \$4,000 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; and
8. With regard to condition 5.3, all works shall be undertaken in accordance with the approved plans, and maintained thereafter to the satisfaction of the City at the owner's expense. Council encourages landscaping methods and species selection which do not rely on reticulation.

PURPOSE OF REPORT:

For Council to approve the proposed demolition of the existing slumping building and the construction of a new slumping building.

BACKGROUND:

History:

The existing Hanson Concrete Batching Plant, was operational some 40 years, prior to 1996, when EPRA approved the above plant in its current location. Further to this the City of Perth, granted approval for time extensions to the use in 2005 and again in 2007.

The site was transferred to the jurisdiction of the City of Vincent in 2007. Further applications for additional hours of operation, the addition of a Silo Storage Building and the ongoing use of the site were considered since then. In 2009, the State Administrative Tribunal approved the application for the Silo Storage Building, with the further operation of the site approved for a period of five years by a Ministerial Decision on 21 May 2012.

A timetable of events is included in **Attachment 5**.

DETAILS:

Landowner:	Hanson Construction Materials Pty Ltd
Applicant:	Allerding and Associates
Zoning:	Metropolitan Region Scheme: Urban East Perth Redevelopment Scheme: Residential R80 Town Planning Scheme No. 2: Residential/Commercial R160
Existing Land Use:	Concrete Batching Plant
Use Class:	General Industry
Use Classification:	"Unlisted Use" in the East Perth Redevelopment Scheme
Lot Area:	5968 square metres
Right of Way:	Not Applicable
Date of Application	18 December 2014

The proposed application and the development seeks to:

- Demolish the existing slumping building;
- Construct a new extended slumping building adjacent to the concrete agitator truck exit point from the subject site to Edward Street;
- Expand the overall area of the slumping building from 170 square metres to 393.4 square metres through expansion to the north and south of the footprint of the existing building;
- Remove five on-site trees along the western elevation; and
- Include a wall on the boundary to the Lord Street reserve of 27.2 metres in length with a total height of 5.8 metres.

The proposed extension of the slumping area will allow a minimum of three trucks to be in the area at any one time. As the current slumping area only allows for two trucks, the additional capacity in the new building will reduce the number of vehicles that need to queue to enter into this area. This will reduce the negative impact of noise on the adjoining neighbouring residential land uses from the vehicles that are waiting to enter the slumping area with their engines running, is reduced. For details of the proposal, refer to **Attachment 4** and **Attachment 6** which shows the difference between the existing and proposed development.

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 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	✓	
Streetscape	✓	
Front Setback	✓	
Front Fence	✓	
Building Setbacks	✓	

Design Element	Complies	Requires the Exercise of Discretion
Boundary Wall		✓
Building Height	✓	
Building Storeys	✓	
Roof Form	✓	
Open Space	✓	
Privacy	✓	
Access & Parking	✓	
Bicycles	✓	
Solar Access	✓	
Site Works	✓	
Essential Facilities	✓	
Surveillance	✓	

Detailed Assessment

Acceptable Variations

Issue/Design Element:	Fence/Boundary Wall
Requirement:	Claisebrook North – Design Guidelines Clause 3.1.10 1.8 metres
Applicant's Proposal:	5.8 metres (Building Wall of Slumping Building)
Design Principles:	<ul style="list-style-type: none"> • Large expanses of Solid Brick Wall fronting onto public spaces are to be avoided. • Low Walls of up to 1.0 metre are permissible along the front boundary. • Other Boundary Walls may be up to 1.8 metres and preferably permeable above 1.0 metre.
Summary of Applicant's Justification:	<p><i>"The proposed boundary wall represents an extension to the existing western wall of the facility. The existing noise wall, which was approved by Council under the current planning framework, is currently constructed from the southern edge of the existing slumping building and extends to the southern boundary of the subject site and provides a visually attractive facade presentation to Lord Street. The architectural treatments currently incorporated into the existing wall will be included and extended as part of the wall extension. In this regard, the proposed noise wall extension will improve the appearance of this elevation as it will replace the existing slumping building wall with an architecturally designed facade.</i></p> <p><i>In considering the visual impact of the proposed noise wall extension, the impact is significantly lessened given that the proposal is partial extension to an existing approved wall. It is also important to note that the proposed noise wall extension is designed to reduce potential noise emission levels and avoid trucks queuing in the uncovered area between the loading bays and the existing slumping area which currently accommodates two (2) trucks. Therefore, while there may be an increased visual presence of the plant to the non-residential Lord Street interface as a result of the wall extension, the overall improved amenity outcomes associated with the reduction in noise and dust will be to the benefit of the locality. Additional landscaping on the verge in the Lord Street Reserve can be provided if required by the City.</i></p>

Issue/Design Element:	Fence/Boundary Wall
Officer Technical Comment:	<p>The proposed structure and associated boundary wall along the western elevation of Lord Street expands on the existing facility and boundary wall along Lord Street. Whilst the proposal will create a significant wall length, the inclusion of colour, same design as the existing wall and the architectural motif of the trees will assist to ameliorate its impact and break up what would otherwise be a blank wall.</p> <p>The corner of Lord Street and Edward Street is not remarkable and the addition of this structure will not be detrimental to the existing streetscape.</p> <p>The proposed variation is therefore considered to be acceptable.</p>

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	18 February 2015 – 4 March 2015		
Comments Received:	Three objections received during the community consultation period.		

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

Summary of Comments Received:	Officer Technical Comment:
<p><u>Location of the Batching Plant</u></p> <p>The batching plant is totally inconsistent with the surrounding residential and Commercial (Office) character of the neighbourhood and should be located in an industrial area.</p> <p>The upgrade will only serve to exacerbate the inconsistent use of the site as a batching plant compared to the significant development of the neighbourhood as a residential area over the past fifteen years.</p>	<p>The batching plant has approval to operate until 16 October 2017. The proposed works do not alter this approval date.</p>
<p><u>Use</u></p> <p>The dust, noise and heavy traffic generated by the plant is totally unacceptable in a Residential Area.</p> <p>The continual growth in size of the Batching Plant is of concern and should not occur.</p>	<p>The addition of the new slumping building does not alter the number of vehicles accessing the site or the operational period of the batching plant use.</p>

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

For the Applicant's response to the issues raised during the public consultation, refer to **Attachment 3**.

The proposed development was also forwarded to Main Roads WA, who advised that the proposal was acceptable.

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1; and
- East Perth Redevelopment Authority Scheme No. 1.

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*.

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 proposed structure will assist in reducing the level of noise from the existing operation by allowing the concrete trucks to be located inside the slumping building.	

SOCIAL	
Issue	Comment
Nil.	

ECONOMIC	
Issue	Comment
The development will make use of existing infrastructure and services available and avoid the cost of new infrastructure elsewhere.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It should be noted that this application will not alter the existing approval time for the Batching Plant which is until 16 October 2017.

Whilst the existing land use and scale of the existing operation is not in keeping with the intended nature of the locality, the new structure is expected to reduce the current negative impact of this operation on the adjoining residential properties.

The proposed expanded Lord Street elevation will replicate the landscaped wall motif of the existing wall. The inclusion of the landscaping motif will effectively breakup the expanse of wall that would otherwise result.

With the exception of five trees, the existing trees along the western boundary wall will remain. The applicant has also offered to plant additional trees on the verge adjoining new wall. It is therefore recommended that a condition is imposed that requires the applicant to address the landscape needs in relation to this proposal to the satisfaction of the City.

Activities on the site are required to occur in accordance with the recommendations of the SVT Engineering Consultants Environmental Noise Assessment dated 21 April 2011 and part of the Ministerial Decision of May 2012. Should the development fall outside of the recommendations of the above report a revised report is required to demonstrate compliance with the *Environmental Protection (Noise) Regulations 1997*.

CONCLUSION:

The proposed development is recommended to be approved.

9.1.3 No. 49 (Lot 86; D/P 6064) Milton Street, Mount Hawthorn – Proposed Demolition of Existing Single House and Construction of Four Two-Storey Grouped Dwellings

Ward:	North	Date:	17 April 2015
Precinct:	Precinct 1 – Mount Hawthorn	File Ref:	5.2014.645.1; PR50115
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification 4 – Marked up plans showing proposed versus required setbacks		
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 Sarris Enterprises on behalf of the owner Sarris Enterprises, for the Proposed Demolition of the Existing Single House and Construction of Four Two-Storey Dwellings at No. 49 (Lot: 86; D/P 6064) Milton Street, Mount Hawthorn as shown on amended plans date stamped 14 April 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. **Boundary Walls**

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 51 Milton Street, Mount Hawthorn and 44 Tasman Street, Mount Hawthorn, in a good and clean condition. The finish of the walls is to be either fully rendered or face brickwork;

3. **Building Appearance**

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

4. **Street Trees**

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

5. **Car Parking and Accessways**

5.1 A minimum of four resident shall be provided onsite;

5.2 The car park shall be used only by residents and visitors directly associated with the development;

- 5.3 The visitor bays are to be marked accordingly;
- 5.4 The car parking and access areas are to comply with the requirements of AS2890.1;
- 5.5 Vehicle and pedestrian access points are required to match into existing footpath and ROW levels; and
- 5.6 All crossovers shall be constructed in accordance with the City's Standard Crossover Specifications;
6. Prior to the submission of a Building Permit Application, the following shall be submitted to and approved by the City:
- 6.1 Revised Plans showing:
- 6.1.1 Front Garage Wall
- The proposed garage wall of Unit 1 fronting Milton Street is required to incorporate a minimum of two (2) significant design features. Examples of such features include significant open structures, recesses and/or planters facing the road at regular intervals, varying materials, finishes and/or colours, or attaching/integrating features into the walls design;
- 6.1.2 Front Fencing
- The front fencing to have a maximum pier height of 2.0 metres measured from natural ground level; and
- 6.1.3 Crossover
- The proposed crossover to be relocated 0.7 metres from the eastern boundary of the subject site to ensure access to the existing Water Corporation manhole is not affected;
- 6.2 Landscape and Reticulation Plan
- A detailed landscape and reticulation plan for the development site and adjoining road verge shall be submitted to the City for assessment and approval.
- For the purpose of this condition, a detailed landscape and irrigation plan shall be drawn to a scale of 1:100 and show the following:
- a. The location and type of proposed trees and plants;
 - b. All vegetation including lawns;
 - c. Proposed watering system to ensure the establishment of species and their survival during the hot and dry months;
 - d. Separate soft and hard landscaping plants (indicating details of materials to be used);
 - e. removal of redundant crossover;
- 6.3 Stormwater
- All stormwater produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City; and
-

6.4 Construction Management Plan

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

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

7.1 Car Parking

The car parking and driveway 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; and

7.2 Landscaping

With regard to condition 6.2, all works shall be undertaken in accordance with the approved plans, and maintained thereafter to the satisfaction of the City at the owner's expense.

ADVICE NOTES:

1. With regard to condition 2, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
2. Any new street/front wall, fence and gate within the Milton Street setback areas, including along the side boundaries within these street setback areas, shall comply with the City's Policy provisions relating to Street Walls and Fences;
3. The proposed letterbox within the front setback area to be a maximum solid height of 1.2 metres from natural ground level; and
4. 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's Technical Services Directorate. An application for the refund of the security bond shall be made in writing. The bond is non-transferable.

PURPOSE OF REPORT:

For Council to determine the application for four group dwellings.

BACKGROUND:

Nil.

DETAILS:

Landowner:	Sarris Enterprises Pty Ltd
Applicant:	Broadway Homes Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1: Residential R60 Town Planning Scheme No. 2: (TPS2): Residential R60
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	771 square metres
Right of Way:	Not Applicable
Date of Application:	19 November 2014

The application is for the demolition of the existing single house and the construction of four two-storey grouped dwellings. Units one to three have three bedrooms and two car bay garages with the rear unit four having three bedrooms and a single car bay garage. One driveway access is provided for the entire development.

Since advertising the proposal, the plans have been amended to provide for the following:

- An increased front setback of Unit 1 on the lower and upper floor from 1.6 metres to 2.68 metres; and
- Reduction in garage space for unit 4 from a double garage to an oversized single garage.

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 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	✓	
Streetscape	✓	
Street Setbacks		✓
Street Walls and Fencing		✓
Lot Boundary Setbacks		✓
Boundary Wall		✓
Building Height	✓	
Building Storeys	✓	
Roof Forms		✓
Open Space	✓	
Privacy	✓	
Access & Parking	✓	
Bicycles	✓	
Solar Access	✓	
Site Works	✓	
Essential Facilities	✓	
Surveillance	✓	

Detailed Assessment

Acceptable Variations

Issue/Design Element:	Street Setbacks
Requirement:	<p>Residential Design Elements Policy No. 7.2.1 Clause 6.4.2 SADC 5</p> <p>Front Setback – 3.945 metres (Average of 5 Properties either side of the Subject property).</p> <p>Porch – 1.0 metre in front of the dwelling) – 2.945 metres</p> <p>Upper Storey – 5.945 metres (2.0 metres behind ground floor)</p>
Applicant's Proposal:	<p>Front Setback – 2.68 metres (Unit 1 – Building) (Variation of 1.265 metres)</p> <p>Porch - 2.08 metres (variation of 0.865 metres)</p> <p>Upper Storey Setback – Directly Above Lower Floor (Variation of 3.265 metres)</p> <p>Refer to Attachment 4</p>
Design Principles:	<p>Residential Design Elements Policy SPC 5</p> <p>(i) 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>(ii) Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>
Summary of Applicant's Justification:	<p><i>"The subject site is constrained by an irregular, triangular lot shape, where the frontage converges to a width of only 12.0 metres at the rear. This shape presents a challenge to developing the site at the applicable R60 density:</i></p> <ul style="list-style-type: none"> • <i>The western end of Milton Street is characterised by a mix of post-war dwelling on large lots and contemporary dwellings on lots developed in accordance with the Residential R60 density.</i>

Issue/Design Element:	Street Setbacks
	<ul style="list-style-type: none"> • <i>Whilst the Local Planning Policy methodology works well in an area without development potential, it works against those developments seeking to utilise the density provided under the Scheme, such as the subject site. The methodology requires the incorporation of the property at No. 55 to be included in the calculation, which effectively reduces the development potential of the site to three units, in lieu of four.</i> • <i>The triangular shape of the subject site results in a front boundary width of 26.15 metres. When the width is translated into an average setback scenario, dwelling 1 achieves a 4.0 metre average (approximately), which is similar to the ground floor setback required under the Local Planning Policy.”</i>
<p>Officer Technical Comment:</p>	<p><u>Ground Floor</u></p> <p>There are eight properties including the subject site along the southern side of Milton Street. Of these, two properties have their secondary street setbacks to Milton Street.</p> <p>Of the remaining six lots there are four recently completed grouped and multiple dwelling developments, the subject site and one lot remaining as a single residential dwelling.</p> <p>Although an average front setback of 3.945m applies, the existing front setbacks for the grouped and multiple dwellings range from 2.9 metres to 3.57 metres. The required average front setback is larger as a result of the existing dwelling which has a front setback of 10.0m.</p> <p>The neighbouring property to the west of this site has a front setback of 2.9m. At a setback of 2.68m this proposal is 220mm forward of its neighbour, which considered to be minor in this context.</p> <p>The proposed ground floor elevation includes contrasting render colour and the front porch which offsets the reduced front setback.</p> <p><u>Upper Floor</u></p> <p>The upper floor for Unit 1 is proposed to be located directly above the lower floor providing a setback of 2.68 metres resulting in a 3.265 metre setback variation. The area of Unit 1 which intrude into the required setback are portions of Bed 2, Bed 3, the powder rooms, stairway and store, and the applicant has advised that reducing these areas would make the dwelling unusable.</p> <p>These setback variations are offset by the use of alternate colour, finish and openings on the upper floor. In addition the presence of a colourbond roof provides alternative materials to the street frontage. These finishes allow for a breaking up in the street elevation and enable the upper floor setback to be acceptable.</p> <p>In other recent developments along this southern section of Milton Street, the upper storeys have been approved flush with the lower floor, with colour and finish to offset the scale of the wall.</p>

Issue/Design Element:	Lot Boundary Setback
Requirement:	<p>Residential Design Codes Clause 5.1.3 C3.1 <u>Western</u></p> <p>Unit 4 Lower floor - (Balance) – 1.5 metres Upper floor (B1 – B2) – 1.5 metres</p> <p><u>Eastern</u> Unit 4 Lower floor – (Living) - 1.0 metres</p> <p><u>Southern</u> Upper floor (Bed 2 to Bed) – 1.5 metres</p>
Applicant's Proposal:	<p><u>Western</u> Unit 4 Lower floor – (Balance) – 1.211 metres (variation of 0.289 metres)</p> <p>Upper floor (B3 – WIR) – 1.211 metres (variation of 0.289 metres)</p> <p><u>Eastern</u> Unit 4 Lower floor – (Living) – 0.1 metre (variation of 0.9 metres)</p> <p><u>Southern</u> Upper floor (Bed 2 to Bed) – 1.3 metres (variation of 0.2 metres)</p> <p>Refer to Attachment 4.</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:	<p><u>"Unit 4 (Setback of GF Living Room)</u></p> <ul style="list-style-type: none"> • <i>The angle of the eastern boundary results in a minor variation, as the wall is proposed parallel to the western boundary. Council's assessment identifies a setback of 0.1 metres, but in practical terms, the wall achieves a setback of up to 1.3 metres (which is in excess of the requirements).</i> • <i>The variation is required to enable Unit 4 to achieve maximum use of the site area. The proposal is compliant with development requirements such as density, open space, outdoor living areas, building height etc, indicating that this proposal does not result in "over development".</i> • <i>The wall will adjoin the rear boundary of No. 35 Brady Street. The wall does not contain any openings and therefore will not result in a loss of visual privacy. The lesser setback will enable the building to act as a screen to the neighbour's courtyard area, increasing the privacy of that space."</i>

Issue/Design Element:	Lot Boundary Setback
	<p><u>“Unit 4 (Ground Floor and First Floor Western Walls)</u></p> <ul style="list-style-type: none"> • <i>The western side of the subject site is compromised by an existing three unit development on the adjoining lot, located in close proximity. The minor variations sought by this application appear similar to the corresponding setback on the adjoining site, cancelling out any amenity impacts.</i> • <i>The variations will not result in an unreasonable loss of solar access for the affected adjoining property.</i> • <i>The western side elevation of dwelling 4 incorporates some design elements which provide the building with articulation and textural interest, thereby reducing any perceived building bulk: Openings to rooms give the structure the impression of being less solid and more transparent. The walls are stepped to provide horizontal and vertical articulation.</i> • <i>The minor variations will not result in a loss of visual privacy. The walls contain only minor openings, either to non-habitable rooms or with raised sill heights to prevent overlooking.”</i> <p><u>Unit 4 (Southern)</u> <i>The minor variation does not result in excessive overshadowing of the adjoining property. The wall abuts the rear garden of the adjoining property and is well clear of the existing home. Therefore the wall will not impact on any major openings to the neighbouring building and will be obscured from sight by an existing shed.”</i></p>
Officer Technical Comment:	<p><u>Western</u> The proposed development abuts the adjoining multiple dwelling development at No. 51 Milton Street. The western setback variations of the ground floor affect courtyard and utility areas of the property.</p> <p>The ground level and upper storey setback variations are minor and will not have a negative impact on the adjoining lot.</p> <p><u>Eastern</u> The proposed lower eastern elevation of Unit 4 is located in the rear corner of the site abutting the rear outdoor area of the adjoining property at No. 35 Brady Street. Given the dwelling is located 5.0 metres from the proposed wall, the variation will not have an impact to this property in terms of reduced light or ventilation.</p> <p>As the lot is angular, the variation is most significant in the southern corner and reduces for the remainder of the wall.</p>

Issue/Design Element:	Lot Boundary Setback
	<p><u>Southern</u> The upper floor setback to Unit 4 proposes a variation of 0.2 metres to the rear of the adjoining southern property at No. 44 Tasman Street. This encroachment is considered minor and will not have any negative impact on the adjoining lot as the wall abuts an open courtyard area of the adjoining property and any bulk or overshadowing generated by it will not impact any habitable areas of the property. There are also no major openings along this elevation which could impact on privacy. The proposed overshadowing is compliant with the provisions of the Residential Design Codes.</p>
Issue/Design Element:	Boundary Walls
Requirement:	Residential Design Codes Clause 5.1.3 C3.2 Boundary Walls – One Boundary (Western)
Applicant's Proposal:	Boundary Walls – Two Boundaries (western and southern boundaries)
Design Principles:	<p>Residential Design Codes Clause 5.1.3 P3.2 P3.2 Buildings built up to boundaries (other than the street boundary) where this:</p> <ul style="list-style-type: none"> • makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas; • does not compromise the design principle contained in clause 5.1.3 P3.1; • does not have any adverse impact on the amenity of the adjoining property; • ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; • positively contributes to the prevailing development context and streetscape; and • orderly and proper planning of the locality.
Summary of Applicant's Justification:	<p><i>"Unit 4 Southern Boundary Wall (Living and Kitchen)</i></p> <ul style="list-style-type: none"> • <i>The neighbouring property to the rear has higher ground levels than the subject site, reducing the impact of the wall from the neighbour's perspective.</i> • <i>The minor variation does not result in excessive overshadowing of the adjoining property. The proposed boundary wall is located on the southern boundary of the subject site and will cause some overshadowing. However, the development complies with the solar access requirements of the R-Codes and the majority of the shadow is caused by the upper floor of the dwelling.</i> <p><i>Due to its location on the boundary, the wall does not contain any openings. As such, the proposed variation will not reduce the privacy of the adjoining site."</i></p>
Officer Technical Comment:	<p>The proposed boundary wall along the western elevation is permitted in accordance with the provisions of the Residential Design Codes.</p> <p>The southern boundary wall abuts an open rear yard area of the adjoining property at No. 44 Tasman Street. Given the existing dwelling on the lot is well clear and the proposal complies with the overshadowing provisions, the proposed wall will not result in any adverse impact to the adjoining property.</p>

Issue/Design Element:	Roof Forms
Requirement:	Residential Design Elements Policy No. 7.2.1 Clause 7.4.3 30-45 degrees
Applicant's Proposal:	24.43 degrees (Variation of 5.57 degrees – 20.57 degrees)
Design Principles:	BDPC 3 (i) The roof of a building is to be designed so that: <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
Summary of Applicant's Justification:	<i>"Pitched roofs dominate in Milton Street, however there are examples of skillion roofs, flat roofs to extensions and additions, or parapet sections on modern homes. Even on traditional homes, the pitch of the main roof varies from the pitch of a verandah, awning or sleepout. As such, in the context of roof pitches, there is little consistency in Milton Street.</i> <i>The proposed development is consistent with the prevailing roof scape character of Milton Street, in that it proposes pitched roofs for all four units.</i>
Officer Technical Comment:	The roofs to all four units are pitched. As the existing streetscape on the southern side of Milton Street includes a mixture of both skillion and pitched roofs the proposed roof form for this development is acceptable.

Unacceptable Variations

Issue/Design Element:	Street Walls and Fencing
Requirement:	Residential Design Elements Policy No. 7.2.1 Clause SADC 13 Piers to a height of 2.0 metres
Applicant's Proposal:	Piers to a height of 2.4 metres (Variation of 0.4 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>Not provided.</i>
Officer Technical Comment:	It is recommended that a condition is imposed requiring that the proposed front fencing and piers are reduced in height to 2.0 metres.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
--------------------------	-----	-------------------------------------	-----

Consultation Period:	13 January 2015 – 28 January 2015
Comments Received:	Ten (10) Objections received

Summary of Comments Received:	Officer Technical Comment:
<p><u>Privacy</u></p> <p>Concern in relation to privacy.</p>	<p>The proposed dwellings are compliant with the privacy provisions of the Residential Design Codes.</p>
<p><u>Design</u></p> <p>Note if orientation of dwellings was amended in unison with surrounding apartments privacy would not be an issue and reduction of the amenity of the adjoining landowners also.</p>	<p>The proposed dwellings are compliant with privacy provisions of the Residential Design Codes.</p>
<p><u>Landscaping</u></p> <ul style="list-style-type: none"> Note there is no allowance for landscaping north, west and south to soften the visual appearance between properties. Additional vegetation should be provided to soften the development especially along the boundaries. Concern in relation to the removal of any trees on-site especially at the front of the property. 	<p>With the increased front setback additional area is provided for landscaping. There is also a requirement to provide landscaping on the site to the satisfaction of the City.</p> <p>The existing street tree is required to remain on-site and is included as a condition.</p>
<p><u>Parking</u></p> <p>Concern in relation to congestion from additional vehicles generated by the developments on-site. Parking restrictions should be provided on the street.</p>	<p>The proposal complies with the provision of on-site car parking.</p>
<p><u>Setbacks</u></p> <ul style="list-style-type: none"> The minimal setback proposed to the front reduces the ability to soften the front of the street. The setback proposed is far too great a variation to be considered for a retention of an effective streetscape. The minimal setback proposed to the upper storey on the front setback also encroaches on the street. 	<p>The applicant has amended the proposed plans since the completion of the consultation period to increase the front setback to 2.68 metres, to more closely align with existing front setbacks of the new development in the street.</p> <p>Since advertising, changes were also made to the upper floor for Unit 1 to align it directly above the ground floor providing a street setback of 2.68 metres. Prior to these changes the upper floor was proposed to overhang the lower floor resulting in a setback of 1.1 metres to the street. As a result of these changes the proposal aligns with other existing developments in the street.</p>

Summary of Comments Received:	Officer Technical Comment:
<ul style="list-style-type: none"> • Concern in relation to the rear façade with its imposing impact. Will provide bulk to the adjoining property. It also provides extensive overshadowing to the adjoining property. • Concern in relation to side setbacks proposed, particularly along the western boundary and loss of light proposed to the adjoining property. 	<p>The proposal has also incorporated alternate colours, finishes and openings into the design, which breaks up the bulk of the building.</p> <p>Although variations are proposed in relation to the southern boundary with the wall on the boundary and the 0.2 metre setback variation to the upper floor setback, the variations affect a rear garden. This proposal also complies with the requirements for overshadowing.</p> <p>The setbacks proposed along the western boundary and on the adjoining property at No. 51 Milton Street are staggered. This configuration allows natural light and ventilation to this development and the adjoining properties. The built form of the adjoining development to the common boundary with this development is also staggered providing a variety of setbacks. As a result of the combination of open space on both sites this development will not have a negative impact on the existing dwellings to its west.</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 demolition of the existing dwelling and construction of four (4) two-storey grouped dwellings at No. 49 Milton Street, Mount Hawthorn.

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes of WA 2013;
- Policy No. 7.1.1 – Mount Hawthorn 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*.

RISK MANAGEMENT IMPLICATIONS:

It is Administration’s view that there are minimal risk 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 the 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 IMPLICATIONS:

Nil.

COMMENTS:

Milton Street area is currently in transition with a mixture of older original dwellings and new developments consisting of two storey grouped and multiple dwellings.

The current street character on the southern side of the street includes setbacks ranging from 2.9 metres to 3.57 metres. The proposal, at a setback of 2.68 metres with the alternate render, face brick finish and large window openings on the upper floor, as well as the contemporary nature of the design is considered to align with the existing streetscape.

The proposed variations to the lot boundary setbacks, boundary walls and roof forms are considered acceptable given the shape and orientation of the lot and that the proposal complies with the requirements for overshadowing and privacy.

CONCLUSION:

The proposed development is acceptable and it is recommended that the proposal is approved subject to the relevant conditions and advice notes.

9.1.4 No. 45 (Lot: 770 D/P: 301693) Cowle Street, West Perth – Proposed Demolition of Existing Single House and Construction of Four Storey Development

Ward:	South	Date:	17 April 2015
Precinct:	Precinct 12 – Hyde Park	File Ref:	PRO3685, 5.2014.438.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Development Context Report dated 8 August 2014 4 – Applicant’s Submission dated 13 October 2014 5 – Design Advisory Committee Minutes dated 21 January 2015 6 – Summary of DAC Comments from previous meetings 7 – Plans that were initially advertised 8 – Marked up plans showing proposed versus required setbacks		
Tabled Items:	Nil		
Reporting Officer:	A Groom, 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 Doepel Marsh Architects on behalf of the owner Desert Rose Investments, for the proposed Demolition of an Existing Single House and Construction of a Four Storey Development comprising Two One-Bedroom and Seven Two-Bedroom Multiple Dwellings and Associated Car Parking at No. 45 (Lot 770) Cowle Street, West Perth as shown on plans date stamped 7 April 2015 and 14 April 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 works on site;
2. **Boundary Wall**
The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 47 Cowle Street, in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork to the satisfaction of the City;
3. **Car Parking and Accessways**
 - 3.1 A minimum of eight residential car bays and two visitor bays, shall be provided on site;
 - 3.2 The car park shall be used only by residents and visitors directly associated with the development;
 - 3.3 The car parking area for visitors shall be shown as common property on the strata plan; and
 - 3.4 All pedestrian access and vehicle driveway/crossover levels shall match into the existing footpath and Right-of-Way levels to the satisfaction of the City;
4. **Building Appearance**
All external fixtures shall not be visually obtrusive from Cowle 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. 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:

5.1 Percent for Public Art

Advise the City how the proposed development will comply with the City of Vincent Percent for Public Art Policy No. 7.5.13 and the Percent for Public Art Guidelines for Developers. A value of \$15,000, being the equivalent value of one per cent (1%) of the estimated cost of the development (\$1,500,000), is to be allocated towards the public art;

6. Prior to the issue of a building permit, the following shall be submitted to and approved by the City;

6.1 Waste Management

6.1.1 A Waste Management Plan prepared to the satisfaction of the City shall be submitted and approved;

6.1.2 A bin store of sufficient size to accommodate the City's specified bin requirement shall be provided, to the satisfaction of the City; and

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

6.2 Revised Plans

6.2.1 Front Fence

The solid portion of the front fence (including along the side boundaries within the front setback area) shall not exceed a height of 1.2 metres. Above 1.2 metres the fence is to be 50 percent visually permeable to a maximum height of 1.8 metres;

6.2.2 Boundary Wall

The height of the boundary wall on the north-west lot boundary shall not exceed an average height of 6 metres; and

6.2.3 Privacy Screening

Unit 1 balcony shall be screened to the satisfaction of the City, at any point within the cone of vision less than 6 metres from a neighbouring boundary;

6.3 Landscape and Reticulation Plan

A detailed landscape and reticulation plan in accordance with the requirements of the Multiple Dwelling Policy No. 7.4.8 for the development site and adjoining road verge shall be submitted to the City for assessment and approval;

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

- 6.3.1 The location and type of existing and proposed trees and plants;
 - 6.3.2 All vegetation including lawns;
 - 6.3.3 Areas to be irrigated or reticulated;
 - 6.3.4 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
 - 6.3.5 The removal of redundant crossovers;
-

6.4 Acoustic Report

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

6.5 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, shall be submitted to and approved by the City, in accordance with the requirements of the City's Policy No. 7.5.23 – Construction Management Plans. Construction on and management of the site shall thereafter comply with the approved Construction Management Plan;

6.6 Stormwater

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

6.7 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* and a condition being included on the Sales Contract notifying proprietors and/or (prospective) purchasers of the property that:

6.7.1 The City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential dwelling; and

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

7.1 Clothes Drying Facility

Each multiple dwelling shall be provided with a clothes drying facility to be incorporated into the development in accordance with the City's Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings and the Residential Design Codes of WA 2013;

7.2 Car Parking

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

7.3 Management Plan-Vehicular Entry Gates

Any proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visual permeability and shall be either open at all times or a plan detailing management measures for the operation of the vehicular entry gates, to ensure access is readily available for residents at all times, shall be submitted to and approved by the City;

7.4 Landscaping

With regard to condition 6.3, all works shall be undertaken in accordance with the approved plans, and maintained thereafter to the satisfaction of the City at the owner's expense;

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

With regard to condition 6.7, this notification shall be lodged and registered in accordance with the *Transfer of Land Act 1893*;

7.6 Residential Bicycle Bays

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

7.7 Acoustic Report

With regard to condition 6.4, certification from an Acoustic Consultant that the measures have been undertaken shall be provided to the satisfaction of the City; and

7.8 Privacy Screening

All visual privacy screening to be implemented to the satisfaction of the City.

ADVICE NOTES:

1. With regard to condition 2, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
 2. In reference to condition 5.1 relating to Public Art the applicant has the following options:
 - 2.1 Option 1
Prior to the issue of a Building Permit for the development, obtain the City's approval for the Public Art Project and associated Artist; or
 - 2.2 Option 2
Provide cash-in-lieu of an art project. Payment must be made to the City 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);
 3. With regard to condition 6.3, Council encourages landscaping methods and species selection which do not rely on reticulation;
 4. A Road and Verge security bond for the sum of \$4,000 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; and
 5. With regard to condition 6.6, 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.
-

PURPOSE OF REPORT:

The proposal is referred to Council for determination given the proposal is for a four storey multiple dwelling development.

BACKGROUND:

Nil.

History:

Nil.

Previous Reports to Council:

Nil.

DETAILS:

Landowner:	Desert Rose Investments
Applicant:	Doepel Marsh Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): R80 Draft Town Planning Scheme No. 2 (TPS2): R80
Existing Land Use:	Single House
Use Class:	Multiple Dwelling
Use Classification:	"P"
Lot Area:	622 square metres
Right of Way:	Not Applicable
Date of Application:	13 August 2014

The application is for the demolition of the existing single house at No. 45 Cowle Street and the construction of a four-storey Multiple Dwelling Development comprising of two one-bedroom and seven two-bedroom multiple dwellings and associated car parking totalling 8 car bays for residents and 2 car bays for visitors. In order to accommodate the development it is proposed to excavate 1.7 metres at the rear of the lot.

The existing dwelling at No. 45 Cowle Street has been assessed not to have heritage value.

The current proposal has been presented to the DAC six times to achieve the design that is currently presented. The proposal has not been granted design excellence required for the consideration of additional storeys.

As the design of the proposal was changed on numerous occasions through the DAC process, the Development Application Lodgement Process and in meetings with Elected Member in the time the City has been aware of the proposal, the City has received approximately 10 different sets of amended plans.

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 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	✓	
Streetscape	✓	
Front Setback		✓
Front Fence		✓

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

Detailed Assessment

Acceptable Variations

Issue/Design Element:	Street Setback
Requirement:	<p>Residential Design Elements Policy No. 7.2.1</p> <p>Lower Floor An average of five properties either side of the development = 6.99 metres</p> <p>Upper Floor Walls - A minimum of two metres behind each portion of the ground floor setback Balconies – A minimum of one metre behind the ground floor setback</p>
Applicant's Proposal:	<p>Ground floor – 4.6 metres (proposed variation of 2.39 metres)</p> <p>Upper floors – Walls – directly above ground floor and first floor (proposed variation of 4.39 metres) Balconies – overhangs ground floor by 2.5 metres (proposed variation of 5.89 metres). Refer Attachment 8.</p>
Design Principles:	<p>SPC 5</p> <p>(i) 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>(ii) Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>

Issue/Design Element:	Street Setback
Summary of Applicant's Justification:	<i>Sub clause 2.4.1 of Policy 7.4.8 requires street setbacks to be in accordance with subclause 6.4.2(i) of Policy No. 7.2.1. The intent of this policy is primarily not for higher density development as being proposed. The subject site is located in a transitional area, where there is a mix of single residential dwellings with greater front setbacks and higher density of multiple dwelling developments with much lesser front setbacks.</i>
Officer Technical Comment:	<p>Cowle Street is currently undergoing transition with a number of new multiple dwelling developments approved with varying front setbacks similar to the variations proposed for this development.</p> <p>Examples of reduced setbacks along Cowle Street include: No. 47 Cowle Street with an approved street setback of 4.5 metres; and No. 39 Cowle Street with an approved street setback of 3.3 metres.</p> <p>The articulation of the front façade will provide greater surveillance and interaction with the street than currently existing.</p>

Issue/Design Element:	Lot Boundary Setback
Requirement:	<p>R-Codes Clause 6.1.4 South-East Boundary: Third floor – 3 metres</p> <p>North-West Boundary: Third floor – 3 metres</p>
Applicant's Proposal:	<p>South-Eastern boundary: Third floor – 2 metres (proposed variation of 1 metre)</p> <p>North-West boundary: Third floor – 2.2 metres (proposed variation of 0.8 metres). Refer Attachment 8.</p>
Design Principles:	<p>P4.1 Buildings set back 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; and • assist with the protection of privacy between adjoining properties.
Summary of Applicant's Justification:	<i>In accordance with Table 5 of the R Codes, the development requires a 3m setback from the lot boundaries. The development complies with the 3m setback, with the exception of...minor projections such as stairwells, window awnings which have cantilevered to maximise the northern light and cantilevered roof slabs which provide for landscaping.</i>

Issue/Design Element:	Lot Boundary Setback
Officer Technical Comment:	<p>The development proposes setback variations to the side setbacks on the third floor only which are minor. The portions of wall in which these variations occur extend for short distances being 4.46 metres on the north-west and 3 metres to the south-east. The north-west and south-east elevations are well articulated with the use of different materials and colours and different styles of windows.</p> <p>Given the above, the proposed variations to the third floor setbacks will not have a negative impact on the adjoining property or streetscape of Cowle Street.</p>

Issue/Design Element:	Boundary Walls
Requirement:	<p>Residential Design Codes Clause 6.1.3 C4.2 Buildings on boundaries:</p> <ul style="list-style-type: none"> - one side permitted - maximum height = 7 metres - average height = 6 metres
Applicant's Proposal:	<p>Buildings on boundaries:</p> <ul style="list-style-type: none"> - one side (North-West) - maximum height – 6.4 metres - average height – 6.2 metres (proposed variation of 0.2 metres)
Design Principles:	<p>Residential Design Codes Clause 6.1.3 P4.1 P4.1 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; and • assist with the protection of privacy between adjoining properties.
Summary of Applicant's Justification:	Nil.
Officer Technical Comment:	<p>The wall on the western boundary proposes a minor variation to the average height of this wall being 6.2 metres instead of 6 metres. The property to the north-west was approved on 7 February 2014 for the demolition of existing single house and construction of three two-storey grouped dwellings. The development includes a communal driveway running along the south-east boundary of the site, which serves as an open buffer area between the subject site and the neighbouring site to the north-west.</p> <p>Although the variation is only minor a condition is recommended to be imposed which requires that the average height of the boundary wall does not exceed 6 metres.</p>

Issue/Design Element:	Number of Storeys
Requirement:	<p>Exercise of Discretion Policy No. 7.5.11 Prescribed Height Limit = 2 storeys</p> <p>Additional height can be achieved under Policy No. 7.5.1 – Exercise of Discretion for Development Variations and TPS1.</p>

Issue/Design Element:	Number of Storeys
Applicant's Proposal:	4 Storeys
Design Principles:	<p>EC1.1 The variation will not be detrimental to the amenity of the locality, nor will it result in development that would adversely affect the significance of any heritage place or area.</p> <p>EC 1.2 The Site is zoned Residential R60 and above, Residential/Commercial, District Centre, Local Centre or Commercial.</p> <p>EC1.3 The proposed development incorporates exemplary design excellence and has the positive recommendation of the City's Design Advisory Committee.</p> <p>Additional Requirements The development must meet one (1) or more of the following additional requirements:</p> <p>AR1.2 The proposed development conserves, enhances or adaptive re-uses and existing building worthy of retention, including, but not limited to any place on the City's Municipal Heritage List; or</p> <p>AR1.3 The proposed development incorporates exemplary design excellence and has the positive recommendation of the City's Design Advisory Committee; or</p> <p>AR1.4 The proposed development incorporates sustainable design features which would qualify the development to receive a rating which significantly exceeds that required under the statutory minimum as assessed by an Organisation recognised by Council.</p>
Summary of Applicant's Justification:	<p><i>The additional storey in the proposed development will not be detrimental to the amenity of the locality as the surrounding lots are zoned R80.</i></p> <p><i>The additional storey has been addressed by actively disaggregating the built form and providing staggered setbacks from the lot boundaries which establishes a perceptual break between the development and the surrounding residential development. The height transition is also mediated by the fact the development is being built in accordance with the natural topography of the site.</i></p>
Officer Technical Comment:	<p>Although the proposal is four storeys in height it is three storeys when viewed from the street and the rear. Given that the predominant streetscape currently is single and double storey, this may appear excessive however, a number of multiple dwellings with a height of three storeys have recently been approved on Cowle Street and the fourth storey, being located in the centre of the development site, has no impact on surrounding properties.</p>

Issue/Design Element:	Roof Forms
Requirement:	<p>Residential Design Elements Policy No. 7.2.1 The use of roof pitches between 30 degrees and 45 degrees (inclusive) being encouraged.</p>
Applicant's Proposal:	Flat roof.

Issue/Design Element:	Roof Forms
Design Principles:	<p>BDPC 3</p> <p>(i) The roof of a building is to be designed so that:</p> <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
Summary of Applicant's Justification:	Nil.
Officer Technical Comment:	The flat roof would make a positive contribution to the emerging multiple dwelling dominated streetscape. The roof form is essential for the contemporary design of the property and will assist to limit any additional overshadowing to the adjoining properties.

Issue/Design Element:	Site Works
Requirement:	<p>R-Codes Clause 6.3.6</p> <p>All excavation or filling behind a line and within 1 metre of a lot boundary shall not be more than 0.5 metres above the natural ground level at the lot boundary.</p>
Applicant's Proposal:	1.7 metre excavations at rear of the property.
Design Principles:	<p>P6.1 Development that considers and responds to the natural features of the site and requires minimal excavation/fill.</p> <p>P6.2 Where excavation/fill is necessary, all finished levels respecting the natural ground level at the boundary of the site and the adjoining properties and as viewed from the street.</p> <p>P6.1 Development that considers and responds to the natural features of the site and requires minimal excavation/fill.</p>
Summary of Applicant's Justification:	<i>The site will be slightly excavated to provide vehicle access at ground level. However due to the topography of the site, the amount of excavation is minimal from the natural ground level.</i>
Officer Technical Comment:	The proposal includes excavation to the rear of the property boundaries to limit the overall height and bulk of the building. As a result of this excavation the development sits more comfortably within its surrounds and subsequently reduces the overall impact of the additional building height proposed.

Issue/Design Element:	Landscaping
Requirement:	<p>Multiple Dwellings Policy No. 7.4.8 Clause 4.2</p> <p>A minimum of 30 percent of the total site area is to be provided as landscaping (186 square metres).</p> <p>A minimum of 10 percent of the total site area shall be provided as soft landscaping within the common property area of the development (62.2 square metres).</p> <p>A minimum of 5 percent of the total site area shall be provided as soft landscaping within the private outdoor living areas of the dwellings (31.1 square metres).</p>

Issue/Design Element:	Landscaping
Applicant's Proposal:	Landscaping – 22.9% or 142.7 square metres – Landscaping of Total Area (proposed variation of 1.5% or 9.33 square metres) 6.78% or 42.18 square metres – Landscaping (Soft) of the Common Property Area (proposed variation of 3.22% or 20.02 square metres) 0% or Nil – Landscaping in Outdoor living areas (proposed variation of 5% or 31.1 square metres)
Design Principles:	P2 The space around the building is designed to allow for planting. Landscaping of the site is to be undertaken with appropriate planting, paving and other landscaping that: <ul style="list-style-type: none"> • meets the projected needs of the residents; • enhances security and safety for residents; and • contributes to the streetscape. • Assists in contributing to the amenity of the locality. • Assists in providing a landscaped setting for the building.
Summary of Applicant's Justification:	<i>Special design consideration has been undertaken to achieve landscaping provisions, such as the roof top gardens and the additional landscaping provided within the balcony areas. This has improved the overall amenity on the site for both the residents and the streetscape.</i>
Officer Technical Comment:	The applicant has provided landscaping that will visually enhance the overall design of the development. Although the applicant has not provided the required percentage of landscaping, the dispersion of landscaping across the upper floors visually breaks up the built form creating a design that integrates better with the existing streetscape.

Issue/Design Element:	Car Parking
Requirement:	R-Codes Clause 6.3.3 9 car bays (Residential) 3 car bays (Visitor)
Applicants Proposal:	8 residential car bays and 2 visitor car bays (Resultant Shortfall 2 Car Parking Bays (1 for the residents and 1 for the visitors))
Officer Technical Comment:	Whilst there is an overall shortfall of two (2) car bays, it is considered the above allocation is appropriate given the development's proximity to public transport. It is considered this will favourably influence future resident's choice of transport mode and reduce car usage. It is important to note, that if the application is supported, the City will not issue residential parking permits to residential developments of this scale. Prospective occupiers of this development will therefore not be able to park their vehicles in Cowle Street.

Issue/Design Element:	Bicycle Parking
Requirement:	R-Codes Clause 6.3.3 Adequate car and bicycle parking provided on-site in accordance with projected need related to: <ul style="list-style-type: none"> • the type, number and size of dwellings; • the availability of on-street and other off-site parking; and • the proximity of the proposed development in relation to public transport and other facilities.

Issue/Design Element:	Bicycle Parking
Applicant's Proposal:	1 bicycle rack
Design Principles:	C3.2 One bicycle space to each three dwellings for residents; and one bicycle space to each ten dwellings for visitors designed in accordance with AS2890.3 (as amended).
Summary of Applicant's Justification:	Refer to the applicant's Development Context Report contained in Attachment 3 .
Officer Technical Comment:	It is recommended that a condition of approval is imposed which requires development to be brought into compliance in this regard.

Variations which are Not Acceptable

Issue/Design Element:	Front Fence
Requirement:	Residential Design Elements Policy No. 7.2.1 SADC 13 Maximum height of solid portion of wall to be 1.2 metres above adjacent footpath level.
Applicant's Proposal:	Maximum height of solid portion of wall 1.8 metres.
Design Principles:	Residential Design Elements Policy No. 7.2.1 SPC 13 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:	Nil.
Officer Technical Comment:	It is recommended that a condition be imposed requiring that the front fence complies with the requirements of the Residential Design Elements Policy.

Issue/Design Element:	Privacy
Requirement:	R-Codes Clause 6.4.1 C1.1 First Floor – Unit 1 Balcony – 6.0 metres
Applicant's Proposal:	First Floor – Unit 1 Balcony – 4.5 metres (Variation of 1.5 metres)
Design Principles:	R-Codes Clause 6.4.1 P1.1 P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through: <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. P1.2 Maximum visual privacy to side and rear boundaries through measures such as: <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:	Privacy
Summary of Applicant's Justification:	Nil.
Officer Technical Comment:	It is recommended that a condition be imposed requiring that the Visual Privacy complies with the requirements of the R-Codes 2013.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	16 September 2014 to 8 October 2014		
Comments Received:	Four objections and one letter of support were received.		

There was no need to readvertise the current proposal as the changes made to the plans pose a lesser impact on the surrounding landowners than the development plans that were advertised. Refer **Attachment 7**.

The table below is a comparison of the two proposal:

	Advertised Proposal	Current Proposal
Number of Dwellings	10	9
Plot Ratio	623.5 square metres	617.7 square metres
Height	Maximum height at front = 13.6 m Maximum height at rear = 11.3m	Maximum height at front = 12.6m Maximum height at rear = 10.16m
Front Setback	2.095m	4.6m
Building Setbacks	1.2m and 1.75m across all floors to side boundaries	2m to 3m across all floors to side boundaries
Parking	8 residential bays and 3 visitor bays	8 residential bays and 2 visitor bays
Wall on boundary	3 boundary walls at maximum height 2.9m	1 boundary wall conditioned to be a the permitted average height of 6m
Site works	1.3m excavation at rear	1.7m excavation at rear

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

Summary of Comments Received:	Officer Technical Comment:
<p><u>Height:</u></p> <p><i>"The usual building height in this street is either 1 or 2 storeys only. These plans show a very obtrusive building spoiling the homely feeling of our street".</i></p> <p><i>"Totally out of character of existing dwellings".</i></p> <p><i>"Inconsistent with the 4 storeys shown above. Building will present as a monstrous block incongruent with anything in the street".</i></p>	<p>Four storeys in height exceeds the expected building height for this area by one storey.</p> <p>The existing predominant streetscape is single and double storey properties. More recently there have been a number of approvals of multiple dwellings on Cowle Street with a height of three storeys. Due to the changing dynamics of the street, the height of the development is considered to reflect the expected future streetscape of Cowle Street.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><i>"The bulk of this building is not consistent with, or desirable in our street. It will cast huge shadows".</i></p>	<p>The third floor at the front has been significantly setback from the lower floors to give the impression of a three storey development from Cowle Street. In addition, due to the significant cut at the rear of the property the rear elevation also appears as a three storey development.</p> <p>Due to the slope of the site and the use of cut the overall building height is sympathetic to the surrounding properties and presents as four storeys only at certain points along the side elevations.</p>
<p><u>Setback:</u></p> <p><i>"Properties in our street are not built to every available border. These boundaries will give a very aggressive appearance to this building in our street".</i></p> <p><i>"Too close to the pavement. Too imposing. No room for vegetation. Will present as a block of shoe boxes jammed together".</i></p> <p><i>"Exceeds all reasonable development criteria and should be rejected outright".</i></p>	<p>As a result of various amendments to the proposal, the development now proposes setback variations to the side setbacks on the third floor only.</p> <p>The three boundary walls that formed part of the advertised proposal have since been amended and reduced to one boundary wall only. The variation proposed to the height of the boundary wall has been conditioned to comply with the average six metre height. In addition, the boundary wall is adjacent to a common property driveway of the neighbouring approved development at No. 47 Cowle Street.</p> <p>The development reinforces the built form pattern of the surrounding similar multiple dwellings that have been approved along Cowle Street.</p> <p>The north-west and south-east elevations are well articulated with the use of different materials and colours and different styles of windows. This ensures that natural light and ventilation is available both on site and to the adjoining properties.</p>
<p><u>Roof forms:</u></p> <p><i>"Flat roof out of character with other houses in the vicinity".</i></p>	<p>Cowle Street is in transition with a number of new contemporary designed properties with flat roofs forming part of the streetscape. The proposed flat roof is therefore considered to be acceptable in this context.</p>
<p><u>Landscaping:</u></p> <p><i>"The 5% landscaping will not be sufficient for the sense of open space that the council and the community require.</i></p>	<p>Due to the provision of car parking across the ground floor of the development the ability to provide landscaping across the site to meet the required 30% is limited.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><i>"5% if actually achieved, will barely provide for rubbish bins. If the 5% includes walkways, then there will be no room for bins, plants or anything else".</i></p>	<p>In an attempt to provide adequate landscaping, the applicant has proposed portions of landscaping on the upper floors. This has resulted in an overall percentage of 22.9% of landscaping across the site and 6.78% within the common property areas of the development. This visually breaks up the overall bulk of the building and allows the development to integrate better with the street.</p>
<p><u>Bins:</u></p> <p><i>"Verges have 2 bins/household to accommodate every 2nd Wednesday i.e. this building will have 20 bins out on the verge".</i></p>	<p>A waste management plan is a standard requirement for development proposals of this scale where approval is recommended.</p>
<p><u>Parking:</u></p> <p><i>"Providing space for 7 residents out of 10 is not adequate in this street. Most homes in Cowle Street rely on street parking and to put this development in with insufficient parking will really exacerbate the problem".</i></p> <p><i>"Parking in the street is already at a premium. Adding a further 10 – 30 cars that cannot fit in front of the units will seriously impact everyone in the street, many of them rely on street parking".</i></p> <p><i>"There is currently no high rise parking facility for the overflow of visitors and residents to this medium/high density area. Street parks fill up rapidly, and people end up parking in no parking areas, or worse, almost blocking our driveway".</i></p>	<p>The applicant has provided car bays for 8 out of the 9 units. In addition 2 visitor car bays have been provided on site. Although the applicant proposes 2 less car bays than required this is considered acceptable due to the close proximity of the site to public transport.</p> <p>Where approval is recommended it is standard practice for developments of this nature that a condition is imposed requiring a Section 70A Notification being placed on title advising that no car parking permits will be issued by the City for future residents and visitors of the subject development.</p>
<p><u>Excavation:</u></p> <p><i>"Excavation exceeding guidelines will seriously impact neighbours, particularly with building so close to the boundary".</i></p>	<p>The proposed excavation will reduce the overall height of the building at the rear and is supported as it reduces the impact from the proposed height on adjoining properties.</p>
<p><u>Other:</u></p> <p><i>"High density housing in a street not designed or suited to it, will devalue the lifestyle as well as property values".</i></p>	<p>The site is zoned R80 which permits high density housing.</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

As the proposal has tried to gain the support of the DAC in relation to the additional height proposed this matter was considered by DAC on 6 occasions.

The minutes from the 21 January 2015 and summary of previous DAC meetings are contained within **Attachment 5** and **Attachment 6** respectively.

The current proposal was not presented to the DAC. The applicant has withdrawn from the DAC process and requests that Council determines the proposal without referral to the DAC.

Under the Policy 7.5.11 – Exercise of Discretion any additional storeys above the 2 permitted storeys requires design excellence, which the current proposal has not achieved. However Council can exercise discretion under Town Planning Scheme No 1 to allow additional storeys.

Council option to determine this proposal is discussed further in the Comments section.

LEGAL/POLICY:

The following legislation and policies apply:

- *Planning and Development Act 2005*;
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes of Western Australia 2013;
- No. 7.1.12 – Hyde Park Precinct Policy;
- Policy No. 7.2.1 – Residential Design Elements;
- Policy No. 7.4.8 – Development Guidelines for Multiple Dwelling; and
- Policy No. 7.5.11 – Exercise of Discretion.

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 design of the building allows for adequate light and ventilation.	

SOCIAL	
Issue	Comment
The proposal provides for an increase in housing diversity and provides housing for smaller households within the City, which are anticipated to grow in the near future.	

ECONOMIC	
Issue	Comment
The construction of the building will provide short term employment opportunities.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Cowle Street is currently experiencing a change to the existing streetscape appearance from single storey developments to multiple dwellings. Newly approved developments in the street are mostly three storeys, although additional building heights has been permitted where this additional development potential has not resulted in a built form that is excessively bulky.

The existing dwelling on this property has no heritage value and redevelopment can therefore be supported.

Significant changes have been made to the current proposal since it was first advertised. It has a contemporary appearance and all the residential units have access to natural light and ventilation and exceed the minimum dwelling size requirements of the R-Codes. However, the proposal still contains various variations.

The most significant variation is the height variation which is considered acceptable for the following reasons:

1. As a result of the setback of the front of the building on the third floor and the proposed excavation at the rear of the lot, the development presents as a three storey development from the rear and street, and only as a four storey development when viewed from the side elevations; and
2. The Draft TPS2 R80 zoning for this area will permit development to a height of four storeys.

The variations to the front setback, boundary setbacks, landscaping and car parking will not be detrimental to the area and therefore are also acceptable

Council has the option to approve this proposal by exercising its discretion under Town Planning Scheme 1 to permit the variations. Alternatively Council could refuse this proposal due to the variations proposed and under Policy No. 7.5.11 on the basis that design excellence has not been achieved.

CONCLUSION:

The proposal in its current form is acceptable for this locality, and it is therefore recommended that the proposal is approved subject to conditions.

9.1.5 Nos. 454 – 456 (Lot: 8; D/P: 1843) Fitzgerald Street, North Perth – Proposed Construction of Three Storey Commercial Building including Basement Car Parking

Ward:	South	Date:	17 April 2015
Precinct:	Precinct 9 – North Perth Centre	File Ref:	5.2014.689.1; PR53516
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification dated 25 March 2015 4 – Marked up plans showing proposed versus required setbacks 5 – Car Parking Table		
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 Kitis Nominees Pty Ltd for the Construction of Three Storey Commercial Building including Basement, Ground Floor Shop and Two (2) Levels of Office Space at Nos. 454-456 (Lot 8; D/P: 1843) Fitzgerald Street, North Perth as shown on plans date stamped 9 December 2014, included as Attachment 2, subject to the following conditions:

1. **Building Appearance**

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

2. **Street Interaction**

The doors, windows and adjacent floor areas on the ground floor fronting Fitzgerald Street shall maintain an active and interactive relationship with this street;

3. **Floor Area**

The maximum net lettable floor area of the shop and office shall be limited to 187.22 square metres and 439.5 square metres respectively;

4. **Boundary Wall**

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 452 and 458-460 Fitzgerald Street, North Perth, in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork to the satisfaction of the City;

5. **Awning**

- 5.1 The proposed awning to be a minimum height of 2.75 metres above the level of the footpath;
- 5.2 The awning shall be capable of being removed in the event of future road widening of Fitzgerald Street;
- 5.3 If and when the awning is required to be removed it is to be at the applicant's expense;

6. **Car Parking**

- 6.1 The car parking and access areas are to comply with the requirements of AS2890.1;
- 6.2 The car park areas for use shall be shown as common property on any strata plan;
- 6.3 All pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath, right-of-way and road levels; and
- 6.4 All permanent structures are to be setback a minimum of 0.5 metres from the rear property abutting the ROW to facilitate future ROW widening;

7. **Stormwater**

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

8. **Signage**

All signage that does not comply with the City's Policy relating to Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a separate Sign Permit application, being submitted to and approved by the City prior to the erection of the signage;

- 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 **Percent for Public Art**

Advise the City how the proposed development will comply with the City of Vincent Percent for Public Art Policy No. 7.5.13 and the Percent for Public Art Guidelines for Developers. A value of \$19,000, being the equivalent value of one per cent (1%) of the estimated total cost of the development (\$1,900,000), is to be allocated towards the public art; and

9.2 **Cash-in-lieu**

Pay a cash-in-lieu contribution of \$17,513.60 for the equivalent value of 3.368 car parking spaces, based on the cost of \$5,200 per bay as set out in the City's 2014/2015 Budget; Or lodge an appropriate assurance bond/bank guarantee of a value of \$17,513.60 to the satisfaction of the City;

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

10.1 **Construction Management Plan**

A Construction Management Plan, which stipulates that prior to the commencement of any earthworks or construction the following shall be submitted to the City's satisfaction:

10.1.1 Certification from a Practising Structural Engineer that the proposed method of excavation, retaining and construction is appropriate given the age of neighbouring buildings, will cause no damage to the adjoining properties and is adequate to support the proposed development;

10.1.2 Geotechnical Engineer

a. to certify that the proposed method of construction is appropriate for the soil conditions that prevail for the full depth of the proposed works on site and within the area that will be disturbed on the adjoining properties and that the proposed method will be suitable for the subgrade soil condition affected by the any proposed underpinning, so that the works will not adversely impact on adjoining properties; and

b. to prescribe the type of compaction equipment to be used to ensure that adjoining properties are protected from damaging ground vibrations;

10.1.3 Dilapidation reports at the applicant's cost to the satisfaction of the City for the adjoining Heritage listed properties located at:

a. No. 452 (Lot 7) Fitzgerald Street, North Perth (Municipal Heritage Inventory); and

b. No. 459 (Lot 8) Fitzgerald Street, North Perth (Municipal Heritage Inventory);

10.1.4 A works strategy outlining measures to be taken to ensure the protection of the heritage buildings; and

10.1.5 A vibration management plan that includes a program of monitoring any structural movement and potential vibration impacts on Nos. 452 and 459 Fitzgerald Street, with the approved program of monitoring being implemented at the commencement of works;

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

10.2 **Acoustic Report**

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

10.3 Waste Management

10.3.1 A Waste Management Plan prepared to the satisfaction of the City shall be submitted and approved;

10.3.2 A bin store of sufficient size to accommodate the City's maximum bin requirement shall be provided, to the satisfaction of the City; and

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

10.4 Schedule of External Finishes

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

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

11.1 Car Parking

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

11.2 Bicycle Parking Facilities

Three class one or two and six class three bicycle facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the City prior to installation of such facility;

11.3 Vehicle Entry Gate - Management Plan

The proposed vehicular entry gate to the car parking area shall have a minimum 50 per cent visual permeability and shall be either open at all times or 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 units at all times, shall be submitted to an approved by the City; and

11.4 Acoustic Report

With regard to condition 10.2, certification from an Acoustic Consultant that the measures have been undertaken shall be provided to the satisfaction of the City.

ADVICE NOTES:

- 1. With reference to condition 3 any increase in floor space or change of use from the uses approved for the subject land shall require Planning Approval to be applied from the City;**
 - 2. With regard to condition 4, the owners of the subject land shall obtain the consent of the owners of the relevant adjoining properties before entering those properties in order to make good the boundary walls;**
-

3. **With reference to condition 7 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;**
4. **In reference to condition 9.1 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;
5. **In relation to condition 9.2, a contribution of \$17,513.60 is to be paid for the equivalent of 3.368 car parking bays. This amount may be reduced if additional car bays are provided on-site.**

If the option to lodge an appropriate assurance/bank guarantee is taken, the bond will be released subject to the following conditions:

 - 5.1 **To the City at the date of issue of the Building Permit for the development, or first occupation of the development, whichever occurs first; or**
 - 5.2 **To the owner(s)/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or**
 - 5.3 **To the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.**

The car parking shortfall and consequent cash-in-lieu contribution can be reduced as a result of a greater number of car bays being provided on-site and to reflect the new changes in the car parking requirements;
6. **A Road, ROW and Verge security bond for the sum of \$3,500 shall be lodged with the City by the applicant, 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; and**
7. **In relation to condition 10.1.5 should any structural movement or vibration impact occur at the adjoining and adjacent heritage properties work is to cease immediately and not recommence until the City has been advised of a course of action as approved by a qualified Structural Engineer.**

PURPOSE OF REPORT:

For Council to determine a three storey commercial development.

BACKGROUND:

History:

Date	Comment
12 June 2012	The City at its Ordinary Meeting approved an application for the Demolition of an existing building and construction of a three storey commercial building including basement, ground floor Retail and two floors of office space.

DETAILS:

Landowner:	Kitis Nominees Pty Ltd
Applicant:	Kitis Nominees Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): District Centre Draft Town Planning Scheme No. 2 (TPS2): District Centre
Existing Land Use:	Vacant Site
Use Class:	Shop and Office
Use Classification:	'P' and 'P'
Lot Area:	364 square metres
Right of Way:	Eastern Side, 5.0 metres wide, Sealed
Date of Application:	9 December 2014

The development proposes the construction of a three storey commercial building which includes a basement car parking area for seven cars (including one disabled bay), ground floor retail of 187.22 square metres and two floors of office space.

Vehicle access to the site is from the ROW which is 2.2 metres lower than the western side of the lot that abuts Fitzgerald Street. To accommodate the basement car parking, excavation up to 2.7 metres is required.

The proposed development is identical in every respect to the development that was approved by Council on 12 June 2012. The previous approval was valid for a period of two years and, as it has now lapsed a fresh application is required.

The applicant was granted a demolition permit on 6 February 2014 and demolished the existing building in mid-2014. Construction of the development has not commenced yet as the applicant has had difficulty to obtain the consent from the adjoining property owners to construct on the common boundaries. Both adjoining properties are old buildings and the adjoining property owners have concerns that any building work on this site, in particular in relation to the required excavation to accommodate the basement car park, will endanger their building. The property to the south of the development site is a Category B listed building (Conservation Recommended) under the City of Vincent Municipal Heritage list.

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 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	✓	
Streetscape	✓	
Front Setback	✓	
Front Fence	N/A	

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

Detailed Assessment

Acceptable Variations

Issue/Design Element:	Rear Boundary Setbacks
Requirement:	Commercial and Mixed Use Policy No. 7.5.12 6.0 metres
Applicant's Proposal:	Basement – 5.5 metres
Design Principles:	Sufficiently ensures that the proposed development demonstrates no greater impact on the outdoor living area and habitable rooms with respect to privacy, light and overshadowing than a compliant 6.0 metre setback to the property directly backing onto the proposed development.
Summary of Applicant's Justification:	No justification provided.
Officer Technical Comment:	The basement level is the only portion of the development which intrudes into the required 6.0 metre rear setback area abutting the existing ROW and opposite the residential grouped dwelling property zoned Residential R40. Refer Attachment 4 . Due to the level difference between the front of the property to the rear, the rear portion of the basement car parking area is at grade to the ROW and therefore the area with the potential to impact the adjoining property. It is noted however that only a 0.5 metre portion of this building will intrude into the required setback area and not provide any undue bulky impacts to the adjoining residential property.

Issue/Design Element:	Car Parking
Requirement:	Parking and Access Policy No. 7.7.1 Commercial Car Parking Required – 10.368 car bays Commercial Bicycle bays required – Class 1 or 2 – 3 spaces Class 3 – 6 spaces See Car Parking Table in Attachment 5 .

Issue/Design Element:	Car Parking
Applicant's Proposal:	<p>Provided: 7 car bays, resulting in a shortfall of 3.368 car bays</p> <p>Provided: Bicycle Bays – Class 1 or 2 – Nil (shortfall of 3 bays) Class 3 – 3 spaces (shortfall of 3 bays)</p>
Summary of Applicant's Justification:	No justification provided.
Officer Technical Comment:	<p>The site is located on Fitzgerald Street, which is a high frequency public transport route and in this location, the District Centre of North Perth. Given its prominent location, there are a number of opportunities for visitors and tenants to the site to utilise other transport options.</p> <p>There are two public car parks (View and Wasley Streets) located within 200 metres of the subject property. Together these provide in excess of 80 car parking bays. In addition, bus services are available along Fitzgerald Street during the day. It is therefore considered appropriate for a car parking shortfall to be accepted.</p> <p>The Council resolution in June 2012 approved a car parking shortfall of 4.57 car bays requiring a cash-in-lieu payment of \$14,167. No payment of cash-in-lieu has been received. Although there has been a reduction in the shortfall of bays due to calculation changes, the cash-in-lieu cost has increased because the cost of each car bay has increased from \$3,100 to \$5,200.</p> <p>Given, the above it is considered acceptable for the car parking shortfall to be supported, if the cash-in-lieu payment is supported.</p> <p>A condition is recommended to be imposed on this approval to address the shortfall in bicycle parking for this development.</p>

Issue/Design Element:	Landscaping
Requirement:	<p>Commercial and Mixed Use Policy No. 7.5.12</p> <p>10% of Non- Residential – 62.67m²</p> <p>Landscaping for a minimum width of 2 metres, including deep soil planting, including a minimum of 100 litre trees at a maximum spacing of 5 metres across the full length of the site and/or retention of existing mature trees and vegetation incorporated into the rear of the proposed development as a buffer to the rear abutting property.</p> <p>Where a rear setback is required a minimum of 2.0 metres of this setback area shall be provided as landscaping with 30% required as soft landscaping.</p>
Applicant's Proposal:	Nil
Design Principles:	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.

Issue/Design Element:	Landscaping
Summary of Applicant's Justification:	No justification provided.
Officer Technical Comment:	<p>Given the development is built from boundary to boundary there is limited space on-site to provide any landscaping.</p> <p>The landscaping requirements at the rear of the property can also not be met as the entire width of the lot is required to accommodate vehicle access to the property and car bays.</p> <p>Discretion was exercised by the City in relation to landscaping as part of the approval granted in 2012 and as the circumstances of this development have not changed, a variation in this regard is considered to be appropriate again.</p>

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	3 March 2015 – 16 March 2015		
Comments Received:	Three comments were received with one comment of support, one comment of objection and one comment of concern.		

Summary of Comments Received:	Officer Technical Comment:
<p><u>Safety Measures</u></p> <p>Concern in relation to the excavation of the property and its impact to the adjoining property, in particular the awning structure above the footpath.</p> <p>Question whether the City would redirect pedestrian traffic away from the adjoining property given the existing awning may be affected by the development of the property.</p>	<p>The applicant/builder is required to excavate the proposed basement and construct the building in accordance with an approved building method. Prior to commencing development the applicant is required to carry out dilapidation reports on the adjoining properties to provide a baseline from which any damage resulting from construction work can be assessed.</p> <p>The building is required to ensure that pedestrian flow around the building site is safe.</p>
<p><u>Design</u></p> <p>Concern in relation to the building material utilised by the development. The development should fit in with the adjoining buildings and include face brickwork or rendered blockwork to match the adjoining buildings.</p>	<p>The design of the building is of a contemporary nature and of a height which aligns with the existing building fabric and the intended future development of the area.</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

The application was not referred to the Design Advisory Committee as the application was previously approved by the City and the plans are unchanged.

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 7.1.9 - North Perth Centre Precinct;
- Policy No. 7.5.12 - Commercial and Mixed Use; 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 the Administration’s view that there are minimal risks to Council and City’s business function when Council exercises its discretionary power to determine a planning approval.

In this instance however there is a risk that the method of construction could have a negative impact on the adjoining and adjacent heritage listed properties which has resulted in additional conditions being imposed to manage the risk.

STRATEGIC IMPLICATIONS:

The City’s Strategic Plan 2013-2023 states:

“Natural and Built Environment

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

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

Economic Development

2.1 *Progress economic development with adequate financial resources.*

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

SUSTAINABILITY IMPLICATIONS:

The City’s Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL	
Issue	Comment
The development consists of a one hundred (100) percent non-permeable surface, comprising basement car parking. As there are no permeable surfaces, stormwater management is important. The proposal has no environmental design features incorporated.	

SOCIAL	
Issue	Comment
The proposal provides for access to a wider range of services to the local community.	

ECONOMIC	
Issue	Comment
	The construction of the building will assist in creating employment opportunities. In addition, the proposed shop and office land uses will facilitate business development within the City, as they provide the potential for new businesses to invest whilst also creating job opportunities within the locality.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The subject place at Nos. 454 – 456 Fitzgerald Street is adjacent to No. 452 Fitzgerald Street (former Westpac Bank), which is listed on the City's Municipal Heritage Inventory as Management Category B – Conservation Recommended.

Given the proposed development is adjacent to a property that is listed on the City's Municipal Heritage Inventory and is in close proximity to another on the list, the applicant has to ensure suitable precautions are taken to protect adjoining heritage properties from damage. Therefore dilapidation reports are required for Nos. 452 and 459 Fitzgerald Street. A condition in this regard has been included in the recommendation.

The overall scale of the proposed three-storey commercial building, including basement car parking, ground floor retail and two (2) floors of office space is consistent with the type of and scale of development desired within a district centre. The proposal is in keeping with the type of development and building form stipulated within the City's Precinct Policy No. 7.1.9 – North Perth Centre Precinct.

Its scale and mass is considered to respect the former Westpac Bank at No. 452 Fitzgerald Street because the strong vertical emphasis of the proposed building is compatible to the interwar Stripped Classical heritage building.

The proposed shortfall of 3.368 car parking bays is supported as alternative means of transport (bus services) are available to access the site and there are two public car parks within 200 metres to the site along View Street and Wasley Street. The cash-in-lieu payment would be required to offset the proposed shortfall.

The development was previously approved by Council on 12 June 2012 and is unchanged.

However since the last approval the City has become aware that the proposed construction method and particularly the need for excavation has the potential to damage the adjoining old buildings. Of significant concern in this regard are the two sites listed on the City's Heritage list, and it would be preferable for a development on this site that does not include excavation.

It is therefore recommended that the proposal is approved subject to the same conditions as were previously imposed, with the exception of the conditions relating to demolition and underground power and the condition relating to the construction management plan modified to include additional provisions to ensure that the proposed construction does not damage adjoining properties.

The City has obtained independent engineering advice to assist in formulating these conditions, which include the requirement for engineering certification, geotechnical certification, dilapidation reports of specific properties and information on vibration management and works strategies.

CONCLUSION:

The proposal is acceptable and can be supported subject to standard and specific conditions.

9.1.6 No. 110 (Lot: 31, D/P 18903) Broome Street, Highgate – Proposed Balcony Extension to Unit Two of a Nine Unit Multiple Dwelling Development Under Construction

Ward:	South	Date:	17 April 2015
Precinct:	Precinct 14 – Forrest	File Ref:	5.2015.42.1; PR19010
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification 4 – Marked up plans showing proposed versus required setbacks		
Tabled Items:	Nil		
Reporting Officer:	Peter Stuart, Planning Officer (Statutory)		
Responsible Officer:	Gabriela 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 Domination Homes on behalf of the owner Baker Investments P/L, for the Proposed Balcony Extension to Unit Two of a Nine Unit Multiple Dwelling Development Under Construction at No. 110 (Lot 31) Broome Street, Highgate as shown on plans date stamped 3 February 2015, included as Attachment 2, for the following reasons:

1. The proposed balcony extension does not comply with Clause SADC (5) of Policy No. 7.2.1 – Residential Design Elements as the reduced upper floor balcony setback will have a negative impact on the streetscape;
2. The development is not consistent with the City’s Policy relating to the Forrest Precinct (Precinct 14) particularly in regard to maintaining a relationship with the existing heritage buildings within close proximity to the subject property; and
3. The proposed balcony would create an undesirable precedent for the development of the surrounding lots, which is not in the interests of orderly and proper planning for the locality.

PURPOSE OF REPORT:

For Council to determine an application to extend the balcony of Unit 2 facing Broome Street, which is part of a nine unit multiple dwelling development currently under construction.

BACKGROUND:

History:

Date	Comment
11 March 2008	Council resolved to approve the demolition of an existing house and construction of two (2) two-storey single houses.
15 April 2010	The City approved a development application for the construction of a single house under delegated authority.
23 October 2012	Council resolved to conditionally approve an application for the construction of a three storey building comprising nine multiple dwellings and associated car parking, which includes eight two-bedroom dwellings and one single-bedroom dwelling.
18 December 2012	Council approves a modified plan which proposes an additional bedroom to apartment 1 and the relocation of store 1.

Previous Reports to Council:

The approvals granted on 23 October 2012 and 18 December 2012 show the current approval of the balcony to Unit 2.

DETAILS:

Landowner:	Baker Investments P/L
Applicant:	Domination Homes
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R80 Draft Town Planning Scheme No. 2 (TPS2): Residential R80
Existing Land Use:	Three (3) Storey Multiple Dwelling Building under construction
Use Class:	Multiple Dwellings
Use Classification:	"P" – use is permitted
Lot Area:	630 square metres
Right of Way:	Not Applicable
Date of Application:	4 February 2015

The proposal seeks to extend the first floor (second storey) balcony to Unit 2 forward by approximately by 1.1 metres so that this storey is in line with the ground floor. This amendment increases the width of the balcony from two metres to three metres adding 7.9 square metres of outdoor living space for Unit 2. The additional balcony area does not change the previously approved plot ratio.

The proposed amendment was advertised to surrounding property owners and occupants.

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 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	
Streetscape		✓
Front Setback	N/A	
Front Fence	N/A	
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	✓	
Access & Parking	N/A	
Bicycles	N/A	
Solar Access	N/A	
Site Works	N/A	
Essential Facilities	N/A	
Surveillance	N/A	

The proposal has no planning implication on the overall development other than in relation to the streetscape.

Detailed Assessment

Unacceptable Variation

Issue/Design Element:	Streetscape
Requirement:	Upper floor balcony 1 metre behind ground floor = 4.957 metres from boundary.
Applicant's Proposal:	First floor (second storey) balcony in line with the ground floor setback at a 3.957 metre setback from the street boundary (variation of 1 metre) Refer Attachment 4 .
Design Principles:	Variations to the Deemed-to-Comply Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to: varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.
Summary of Applicant's Justification:	<i>"The balcony has been extended to provide a larger outdoor area for the affected unit and enhance its amenity. The overall building will remain unchanged and no additional structures will be added or removed. The existing parapet wall will remain and the only visible change from the road will be the position of the balustrade. As the balustrade section is less than 500mm high the overall effect on the elevation will be negligible."</i>
Officer Technical Comment:	<p>This addition is minor in the context of the overall development, however the effect of the balustrade at a 3.957 metre setback from the street will impact on the street as it increases the bulk width of the upper floors of building.</p> <p>The effect of the balustrade position was specifically used in the original report to Council in October 2012 as justification that the development is consistent with the current and intended streetscape.</p> <p>By pushing the balcony forward, the articulation reduces vertically and horizontally. This is in contrast to the existing approval which affords vertical and horizontal articulation by stepping the built form.</p> <p>Allowing the balcony to come forward as proposed, will present a sheer wall to Broome Street, which will impose on the streetscape. This concern was identified in relation to the existing stairwell of the development and to ameliorate that impact an artwork imprint has been approved in this location. The balcony, if pushed forward, lessens the focus on this pattern and therefore will negatively impact on the integrity of the contemporary design of the building.</p>

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	27 February 2015 – 13 March 2015		
Comments Received:	Ten (10) submissions relating to the proposed extension were received, all of which were objections.		

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

Summary of Comments Received:	Officer Technical Comment:
<p><u>Bulk:</u></p> <p>Building bulk resulting in a degradation of the streetscape.</p>	<p>The bulk of the building when viewed from the street is an important facet of good urban design. The streetscape is in transition. Therefore in line with the recently completed buildings immediately next door, retaining the upper floor setbacks is an effective way of reducing bulk.</p>
<p><u>Noise:</u></p> <p>Additional noise.</p>	<p>The balcony area has already been approved and the additional 8 square metres to the balcony is unlikely to create significant additional noise. In any event, the balcony faces Broome Street, which is within the public realm.</p>
<p><u>Heritage Properties:</u></p> <p>The extension will detract from the existing heritage properties.</p>	<p>The importance of retaining the balcony setback will serve to ensure the future intended streetscape is not overbearing on the existing heritage properties in close proximity.</p>
<p><u>Construction:</u></p> <p>Building process already extensive and impactful.</p>	<p>The building process will not be affected by this proposal.</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. 7.1.14 – Forrest 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
There are no additional environmental impacts from that previously approved.	

SOCIAL	
Issue	Comment
There are no additional social implications from that previously approved.	

ECONOMIC	
Issue	Comment
Approval may generate additional employment to install the balcony extension, if approved.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The balcony extension, although minor in the context of the total development, will have a negative impact of building bulk on the streetscape. The existing approval provides a better outcome for the streetscape and provides for an adequately sized balcony for Unit 2. A precedent of balconies being set back exists in Broome Street and was reinforced with the adjoining development recently constructed at No. 112 Broome Street.

CONCLUSION:

The extension of the balcony to the ground floor setback line is considered to result in additional bulk and scale onto the streetscape which is undesirable. In light of the above, it is recommended the proposal be refused.

9.1.7 Amendment No. 40 to Town Planning Scheme No. 1 – Prohibition of Multiple Dwellings in Mount Hawthorn

Ward:	North Ward	Date:	17 April 2015
Precinct:	Precinct 1 – Mount Hawthorn	File Ref:	SC1988
Attachments:	1 – Scheme Amendment Report (updated) 2 – Summary of Submissions		
Tabled Items:	Nil		
Reporting Officer:	J O’Keefe, A/Manager Strategic Planning, Sustainability and Heritage Services T Elliott, Planning Officer (Strategic)		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council:

1. **ADOPTS** Amendment No. 40 to the City of Vincent Town Planning Scheme No. 1 as contained in Attachment 1, to:
 - 1.1 **Include Clause 20(4)(h)(ii) as follows:**
‘Multiple Dwellings are not permitted on land coded R30 and below’;
 - 1.2 **Amend Scheme Map 1 – Mount Hawthorn to include in the additional information text box the following:**
‘Multiple Dwellings are not permitted on land coded R30 and below’;
2. **NOTES** the submissions received in relation to the advertising of amendment No. 40 to Town Planning Scheme No. 1, included as Attachment 2 and **ENDORSES** Administration’s responses to those submissions;
3. **AUTHORISES** the Chief Executive Officer to forward the signed Scheme Amendment No. 40 documentation to the Western Australian Planning Commission in accordance with Section 75 of the *Planning and Development Act 2005* with a recommendation that the Minister makes the following modifications:
 - 3.1 **Excludes** the following properties from the Amendment area:
 - No. 135 (Lot: 2 D/P: 11538) Dunedin Street, Mount Hawthorn;
 - No. 27-27A (Lot: 2 D/P: 11538) Green Street, Mount Hawthorn; and
 - No. 29 (Lot: 1 D/P: 11538) Green Street, Mount Hawthorn’. And
 - 3.2 **includes** a portion of Precinct 3 – Leederville bounded by Scarborough Beach Road, Oxford Street, Anzac Road and Loftus Street be included as part of Amendment 40.

PURPOSE OF REPORT:

For Council to consider the final adoption of Scheme Amendment No. 40.

BACKGROUND:

Council adopted a Notice of Motion at its meeting on 9 September 2014 to require Administration to submit a report to Council to consider a further amendment to Town Planning Scheme No. 1 to prohibit multiple dwellings in Mount Hawthorn on land zoned R30 and below.

This Council resolution is in response to the changes that were made to the Residential Design Codes in 2010 which removed the requirement for minimum lot sizes for multiple dwelling developments, replacing these with plot ratios on land zoned R30 and above. The effect of these changes are that greater dwelling yields can be achieved than would be permitted when minimum lot sizes apply.

This is causing concern among residential communities in areas that comprise predominantly of single residential dwellings.

The Western Australian Planning Commission (WAPC) has identified this conflict and are currently investigating amendments to the R Codes in this regard.

The Mount Hawthorn community have raised concerns that the ongoing development of multiple dwellings in the area will contribute to increased traffic, parking problems and a gradual loss of the character of the area.

To address these concerns, Council resolved to initiate Amendment No. 40 to the City of Vincent Town Planning Scheme No. 1 on 21 October 2014, as follows:

- Include Clause 20(4)(h)(ii) in the City of Vincent Town Planning Scheme No. 1:
“Multiple Dwellings will not be permitted on land coded R30 and below”.
- Amend Scheme Map 1 – Mount Hawthorn to include in the additional information text box the following:
“Multiple Dwellings will not be permitted on land coded R30 and below”.

As community consultation has now concluded, final adoption by Council of the Scheme Amendment can now occur.

History:

Date	Comment
17 December 2013	Council adopted a Notice of Motion requesting that ‘investigations be undertaken to restrict multiple dwelling developments in areas zoned R30 in Mount Hawthorn, Leederville and North Perth’.
11 February 2014	To address this matter Council supported the following two options that were presented by Administration: <i>Option 2 – Scheme Amendment to Town Planning Scheme No. 1 for selected areas zoned Residential R30 and R30/40 in Mount Hawthorn, Leederville and North Perth – Mount Hawthorn, Smiths Lake, Leederville and North Perth Precincts; and</i> <i>Option 4 - Local Planning Policy Amendment</i>
27 May 2014	Council considered a report to appoint a Consultant to prepare a Scheme Amendment and Local Planning Policy, was withdrawn due to the 2014 Residential Design Codes review.

Date	Comment
24 June 2014	Administration recommended that Council still progress a Scheme Amendment and Local Planning Policy despite proposed changes to the R Codes. The Scheme Amendment was deferred but the local planning policy relating to multiple dwellings in lower zoned areas was initiated which has not yet been progressed.
22 July 2014	Council initiated Scheme Amendment No. 39 which would classify Multiple Dwellings in Mount Hawthorn as an 'SA' use.
9 September 2014	Based on a Notice of Motion, Council resolved to require Administration to submit a report to consider a further amendment to the Town Planning Scheme to prohibit multiple dwellings on land zoned R30 and below in Mount Hawthorn.
21 October 2014	Council initiated Scheme Amendment No. 40
4 November 2014	Council resolved to endorse Scheme Amendment No. 39 and forward the signed documents to the Minister for Planning for final approval.
20 January 2015 - 11 March 2015	Formal consultation period of Scheme Amendment No. 40.
17 March 2015	Administration presented the preliminary findings of the advertising period to a Council Forum.

Scheme Amendment No. 39

Council already adopted an alternative scheme amendment known as Scheme Amendment No. 39 which proposes to list multiple dwellings in Mount Hawthorn as an 'SA' use. This means Council will have discretion to determine whether a multiple dwelling use is appropriate in a location and would do so after mandatory advertising of the proposal has been completed. Scheme Amendment No. 39 was endorsed by Council on 4 November 2014 with the signed documents forwarded to the Minister for Planning for final approval.

The community consultation of Scheme Amendment No. 39 resulted in 80% support with a total of 40 submissions received.

Should the Minister approve Scheme Amendment No. 39 this will be an interim measure that will allow Council discretion to determine applications for Multiple Dwellings in Mount Hawthorn. If Scheme Amendment No. 40 is subsequently approved it would supersede Scheme Amendment No. 39.

Previous Reports to Council:

This matter was previously reported to Council on 21 October 2014 as: '*LATE ITEM: Proposed Scheme Amendment to Prohibit Multiple Dwellings in Mount Hawthorn (SC1988)*'.

The Minutes of Item 9.1.7 from the Ordinary Meeting of Council held on 21 October 2014 are available on the City's website.

DETAILS:

The purpose of Scheme Amendment No. 40 is to prohibit the development of multiple dwellings on land zoned R30 and below in Scheme Map 1 – Mount Hawthorn, excluding land on major roads such as Oxford Street and Scarborough Beach Road.

The formal consultation period of the Scheme Amendment has resulted in 288 submissions being received of which 90% were in support of banning apartment development. Each submission requesting inclusion or exemption from the ban was considered by Administration and is discussed below.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
--------------------------	-----	-------------------------------------	-----

Consultation Period:	20 January 2015 - 11 March 2015
Consultation Type:	<ul style="list-style-type: none"> • Adverts in local papers; • Notice on the City's website; • Copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre; • Letters to the affected owners; and • Consultation with adjoining Local Authority's and government agencies.

Position	Community	Government Authority	Total Submissions	Percentage
Support	258	0	258	90%
Object	18	2	20	7%
Not Stated	4	6	10	3%
	280	8	288	

Modifications Resulting from Community Consultation

One petition was received from outside the Scheme Amendment area with a request to include the balance of the suburb of Mount Hawthorn, located in Precinct 3 – Leederville, to be included as part of the Amendment.

In addition, the owners of Nos. 27-27A, 29 Green Street and 135 Dunedin Street also requested the City consider excluding them from the Amendment area. The City has considered their submission and support their request. Both lots front Green Street and both have access from an adjacent right-of-way and Dunedin Street. The lots are also opposite a 'local centre' that contains a range of commercial uses. The lots are not integrated with the surrounding residential area and increased development potential would have little impact on the surrounding area, in addition development of multiple dwellings would support the commercial and mixed use activity opposite. Administration recommends these lots be exempt from the ban on multiple dwellings in this area.

Proposed changes to the Residential Design Codes, if successful, will reinstate minimum lot sizes to these lots.

Summary of Submissions for Scheme Amendment No. 40: Objections and Support

The main issues raised in the objections are listed below.

Issues Raised	Officer Comment
The Scheme Amendment contradicts State Planning Policy in regard to increasing density to reduce urban sprawl.	State Planning Policy discusses increased density in appropriate locations. Through the City's draft Town Planning Scheme No. 2 the City proposes increased density on major arterial roads to meet the dwelling targets set by the State Government in Directions 2031.
Multiple dwellings provide diversity of housing.	Housing diversity can be provided by single residential and grouped dwelling developments. The 2013 R-Codes amendment removed the 'family only' restriction on ancillary accommodation providing alternative dwelling options.

Issues Raised	Officer Comment
The Residential Design Codes (R-Codes) provides sufficient requirements for the assessment of multiple dwellings.	The R-Codes, within suburban areas, outline the requirements for assessment of multiple dwellings. These provisions are echoed in the City's Planning and Building Policy Manual. The R-Codes only apply an assessment framework but does not provide Council discretion to determine all applications.
Land value will decrease with development potential.	Land value is not identified as a planning consideration.

The main reasons identified by the supporting submissions are the perceived negative impacts of development of multiple dwellings and increased dwelling density in the established medium density residential areas as follows.

Issues Raised	Officer Comment
Multiple Dwellings are not appropriate in the medium density residential area of Mount Hawthorn. They are appropriate on major arterials.	The City's Draft Town Planning Scheme No. 2 proposes increases in density along main arterial routes whilst maintaining zoning in established medium density residential suburbs in order to retain existing character.
The infrastructure of Mount Hawthorn is at capacity at the current density. Increased density due to Multiple Dwelling developments would exacerbate traffic and parking issues which would detrimentally impact on the aesthetics of established character homes.	The Western Australian Planning Commission identified the issue of insufficient supply of parking in multiple dwellings and have sought to address this in the 2014 Residential Design Codes review which proposes to increase the minimum car parking requirement for multiple dwellings from 0.75 to 1.
Multiple Dwellings are not appropriate for the predominately single storey area of Mount Hawthorn as overlooking may occur.	Privacy requirements for Multiple Dwellings are contained within Clause 6.4.1 of the R-Codes.

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- *Town Planning Regulations 1967;*
- City of Vincent Town Planning Scheme No. 1 and associated Policies; and
- Residential Design Codes of Western Australia.

The Minister for Planning determines the outcome of Scheme Amendments.

RISK MANAGEMENT IMPLICATIONS:

Without the Amendment to the City's Town Planning Scheme No. 1 Multiple Dwellings will remain a permitted use in the residential zone of Mount Hawthorn. Compliant proposals for multiple dwellings in this area would therefore have no ability for refusal.

Modifying the area to which Scheme Amendment No. 40 applies may incur an additional period of consultation, delaying the final approval of the Amendment.

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 Scheme Amendment:

ENVIRONMENTAL
Lower density housing may reduce the likelihood of established trees being removed from private gardens.

SOCIAL
This amendment has been driven by the community to maintain the established medium density character of the area.

ECONOMIC
Reducing multiple dwelling developments in Mount Hawthorn may affect local employment related to construction of these dwellings.

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure associated with progressing this Scheme Amendment will be paid from the operating budget: Town Planning Scheme Amendment Policies.

COMMENTS:

The purpose of Scheme Amendment No. 40 is to prohibit multiple dwelling developments within the precinct of Mount Hawthorn (Scheme Map 1).

Clause 20 of the City's Town Planning Scheme No. 1 – *Special Application of the Residential Planning Codes*, contains restrictions on the development of multiple dwellings in the Cleaver, Hyde Park and Forrest precincts. These existing restrictions have successfully assisted in the retention of established character dwellings in these areas.

This amendment was initiated in response to community concern. Following advertising it has subsequently received overwhelming support from the residents.

In consideration of the petition received during the advertising period, it is recommended Council authorise Administration to request the Minister include the balance of the suburb of Mount Hawthorn located in Precinct 3 – Leederville as part of Scheme Amendment No. 40. This will ensure the Amendment aligns with Town Planning Scheme No. 2 and the proposed new precinct boundaries.

CONCLUSION:

Scheme Amendment No. 40 will assist in retaining the established residential character of Mount Hawthorn. Following the advertising period of the scheme amendment and the support received from the community, it is recommended that Scheme Amendment No. 40 is adopted with minor modifications.

9.1.8 LATE ITEM: No. 174 (Lot: 4 D/P: 10539) Loftus Street, North Perth – Proposed Demolition of an Existing Single House and Construction of Nine (9) Multiple Dwellings and associated Car Parking

Ward:	North	Date:	1 May 2015
Precinct:	Precinct 6 – Smith’s Lake	File Ref:	5.2014.609.1; PR14622
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Car Parking and Bicycle Table 4 – Design Advisory Committee Comments 5 – Applicant’s Report 6 – Marked up plans showing proposed versus required setbacks 7 – Previous Plans dated 18 February 2015		
Tabled Items:	Nil		
Reporting Officer:	T Wright, 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 Sandra Bransby on behalf of the owner West Leederville Investments Pty Ltd, for the proposed Demolition of an Existing Single House and Construction of a Three Storey Development Comprising of Nine (9) Two-bedroom Multiple Dwellings and Associated Car Parking at No. 174 (Lot: 4 D/P: 10539) Loftus Street, North Perth as shown on plans date stamped 21 April 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. **Car Parking and Accessways**
 - 2.1 A minimum of seven (7) resident and two (2) visitor bays shall be provided onsite;
 - 2.2 The car park shall be used only by residents and visitors directly associated with the development;
 - 2.3 The visitor bays are to be marked accordingly;
 - 2.4 The car parking and access areas are to comply with the requirements of AS2890.1;
 - 2.5 Vehicle and pedestrian access points are required to match into existing footpath levels; and
 - 2.6 All new crossovers shall be constructed in accordance with the City’s Standard Crossover Specifications;

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

4. **Existing Verge Tree**

The existing verge tree shall not be removed. The verge tree shall be retained and protected from any damage including unauthorised pruning;

5. prior to the issue of a building permit, the following shall be submitted to and approved by the City:

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

The owner shall agree in writing to:

5.1.1 A notification being lodged under section 70A of the *Transfer of Land Act 1893* notifying proprietors and/or (prospective) purchasers of the property; and

5.1.2 A notice being placed on the Sales Contract to alert prospective purchasers of the following:

- (a) The City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential dwelling;

5.2 **Acoustic Report**

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

5.3 **Landscape and Reticulation Plan**

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

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

5.3.2 Areas to be irrigated or reticulated; and

5.3.3 The removal of the redundant crossover;

5.4 **Schedule of External Finishes**

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

5.5 **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, shall be submitted to and approved by the City, in accordance with the requirements of the City's Policy No. 7.5.23 – Construction Management Plans. Construction on and management of the site shall thereafter comply with the approved Construction Management Plan;

5.6 Waste Management

- 5.6.1 A Waste Management Plan prepared to the satisfaction of the City shall be submitted and approved;
- 5.6.2 A bin store area of sufficient size to accommodate the City's bin requirements shall be provided, to the satisfaction of the City; and
- 5.6.3 Waste management for the development shall thereafter comply with the approved Waste Management Plan; and

6. PRIOR TO OCCUPATION OF THE DEVELOPMENT, the following shall be completed to the satisfaction of the City:

6.1 Clothes Drying Facility

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

6.2 Car Parking

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

6.3 Stormwater

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

6.4 Acoustic Report Certification

In relation to condition 5.2, certification from an acoustic consultant that the recommended measures have been undertaken shall be provided to the City;

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

In relation to condition 5.1, the notification shall be lodged and registered in accordance with the *Transfer of Land Act 1893*;

6.6 Landscape Plan and Verge Upgrade Plan

In relation to condition 5.3, all works shown in the plans approved with the Building Permit shall be undertaken in accordance with the approved plans and maintained thereafter to the satisfaction of the City at the applicant's expense;

6.7 Bicycle Bays

A minimum of three (3) resident bays and one (1) visitor bay is to be provided on-site. Bicycle bays must be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3; and

6.8 Vehicular Entry Gate

The proposed vehicular entry gate shall be at least 50% permeable.

ADVICE NOTES:

1. With regard to condition 2.5, the portion of the existing footpath traversing the proposed crossover must be retained. The proposed crossover levels shall match into the existing footpath levels. Should the footpath not be deemed to be in satisfactory condition, it must be replaced with in-situ concrete panels in accordance with the City's specification for reinstatement of concrete paths;
2. With reference to condition 2.6 the new crossover to the development site is subject to a separate application to be approved by the City;
3. A Road and Verge security bond for the sum of \$3000 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. With regard to condition 5.3, Council encourages landscaping methods and species selection which do not rely on reticulation;
5. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5m) 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 a request to erect scaffolding, site fencing etc. or if building materials is 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; and
6. With reference to condition 6.3, no further consideration shall be given to the disposal of stormwater 'off site' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'off site' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings.

PURPOSE OF REPORT:

For Council to determine the application for nine multiple dwellings.

BACKGROUND:

This development proposal was included on the Council Briefing Agenda for the meeting held on 31 March 2015. At that meeting, concerns and questions were raised regarding the proposed rear setback. In response the applicant requested that the item be withdrawn from the Council Meeting Agenda for the 7 May meeting, to provide additional time for them to address the concerns that had been raised. A revised proposal has now been submitted and is the subject of this current report to Council.

This report is identical to the earlier report except for minor changes resulting from the revised development proposal. The changes between this report and the 31 March Council Briefing report are shown in this report with tracked changes (underline and strikethrough).

DETAILS:

Landowner:	West Leederville Investments Pty Ltd
Applicant:	Sandra Bransby
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R60 Draft Town Planning Scheme No. 2 (TPS2): Residential R60
Existing Land Use:	Single Dwelling
Use Class:	Multiple Dwellings
Use Classification:	"P"
Lot Area:	747.6 square metres
Right of Way:	N/A
Date of Application:	29 October 2014

The proposal is for the demolition of an existing single house and the construction of nine multiple dwellings and associated car parking.

The proposed development comprises of three distinct sections of building linked by open styled balcony and stairwell areas. The built form is staggered corresponding to the site's contours that falls from Loftus Street in the west to the rear boundary to the east.

All dwellings have excellent access to northern sun, outlook and views and natural ventilation.

The subject site is located in the Leederville Precinct – Scheme Map 1. The zoning will remain at R60 in TPS2.

The current proposal varies from the April proposal as follows:

- Increased setbacks in relation to the eastern boundary resulting in the setback for the ground and first floor being compliant;
- An 6 square metres increase in the size of the development.

Refer to **Attachment 7** for the previous proposal presented to the 31 March Council Briefing.

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 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		✓
Streetscape	✓	
Front Setback		✓
Front Fence	✓	
Building Setbacks		✓
Boundary Wall	✓	
Building Height	✓	
Building Storeys	✓	
Roof Form		✓
Open Space	✓	
Privacy	✓	
Access & Parking		✓

Design Element	Complies	Requires the Exercise of Discretion
Bicycles	✓	
Solar Access	✓	
Site Works	✓	
Essential Facilities	✓	
Surveillance	✓	
Building Interface (Rear Setback)		✓
Landscaping		✓

Detailed Assessment

Acceptable Variations

Issue/Design Element:	Building Size/Plot Ratio
Requirement:	Residential Design Codes Clause 6.1.1 Required Plot Ratio: 0.7 or 524.3 square metres
Applicant's Proposal:	<u>Proposed Plot Ratio: 0.79 or 603 square metres, creating a plot ratio variation of 0.09 or 78.7 square metres.</u>
Design Principles:	Residential Design Codes Clause 6.1.1 P1 Development of the building is at a bulk and scale indicated in the local planning framework and is consistent with the existing or future desired built form of the locality.
Summary of Applicant's Justification:	The resultant built form is consistent with surrounding land uses. An active and engaging façade and articulated elevations encompassing varying setbacks and material result in an exemplary design that significantly enhances the appearance of the building whilst ameliorating building bulk. In response to the site, its context, natural gradient and orientation, the massing of the building is designed to enhance public and private amenity as it directly engages with Loftus Street and respects the scale of the adjacent properties (noting their potential for redevelopment), whilst maximising views and northern orientation. There is no adverse effect on overshadowing or visual privacy onto the adjoining residential properties.
Officer Technical Comment:	The plot ratio variation of <u>78.7</u> square metres is minimal and given the elevations are well articulated with the use of different materials, colours and large open areas, that serve to soften the built form and enhance the amenity of the development the variation is acceptable. The setback distances allow for open areas that are proposed to be landscaped to soften the built form. The proposed skillion roofs serve to reduce the overall height of the development, whereas a pitched roof would add further height and bulk to the development.

Issue/Design Element:	Street Setbacks
Requirement:	<p>Residential Design Elements Policy No. 7.2.1</p> <p>Buildings are to be setback from the street alignment such distance as is generally consistent with the building setback on adjoining land and in the immediate locality.</p> <p>This equates to:</p> <ul style="list-style-type: none"> • 13.5 metres for the ground floor; • Upper floors are to be setback 2 metres from the ground floor setback; and • Balconies are to be setback 1 metre from the ground floor setback.
Applicant's Proposal:	<ul style="list-style-type: none"> • 4.0 metres for the ground floor, (variation of 9.5 metres); • 5.0 metres for the upper floors, (variation of 10.5 metre); and • 4.5 metres for the upper floor balconies, (variation of 10 metres).
Performance Criteria:	<p>Residential Design Elements Policy No. 7.2.1</p> <p>SPC 5</p> <p>(i) 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>(ii) Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>
Summary of Applicant's Justification:	<p>The reduced street setback is reflective of the evolving built form along the eastern side of Loftus Street. Traditionally, significant setbacks are prevalent and this is conducive with the single dwelling land use, however higher densities and the capacity to deliver multiple dwelling land uses in varied built form have warranted a reduction in setbacks to Loftus Street. This is evident on the existing and recently approved multiple dwellings.</p> <p>The natural gradient over the site, with a significant reduction in floor levels from the street to the rear boundary reduces the perceived bulk of the building. This is enhanced by the articulated façade that contains varying setbacks with vertical and horizontal stepping, feature architectural elements and materials and contemporary roofline, effectively minimise the building bulk.</p> <p>The final design extensively activates with the "major road" and achieves a more suitable design outcome whilst contributing towards the emerging streetscape.</p>

Issue/Design Element:	Street Setbacks
Officer Technical Comment:	<p>The street setbacks in the locality are inconsistent due to the transitioning nature of the street created by the mix of low and medium density development.</p> <p>The proposed setback reflects Council's vision to increase density along main arterial roads.</p> <p>The proposed reduced setback is consistent with other recently developed medium density developments in the area, such as developments at Nos. 182, 190 and 192 Loftus Street.</p> <p>Due to the above the proposed setback variations are acceptable as they will have no impact on the streetscape.</p>

Issue/Design Element:	Lot Boundary Setbacks
Requirement:	<p>Residential Design Codes Clause 6.1.4</p> <p><u>Northern Boundary</u></p> <ul style="list-style-type: none"> • First floor northern bulk wall required to be setback 6.3 meters; • Second floor northern wall of unit 5's bed 2 and Unit 8's bed 2 wall required to be setback 4.8 meters; • Second floor northern wall of unit 4 required to be setback 1.9 meters; • Second floor northern bulk wall required to be setback 9 meters; <p><u>Southern Boundary</u></p> <ul style="list-style-type: none"> • First floor southern bulk wall required to be setback 6.3 meters; • Second floor southern wall of unit 5's bed 1 and unit 8's bed 1 wall required to be setback 5.2 meters; • Second floor southern wall of unit 4 required to be setback 4.3 meters; and • Second floor southern bulk wall required to be setback 8.3 meters.
Applicant's Proposal:	<p><u>Northern Boundary</u></p> <ul style="list-style-type: none"> • First floor northern bulk wall setback 6.0 meters, (variation of 0.3 meters); • Second floor northern wall of unit 5's bed 2 and Unit 8's bed 2 wall setback 3.1 meters, (variation of 1.7 meters); • Second floor northern wall of unit 4 setback 1.7 meters, (variation of 0.2 meters); • Second floor northern bulk wall setback 6 meters, (variation of 3.0 meters); <p><u>Southern Boundary</u></p> <ul style="list-style-type: none"> • First floor southern bulk wall setback 6 meters, (variation of 0.3 meters); • Second floor southern wall of unit 5's bed 1 and unit 8's bed 1 wall setback 3 meters, (variation of 2.2 meters); • Second floor southern wall of unit 4 setback 3 meters, (variation of 1.3 meters); and • Second floor southern bulk wall setback 6 meters, (variation of 2.3 meters).

Issue/Design Element:	Lot Boundary Setbacks
Performance Criteria:	<p>Residential Design Codes Clause 6.1.4</p> <p>P3.1 Buildings set back from lot boundaries so as to:</p> <ul style="list-style-type: none"> • reduce impacts of building bulk on adjoining properties; • provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • minimise the extent of overlooking and resultant loss of privacy on adjoining properties.
Summary of Applicant's Justification:	<p>The proposed boundary walls are minimal in length and when integrated within the overall design, impose no adverse building bulk or adversely affect access to northern sun to the adjoining property.</p> <p>Clear articulate facades are provided to all elevations, with extensive recesses to the balconies, and varying setbacks to walls with major openings, with setbacks varying between 1.4m - 2.4 - 3.1m - 6m.</p> <p>Varying materials and window openings further enhance the appearance of the buildings - providing interest to the elevation, ultimately ameliorating building bulk.</p> <p>The southern setbacks are designed to ensure a compliant amount of shadow (50%) is cast onto the southern property.</p>
Officer Technical Comment:	<p>The large setback requirements reflect the long and narrow nature of the site, the limited built form options available to the applicant and the applicant's desire to maximise major openings.</p> <p>Despite this, both side elevations are well articulated with open balcony and staircase areas and differing building setbacks along the side elevations to reduce the perceived bulk to the neighbouring side properties.</p> <p>The planting of mature vegetation along the northern side boundary will help to soften the built form.</p> <p>The proposal is fully compliant with the privacy and overshadowing requirements of the R-Codes.</p> <p>The variations are therefore acceptable.</p>

Issue/Design Element:	Car Parking
Requirement:	<p>Residential Design Codes 6.3.3</p> <p>Car parking requirement (nearest whole number)</p> <ul style="list-style-type: none"> • Small (<75 square metres or 1 bedroom) 0.75 spaces per dwelling 9 dwellings = 6.75 or 7 car bays • Visitors 0.25 spaces per dwelling 9 dwellings = 2.25 or 3 car bays
Applicant's Proposal:	<p>Resident bays: 9 Visitors bays: 2</p>

Issue/Design Element:	Car Parking
Performance Criteria:	<p>Residential Design Codes Clause 6.3.3</p> <p>P3.1 Adequate car and bicycle parking provided on-site in accordance with projected need related to:</p> <ul style="list-style-type: none"> • the type, number and size of dwellings; • the availability of on-street and other off-site parking; and • the proximity of the proposed development in relation to public transport and other facilities.
Summary of Applicant's Justification:	<p>The proposed development offers safe vehicular access and adequate on-site car parking (screened and contained within the building shell), suitable for the needs of the future residents, whilst adequately accommodating for visitors.</p> <p>A compliant allocation of car bays would allow 2 dwellings with no car bays allocation, however a compliant number of 3 visitor bays. A provision of 9 private bays, one per dwelling is a far superior result and excludes any conflict issues on car parking for each dwelling. An overall surplus of 1 car parking bay with 11 bays in total adequately services the needs of the development.</p> <p>Furthermore, sufficient room is provided for two-way access and adequate manoeuvrability for all vehicles. Maintaining adequate sight line clearance for vehicles entering and egressing the site.</p>
Officer Technical Comment:	<p>As the site is well served by public transport routes running along Loftus Street, which provide a convenient alternative for visitors, the proposed 1 visitor bay shortfall is acceptable.</p>

Issue/Design Element:	Building Interface (Rear Setback)
Requirement:	<p>Development Guidelines for Multiple Dwellings 2.3.1</p> <ul style="list-style-type: none"> • Ground and first floor required to be setback 2.4 metres from the eastern lot boundary; and • Second floor required to be setback 6 meters from the eastern lot boundary.
Applicant's Proposal:	<ul style="list-style-type: none"> • Ground and first floor setback 1.6 metres from the eastern lot boundary, (variations of 0.8 metres; and • Second floor setback 3.6 meters from the eastern lot boundary, (variation of 2.4 meters).
Performance Criteria:	<p>Development Guidelines for Multiple Dwellings 2.3.2</p> <p>2.3.2 Variations to the requirements of 2.3.1 may be considered where the applicant demonstrates special circumstances that ensure that greater height close to the boundary will not have a negative impact on the neighbour in regards to overshadowing, bulk or general amenity.</p>
Summary of Applicant's Justification:	<p>The proposed contemporary design encompasses varying elements of detail and material choices that enhance its appearance and effectively improve the bulk of the building as viewed from the adjoining properties.</p>

Issue/Design Element:	Building Interface (Rear Setback)
	<p>Landscaping elements are incorporated through the private courtyards and along the rear eastern boundary to effectively enhance the living environment for residents, whilst softening the appearance of the building as viewed from the rear.</p> <p>The extent of shadow cast by the development retains the unencumbered access to natural light to the eastern property, therefore retaining the overall general amenity of the property.</p>
Officer Technical Comment:	<p>The proposed setback variations are minor, except for the upper floor, however the building width as viewed from the rear elevation is narrow and is articulated with areas of open space produced by the northern and southern side boundary setbacks and the use of different colours and materials to reduce the perceived bulk to the neighbouring property to the rear.</p> <p>Although the proposed development is three stories, due to the proposed skillion roof, the overall height of the proposed development is equivalent to the required height of a two storey dwelling with a pitched roof.</p> <p>The applicant is proposing to plant mature vegetation along the rear boundary, which will help to soften the built form.</p> <p>The rear lot boundary abuts two lots to the rear therefore the impact of the variation is shared between two properties. Both of these rear neighbouring properties contain single houses that are setback a considerable distance of approximately 20 meters from their rear boundaries that serves to reduce the impact of the proposed development.</p> <p>Due to the above, the amenity of the neighbouring properties will not be affected.</p>

Issue/Design Element:	Roof Forms
Requirement:	<p>Residential Design Elements Policy No. 7.2.1</p> <p>Roof pitch to be between 30-45 degrees.</p>
Applicant's Proposal:	Skillion Roof
Performance Criteria:	<p>Residential Design Elements Policy No. 7.2.1</p> <p>BDPC 3</p> <p>(i) The roof of a building is to be designed so that:</p> <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
Summary of Applicant's Justification:	<p>The contemporary design was achieved through comprehensive discussions with the City's DAC to achieve a strongly compatible built form that ultimately reduces the perceived bulk given the capacity to deliver three storeys.</p>

Issue/Design Element:	Roof Forms
	<p>The skillion roof design reduces the overall bulk of the building and assimilates with the contemporary elements incorporated within the overall design to effectively reduce building bulk and overshadowing.</p> <p>The eclectic nature of Loft Street offers an exceptional environment for apartment residential living that assimilates the City's vision for higher densities and building heights along major roads, cementing an active façade and interaction with the street.</p>
Officer Technical Comment:	Loftus Street is a street transitioning from low to medium density development. There is little consistency with development form between older and newer developments. Therefore there is no established development form that needs to be preserved or protected along the street.

Issue/Design Element:	Landscaping
Requirement:	<p>Development Guidelines for Multiple Dwellings</p> <ul style="list-style-type: none"> • 30 percent or 225 square metres of total site area to be landscaped. • 10 percent or 75 square metres of total site area to be soft landscaping within common property area. • 5 percent or 37 square metres of total site area to be soft landscaping within private outdoor living areas of dwellings.
Applicant's Proposal:	<ul style="list-style-type: none"> • 25.7 percent or 193 square metres total landscaping, resulting in a shortfall of 4.3 percent. • 19 percent or 143 square metres soft landscaping, resulting in a surplus of 9 percent. • 2 percent or 15 square metres soft landscaping within private outdoor living areas of dwellings, resulting in a shortfall of 3 percent.
Performance Criteria:	<p>Development Guidelines for Multiple Dwellings</p> <p>P2 The space around the building is designed to allow for planting. Landscaping of the site is to be undertaken with appropriate planting, paving and other landscaping that:</p> <ul style="list-style-type: none"> • meets the projected needs of the residents; • enhances security and safety for residents; and • contributes to the streetscape. • Assists in contributing to the amenity of the locality. • Assists in providing a landscaped setting for the building. • Assists in the protection of mature trees. • Maintains a sense of open space between buildings. Assists in increasing tree and vegetation coverage.
Summary of Applicant's Justification:	An extensive area of soft landscaping is proposed throughout the site which is effectively integrated within the open car parking area as well as an extensively landscaped front setback area.

Issue/Design Element:	Landscaping
	<p>The proposed shortfall in overall landscaping is balanced by almost a doubling of the soft landscaping area than required. Landscaping elements are incorporated through the private courtyards and common areas throughout the site to effectively enhance the living environment for residents, whilst softening the appearance of the necessary hard paving areas from the street.</p> <p>Extensive landscaping within the front setback area softens the appearance of the building from the street whilst delivering a pleasing setting to the ground floor, with the potential for internal deciduous mature trees to be planted adjacent to the car park that will be visible in time, from the floors above.</p> <p>The shortfall in overall landscaping and soft landscaping within the courtyard areas is considered negligible in context of the overall design, with the overall soft landscaping assisting in contributing to the amenity of the locality and effectively maintains a sense of space between the buildings.</p>
Officer Technical Comment:	<p>The shortfall in landscaping applies to the requirements for soft landscaping within private outdoor living areas and the total site area landscaping requirements. Total site area landscaping can include hard landscaping as well as soft landscaping.</p> <p>The provision of total soft landscaping exceeds the requirements and provides a surplus of 9 percent.</p> <p>The additional provision of total soft landscaping adequately offsets the proposed reduction of soft landscaping within private outdoor living areas and the total site area landscaping requirements as the provision of total soft landscaping serves to soften built form and provide amenity to the streetscape and neighbouring properties more effectively than hard landscaping.</p>

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	17 November 2014 to 8 December 2014		
Comments Received:	Nine objections and one support		

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

Summary of Comments Received:	Officer Technical Comment:
<p><u>Parking</u></p> <p>More units will exacerbate people parking on verges.</p> <p>Visitor car parking is not enough for 9 units.</p>	<p>The amount of car parking provided for residents complies with the requirements of the R-Codes.</p> <p>The site is well served by high frequency bus routes running along Charles Street, which provide a convenient alternative for visitors.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><u>Rear and Southern Setback</u></p> <p>The reduced rear setback imposes on personal space and privacy, overpowers the rear site and devalues properties to the rear.</p> <p>The southern setback is close to the neighbouring alfresco area and will cause discomfort, overshadow the garden and devalue the property.</p>	<p>The proposed setback variations are acceptable, as potential impacts by way of bulk and scale have been adequately addressed with a high degree of material and colour articulation proposed as well as vegetation planted along the northern, southern and rear boundaries to soften the built form.</p> <p>The proposal is fully compliant with the overshadowing and privacy requirements of the R-Codes.</p>
<p><u>Building Mass</u></p> <p>The increase in plot ratio creates an overwhelming mass.</p>	<p>The proposed plot ratio variation is minor and the design includes a high degree of articulation in both material and colour as well as using landscaping to soften bulk and increase visual amenity.</p>
<p><u>Noise</u></p> <p>Noise will increase from more cars and more people living closer together. Double glassed windows should be provided for noise insulation.</p>	<p>It is recommended that a condition is imposed that an Acoustic Report is submitted, approved implemented.</p>
<p><u>Dividing Fence</u></p> <p>What will happen to the existing asbestos fence?</p>	<p>Dividing fences are not a Council matter.</p>
<p><u>Loftus Street Setback</u></p> <p>The street setback should comply with the requirements.</p>	<p>The street setbacks along Loftus Street are inconsistent due to the transitioning nature of the street, which includes a mix of low and medium density development.</p> <p>The proposed reduced setback is consistent with other recently developed medium density developments along Loftus Street and is therefore acceptable.</p>
<p><u>Landscaping</u></p> <p>Landscaping should comply with the requirements.</p>	<p>The provision of total soft landscaping is almost double the requirement and adequately offsets the proposed reduction of soft landscaping within private outdoor living areas and the total site area landscaping requirements.</p> <p>The provision of soft landscaping serves to soften the built form and provides amenity to the streetscape and neighbouring properties more effectively than hard landscaping would.</p>

Summary of Comments Received:	Officer Technical Comment:
<u>Waste Bins</u> There are not enough bins for the development.	The provision of bins and the bin store area is compliant with the City's requirements. It is recommended that a condition is imposed that a Waste Management Plan is submitted, approved and complied with.

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 proposed development has been to the DAC twice on 2 July 2014 and 3 September 2014. The DAC were generally accepting of the design and only recommended minor changes. Refer to attachment 4 for a summary of all DAC comments.

The proposed development does not require design excellence.

LEGAL/POLICY:

The following legislation and policies apply to the demolition of an existing single house and the construction of a three storey development comprising of nine (9) two-bedroom multiple dwellings and associated car parking.

- Planning and Development Act 2005;
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes of Western Australia 2013;
- Policy No. 7.1.6 – Smith's Lake Precinct;
- Policy No. 7.2.1 – Residential Design Elements; and
- Policy No. 7.4.8 – Development Guidelines for Multiple Dwelling;

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL
The development will help to offset urban sprawl and its associated negative impacts.

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

ECONOMIC
The development will make use of existing infrastructure and services available in an already built-up area, avoiding the cost of the new infrastructure required by Greenfield developments. It will also result in more affordable living for residents by avoiding the significant transport and car ownership costs that come with living in middle and outer suburbs.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposed three storey development is considered to be of a scale that is consistent with the City's vision to locate higher density development along main arterial roads. The design is consistent with other higher density infill developments along the street and contributes positively to the transition of Loftus Street to a medium density corridor.

All of the residential units have access to natural light and ventilation and exceed the minimum dwelling size requirements of the R-Codes. The dwellings will add variety to the housing stock in the area in terms of affordability, size and style. The design has been carefully considered to minimise adverse impacts to the streetscape and neighbouring properties.

CONCLUSION:

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

9.2 TECHNICAL SERVICES

9.2.1 Leederville Town Centre Enhancement Project – Newcastle Street and Carr Place Intersection Proposed Modifications - Further Report

Ward:	South	Date:	17 April 2015
Precinct:	Oxford Centre (4)	File Ref:	SC1669
Attachments:	1 – Plan No. 3064-CP-01B 2 – Summary of Comments 3 – Plan No. 3064-CP-01D 4 – WA Taxi ‘best guide’ 5 – Initial Artist Impression		
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 the upgrade of the Newcastle Street and Carr Place intersection as shown on attached Plan No. 3064-CP-01D (Attachment 3), estimated to cost \$310,000, which has been revised to include some suggestions/comments received from the community;
2. **NOTES** that \$180,000 is included in the 2014/2015 budget and agrees to list the remaining funds for consideration in the 2015/2016 draft budget; and
3. **ADVISES** all respondents of its decision.

PURPOSE OF REPORT:

To seek Council’s approval to implement the alternative proposal for the Newcastle Street/Carr Place intersection in Leederville.

BACKGROUND:

The report considered by Council on 10 March 2015 provided comprehensive background information regarding the proposal and after considering the report Council made the following decision (in part).

“That Council:

1. *APPROVES IN PRINCIPLE* the revised proposal for the upgrade of the Carr/Newcastle Street intersection as shown on attached plan No. 3064-CP-01B estimated to cost \$310,000 including road rehabilitation and resurfacing;
2. *CONSULTS with*
 - 2.1 *business and residents in the area bounded by Leederville Parade, Loftus Street, Vincent Street and the Freeway; and*
 - 2.2 *the Taxi Board requesting they provide information/feedback regarding protocols for use of taxi ranks and the suitability of the Newcastle Street rank in terms of number of bays required at this location; and*
3. *RECEIVES a further report at the conclusion of the consultation period”.*

Note: Plan No. 3064-CP-01B has been included as **Attachment 1**

DETAILS:

Proposal:

As requested by Council, the community was consulted on the revised proposal for improvements to the Carr/Newcastle intersection improvements. The revised proposal incorporates the following:

- A continuous paved area linking pedestrians across the Carr Place/Newcastle Street intersection at the same grade as the existing footpath;
- A future Major Artwork to be located at the eastern end of the space to be visible from the major view corridors up Newcastle Street, Carr Place and from Oxford Street;
- The potential for temporary seating;
- Improved landscaping around the existing trees in the form of a retained boundary that would double as informal seating; and
- Use of planter boxes to soften the area with the flexibility to move should the space be used for an event etc.
- A space for street performance and events;
- A meeting place and orientation point for visitors.
- The inclusion of planter boxes located strategically to increase the greening of the space.
- A net gain of eight (8) on road parking bays.
- Revised taxi rank layout

Administration Comments:

While the number of responses were low (only 51 replies from over 1,300 letters distributed), the response received was overwhelmingly positive (refer **Attachment 2**).

The following community feedback, where feasible has been incorporated into the revised design. Other comments received related to other matters not directly associated with this particular proposal.

Community Feedback	Administration Comment
<i>More seating, bike racks and plenty of greenery.</i>	This will be incorporated into the design where possible.
<i>Speed hump locations to be reconsidered.</i>	The proposed speed humps in Carr Place will be 'low profile' and have been strategically placed to warn motorists of a changed road situation i.e. 90 degree angle parking.
<i>Stormwater drainage needs to be improved.</i>	Some drainage improvements will be undertaken as part of the works.
<i>Concerned regarding disruption during implementation.</i>	The project will be managed to keep disruption to adjacent businesses and residents to an absolute minimum.
<i>Numerous comments regarding cyclist's safety along Newcastle Street at this location.</i>	Comments will be discussed with MRWA to determine if any further improvements can be implemented regarding line marking/signage etc.
<i>Do not create parking bays 7 – 11 and pedestrianised further.</i>	Part of the proposal is to create some additional parking bays. Some bays were already previously removed from the proposal.
<i>I like the proposal however I am concerned that the proposed trees in planters will reduce the visibility of my business. I suggest low level plantings instead. One of the trees proposed for Carr Place (in the angle parking bays 5/6) will be located in front of my entry.</i>	This has been discussed with the City's Place Manager. The planters of concern are proposed to be located along the Newcastle Street frontage. Low plantings will be considered in this location. The proposed tree in parking bays 5/6 will be relocated to 6/7.
<i>What is missing is a pedestrian crossing west of the vehicle access to Leederville Village.</i>	This has been investigated and there is no scope to implement this. There is scope however to implement this on the eastern side of the access to Leederville Village.

<i>Consider a water feature and a loading bay for businesses in the area.</i>	A fountain is not part of the proposal as a major artwork will be accommodated on the site, however a loading zone on Newcastle Street in the vicinity of the intersection was recently approved by Council at its April meeting.
<i>Use bird attracting native trees.</i>	Will be investigated
<i>Concerned layout will create a bottleneck.</i>	Angle parking has been successfully implemented in several roads intersecting Beaufort Street (and in other locations) with no significant problems experienced.
<i>Concerned with raised roadway and persons with impaired vision.</i>	Adequate measures will be incorporated into the design to ensure it fully complies with disability access requirements. The nature of the design will create a very low speed environment.

Refer revised Plan No 3064-CP-01D at **Attachment 3**.

Taxi Council of WA:

Best guide for taxi ranks was provided by the Taxi Council. Refer to **Attachment 4**.

Water Corporation of Western Australia:

Water Corporation indicated it had no comments regarding the proposal.

CONSULTATION/ADVERTISING:

On 18 March 2015 over 1,300 letters were distributed to residents/business in the Leederville Area. Letters to business were hand delivered. At the close of consultation 51 responses were received with 45 in favour, nil against and six with other comments. All respondents will be advised of Council's decision.

LEGAL/POLICY:

Newcastle Street and Carr Place are under the care, control and management of the City of Vincent.

RISK MANAGEMENT IMPLICATIONS:

Low: This proposal will improve the level of service and the amenity of the intersection.

STRATEGIC IMPLICATIONS:

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

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

SUSTAINABILITY IMPLICATIONS:

This proposal provides for the creation of additional green space in accordance with City's Sustainable Environment Strategy 2011-2016.

FINANCIAL/BUDGET IMPLICATIONS:

Council allocated \$180,000 in the 2014/2015 budget to undertake the intersection improvements works. Additional funds will be listed for consideration in the 2015/2016 draft budget.

Streetscape Works:

- Remove pavement/kerbing;
- New paving;
- Interlocking pavers;
- New kerbing;
- Flush beams;
- Landscaping;
- Drainage;
- Reinstatements; and
- Traffic Control/set out/supervision/contingency.

Estimated Cost = \$225,000 (to be part-funded from Cash in Lieu for parking reserve)

Road Rehabilitation/Resurfacing:

- Mill out roads (Carr Place/Newcastle Street);
- Supply/lay red asphalt; and
- Traffic control/Supervision/Contingency.

Estimated Cost = \$85,000 (to be funded from 2015/2016 Local Roads Program).

COMMENTS:

The Newcastle Street/Carr Place intersection lends itself to implementing modifications which will not only improve traffic flow in and out of Carr Place, but will also enable a pedestrian friendly space to be created. The community was requested to provide feedback regarding the revised proposal and while only a few responses were received, compared with the number of consultation packs distributed, the majority of respondents support the revised proposal.

**9.2.2 State Underground Power Program – Brookman Street and Moir Street
Heritage Precinct Underground Power Project – Progress Report No. 4**

ITEM WITHDRAWN BY ADMINISTRATION.

9.2.3 Proposed Amendment to Section 5 “Guidelines and Policy Procedures for Rights of Way, Policy No. 2.2.8” - Naming of Rights of Way

Ward:	Both	Date:	17 April 2015
Precinct:	All	File Ref:	ADM0023
Attachments:	1 – Draft Amended Policy 2 – Draft Naming Guidelines		
Tabled Items:	Nil		
Reporting Officer:	A Munyard, Senior Technical Officer- Land and Development		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council;

1. **APPROVES IN PRINCIPLE** the proposed amendments to Section 5 of “Guidelines and Policy Procedures for Rights of Way, Policy No. 2.2.8” relating to naming Rights of Way shown in attachment 1;
2. **ADVERTISES** the amended Policy for a period of 14 days, seeking public comment; and
3. **RECEIVES** a further report at the conclusion of the advertising period.

PURPOSE OF REPORT:

For Council to consider revising a portion of Council Policy No 2.2.8 *regarding* to the naming of Rights of Way.

BACKGROUND:

Ordinary Meeting of Council – 22 May 2012:

Council considered the matter relating to the naming of Rights of Way and adopted the following decision (in part):

“REQUESTS the Chief Executive Officer to modify Section 5 of “Guidelines and Policy Procedures for Rights of Way, Policy No. 2.2.8” relating to naming rights of way to include:

- *Criteria for assigning names to rights of way. Such criteria are to list possible themes or, if based on the names of people or families, a mechanism to ensure that the name is assigned in an equitable and open manner;*
- *A mechanism to seek community feedback on potential names prior to a name being submitted to the Geographic Names Committee for ‘in principle’ approval.*
- *Any other matter considered relevant by the Chief Executive Officer.”*

Ordinary Meeting of Council – 26 June 2012:

Administration researched the matter and recommended that the previous Policy be expanded to include a new schedule ‘Criteria for Assigning Names to Rights of Way and Laneways’, making an application, advertising etc. where the following decision was made:

“That the Council;

1. **APPROVES BY AN ABSOLUTE MAJORITY:**
 - 1.1 to rename Policy No. 2.2.8 “Rights of Way” to “Laneways and Rights of Way”;

- 1.2 *to amend Policy No. 2.2.8 – “Rights of Way” – Guidelines Clause 5. “Naming”, as shown in Appendix 9.5.1; and*
- 1.3 *subject to clause 1.1 above being approved, to amend Policy No. 4.1.5 – “Community Consultation” – “Guidelines and Policy Procedure Part 7 – Non-Statutory and General Consultation”*
2. *AUTHORISES the Chief Executive Officer to ADVERTISE Policy No. 2.2.8 – “Rights of Way” – Guidelines Clause 5. “Naming”, for a period of twenty one (21) days, seeking public comment; and*
3. *after the expiry of the period of submissions:*
 - 3.1 *REVIEWS Policy No. 2.2.8 – “Rights of Way” – Guidelines Clause 5. “Naming”, having regard to any written submissions;*
 - 3.2 *DETERMINES to proceed with, or not to proceed with Policy No. 2.2.8 – “Rights of Way” – Guidelines Clause 5. “Naming”, with or without amendment; and*
 - 3.3 *include Policy No. 2.2.8 – “Rights of Way” – Guidelines Clause 5. “Naming”, in the City’s Policy Manual if no submissions are received from the public.*

Ordinary Meeting of Council held on 28 August 2012:

Council adopted the amended Policy No. 2.2.8.

Ordinary Meeting of Council – 11 March 2014:

A proposal for further amendment was put before Council, who made the following decision:

“That the item be DEFERRED for further consideration and reported to the Ordinary Meeting of Council to be held on 8 April 2014.”

Council Forum – 9 December 2014:

Administration made a presentation on the background of the ROWs Policy issues, including recommendations that the naming process be simplified, enabling the backlog of requests to be cleared.

DETAILS:

A number of different approaches to ROW naming were discussed at the Council Forum. The possibility of naming groups of ROWs in one or twice yearly events was suggested, however this would need to be formalised in a program with an allocation of funds. It was agreed that should such a program be adopted, it would not preclude individual naming applications from being accepted.

There was general agreement that an amendment was required to Clause 5 of the Policy, to ensure that it reflected the requirements of the Geographic Names Committee Guidelines which comprise an extensive document with too much detail to be included in the Policy itself.

Note: The Geographic Names Committee’s “Policies and Standards for Geographic Naming in Western Australia” can be made available on the City’s website.

At the conclusion of the Forum discussion, there was general agreement with the suggestion that Council receive and approve a revised policy which makes clear what the City’s naming parameters are, and after that, decisions on naming would be an administrative matter.

The draft revised policy is included as **Attachment 1**, with tracked changes shown highlighted. Clause 7 of the policy and clause 5 of the Guidelines relate to naming of ROWs

Specific proposed changes to the policy are summarised below:

- Having regard for the requirements of Landgate's Geographic Names Committee's "Policies and Standards for Geographical Naming in Western Australia", a local government may submit names it deems suitable for application to a Right of Way to the Geographic Names Committee for approval and application.
- The City may, from time to time, initiate a program to name certain ROWs, but will also consider an application to name a ROW submitted by the public, on a case by case basis, and will assess/determine each application on its merit.
- All naming recommendations supported by the City must be consistent with the Geographic Names Committee's Policies and Standards for Geographical naming in Western Australia, who will grant final approval.
- Once it has been determined that the proposed name/s complies with the City's Policy, it shall be advertised on the City's website for 21 days. At the conclusion of the advertising period, all submissions received shall be considered, and a report will be prepared for the Chief Executive Officer to approve/reject the proposal. The approved the name/s shall be submitted to the Geographic Names Committee for final approval and application.
- Once the name/s has been approved by the Geographic Names Committee, the applicant and all owners/occupiers adjoining the ROW will be advised of the new name.
- The manufacture and installation of street nameplates and poles will be arranged, once the applicant has paid the required monies as outlined in the adopted Fees and Charges.

In addition Geographic Names Committee ROW naming procedure has been appended to the policy.

CONSULTATION/ADVERTISING:

The proposed amendment will be advertised for 21 days.

LEGAL/POLICY:

Policies are not legally enforceable; however they provide guidance to the City's Administration and Council Members when considering various matters.

RISK MANAGEMENT IMPLICATIONS:

Low: The failure to review Council Policies will not result in any breach of legislation. However, the adoption of policies will improve information to Council, the City's Administration and the community.

STRATEGIC IMPLICATIONS:

This matter is in keeping with the Strategic Plan 2013 – 2023 – Key Result Area 4:

"Leadership, Governance and Management: 4.1.2 – Manage the Organisation in a responsible, efficient and accountable manner".

SUSTAINABILITY IMPLICATIONS:

Not applicable

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

The City's Policies are reviewed every 5 years. The amended 'simplified' policy will provide guidance to Council and the City's Administration on Rights of Way naming matters.

9.2.4 Proposed Fitzgerald Street Peak Period Bus Lanes

Ward:	Both	Date:	17 April 2015
Precinct:	Smith's Lake (6), North Perth (8), North Perth Centre (9), Norfolk (10), Hyde Park (12), Beaufort (13)	File Ref:	SC976, SC228
Attachments:	1 – PTA – Fitzgerald Street Bus Priority		
Tabled Items:	Nil		
Reporting Officer:	C Wilson, Manager Asset and Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

- APPROVES IN PRINCIPLE** the installation of peak period bus lanes in Fitzgerald Street between Walcott and Newcastle Streets, as listed in the following table;

Morning City bound	from 6.30am to 9.00am Monday to Friday
Afternoon outward bound	from 4.00pm to 6.00pm Monday to Friday

subject to the Public Transport Authority agreeing to:

- provide the City with final detailed design drawings of the proposal bus lanes north of Newcastle Street;
 - fully fund all works associated with the proposal including, but not limited to, all changes to parking control signage/line marking;
 - consult with all property owners, residents and businesses along Fitzgerald Street and to provide the City with results of the public consultation;
 - change the existing Clearways to match the proposed peak period bus lanes; and
 - provide a proposed bicycle parking station adjacent Woodville Reserve as shown in attachment 1; and
- RECEIVES** a further report once the Public Transport Authority has complied clauses 1 above.

PURPOSE OF REPORT:

The Public Transport Authority (PTA) is seeking Council's approval to convert the existing clearway (kerbside) lanes along Fitzgerald Street to peak period bus lanes between Walcott Street and Newcastle Street so as to improve bus frequency and journey time reliability into and out of the City.

BACKGROUND:

The deferral of the MAX Light Rail project has raised a number issues with the ongoing performance and capacity of the existing bus network until such time as the Max Light Rail project proceeds.

In early January 2015 the Public Transport Authority's (PTA) Program Manager, Bus Priority, contacted the City's Director Technical Services requesting a meeting to discuss the PTA's proposal for peak period bus lanes in Fitzgerald Street as an interim measure.

The PTA subsequently wrote to the Chief Executive Officer outlining the proposal, as summarised below.

DETAILS:

Letter from PTA - 16 January 2015

The PTA provided the following information:

“The PTA is seeking to convert the current clearways along Fitzgerald Street to peak period bus lanes between Walcott Street and the CBD.

The project itself is an interim measure prior to the implementation of MAX Light Rail which will utilise the same alignment. It is the PTA’s desire to implement the lanes with minimal infrastructure upgrades in order to minimise or eliminate abortive works and still improve bus service travel times and reliability.”

Further;

“In order to progress this project and allow us to deliver it this financial year in line with our approved funding we seek your support to present our plans to the next available Council Members Forum as part of the process of seeking Council approval.

Once implemented, the PTA plan to introduce a new 960 bus service, thus providing your residents with a frequent and high quality public transport service.”

While the PTA had hoped to have all the necessary approvals in place by the end of March 2015 they requested that a report not be presented to Council pending an announcement by the Hon. Minister for Transport’s deliberations on a permanent ‘bus’ alternative to the MAX Light Rail.

The PTA has subsequently advised that they still wish to proceed with the Fitzgerald Street Peak Period Bus Lanes project as an interim measure (refer **Attachment 1**).

Proposed Implementation and Operation:

Unlike Beaufort Street, where the bus lanes were purpose built in ‘red’ asphalt, the PTA’s concept design for Fitzgerald Street involves minimal works with only signing and line marking changes required. Further, there will be no impact on the existing kerb lines or on-road parking spaces (outside the bus lane/Clearway times).

The existing corridor is currently subject to clearway restrictions, which for the peak inbound direction is 7.30 to 9.00am and for the outward bound direction, from 4.15 to 6.00pm. The proposed hours of operation for the bus lanes would be the same as that currently operating along Beaufort Street, 6:30am to 9:00am (inward or south bound) and 4:00pm to 6:00pm (outward or north bound).

Traffic Modelling:

The potential impact of the bus lanes on Fitzgerald Street has been assessed using the Main Roads WA traffic modelling software *ROM24*. The ROM 24 model indicated a reduction of traffic on Fitzgerald Street of up to 35% south of Walcott Street following implementation of the bus lanes. North of Walcott Street, the reduction predicted is to be in the 10% to 20% range.

The traffic reassigned from Fitzgerald Street was shown to spread across a number of alternative routes, with modest increases predicted on Charles Street, Loftus Street and Angove Street. The greatest increase was on Charles Street, which will carry approximately an additional 200 vehicles per hour in the peak times, equating to less than 10% of the current peak hour volumes.

The 'Base Case' *Paramics* model (a detailed simulation of the existing situation) showed that the existing network experienced significant levels of congestion in the AM peak, particularly at the Walcott Street and Newcastle Street intersections. Buses are frequently caught up in queues including those services joining Fitzgerald Street at Carr Street, which often block the aforementioned intersection.

The 'Bus Lane Option' traffic model showed that the corridor was generally less congested as a result of the traffic reassignment when providing bus lanes.

Improved Service Levels:

The benefits to local residents and patrons of PTA bus services will be a more reliable bus service, with the estimated bus travel time savings when the bus lanes are implemented, (based on the *Paramics* model) being approximately 30% (five to six minutes) in the AM peak southbound direction. Conversely for private cars, the maximum increase in travel time is estimated at less than three minutes in the AM peak southbound direction, the majority of which is experienced north of Walcott Street.

Following agreement from all stakeholders the PTA will complete a detailed design, as soon as possible, with a view to undertake an upgrade of "sign and lines" and the bus lanes being operational by 30 June 2015. Once implemented, the PTA plans to introduce a new '960' bus service, to provide both residents and commuters with a frequent high quality public transport service.

It is expected that it will be similar to the Beaufort Street experience where, after the initial familiarisation period, motorists have become accustomed to the change, and other than the usual congestion point, the Walcott Street intersection, it has seen a marked improvement in bus reliability, frequency and patronage.

As a result the Beaufort '950' service has exceeded PTA's expectations with passenger numbers several years ahead of initial projections and the PTA are hoping for similar results for the '960'.

Proposed Bike Parking Station at Woodville Reserve:

As a further incentive to Vincent residents, to use buses over private cars, the PTA are offering to install a dedicated bicycle parking station in Woodville Reserve. The idea being that local commuters would ride to the 'bike park', secure their bicycle, and catch the '960' bus into the City.

A detailed design plan, as attached at **Attachment 1**, is still being developed and will be presented to the City at a later date for approval. The final location would be at the City's discretion but it is envisaged that it would be on the Numar Street verge which close to both an inward and outward bound shelter. PTA will be requested to liaise with the City's TravelSmart Officer on the finer details in respect of the design and location.

Impact upon the Cities of Perth and Stirling:

The City of Perth has only a short section of Fitzgerald Street from Newcastle Street, south to James Street. The Perth City Council considered a report at its Ordinary Meeting of 7 April 2015 where the following decision was made:

"That Council:

1. *agrees in principle that the Public Transport Authority develop detailed plans for peak period bus lanes along the section of Fitzgerald Street within the City of Perth, on condition that a comprehensive submission and final application is made to the City of Perth, including:*
 - 1.1 *details of proposed bus lane operation, time restrictions and proposed commencement;*
 - 1.2 *design details;*
 - 1.3 *details of projected public transport benefits;*
 - 1.4 *impacts on residents, businesses and other users;*
 - 1.5 *full results of community consultation undertaken on the proposal;*

- 1.6 *the current level of support from the City of Vincent Council on the proposal and to ensure that consistent detailing, road marking and signage is proposed across both Local Government Authorities; and*
- 1.7 *any other impacts or considerations;*
2. *notes that a further report will be presented to Council addressing the above matters, prior to a final approval being granted for the proposal."*

In respect of the City of Stirling and the Alexander Drive (north of Walcott Street) portion of the proposed route it is understood that the PTA are yet to consider this section in detail.

Administration Comments:

When the Beaufort Street peak period bus lanes were first mooted there was scepticism that the bus lanes would result in increased traffic congestion during the peak periods with the potential to push more 'rat running' traffic into the surrounding streets. While this did not eventuate in Beaufort Street, it is not possible to specifically quantify the impact upon the surrounding local streets other than there is a general increase in traffic volumes across the wider road network.

No one street has borne the brunt of the traffic 'reassignment' and it could be expected that the same would occur with Fitzgerald Street.

Impact upon existing on-road parking along Fitzgerald Street:

Given Fitzgerald Street is already subject to Clearway restrictions the full length of the corridor the only impact on on-road parking will be the extension of the Clearways, an additional one hour in the morning (starting at 6.30am instead of 7.30am) and 15 minutes in the evening (starting at 4.00pm instead of 4.15pm).

CONSULTATION/ADVERTISING:

The Public Transport Authority is requested to consult with the property owners, residents and businesses along Fitzgerald Street (Walcott Street to Newcastle Street) and to present the results to the City for Council's consideration.

LEGAL/POLICY:

Fitzgerald Street is a District Distributor A Road and comes under the care, control and management of the City.

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:

The City endeavours to maintain its road infrastructure to an acceptable level of service to ensure a safe and efficient journey for all road users.

COMMENTS:

The City receives numerous calls and emails about increasing traffic congestion and 'rat running'. A more efficient public transport system is the obvious means to reduce car dependence. However they is also the negative perception of 'exclusive' bus lanes in that they reduce roadway capacity.

With the Beaufort Street peak period bus lanes now viewed as being a success, the PTA is seeking Council's support to try and replicate that success in Fitzgerald Street.

9.2.5 Urgent Works: Air Conditioning Replacement – East Perth Football Club, Medibank Stadium (Leederville Oval)

Ward:	South	Date:	17 April 2015
Precinct:	Oxford Centre (4)	File Ref:	SC641
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	R Lotznicker, Director Technical Services S McKahey, Property Maintenance Officer		
Responsible Officer:	R Lotznicker, Director Technical Services J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council:

- NOTES** that urgent works are required to replace the air conditioning units in the East Perth Football Club’s offices at Medibank Stadium estimated to cost \$8,200;
- In accordance with Section 6.8(1) of the Local Government Act 1995, **APPROVES BY ABSOLUTE MAJORITY** to adjust the 2014/2015 annual budget by including a new budget item titled “Air-conditioning Replacement Leederville Oval” to the value \$8,200, to be funded from the Leederville Oval Reserve; and
- ADVISES** the East Perth Football Club that the City will be arranging for the works to be undertaken immediately.

PURPOSE OF REPORT:

To request that Council approve a budget adjustment to enable urgent air conditioning works to be undertaken in the East Perth Football Club (EPFC) offices at Medibank Stadium.

BACKGROUND:

In February 2005 the City of Vincent (lessor) entered into a 21 year lease with the EPFC (lessee) for a portion of the Medibank Stadium.

The lease specifies what the lessee and the lessor are responsible for and in this instance the lessor is responsible for replacing the air conditioning units which have ceased to operate due to their age and condition.

DETAILS:

Proposal:

The work required includes the removal of two existing carrier wall split system and the installation of two new 3.5kw wall mounted split system air conditioning systems. The proposed air conditioning units outdoor infrastructure will be located on the ground outside wall facing north near the existing gymnasium. The works would be arranged and undertaken by the City.

Administration Comments:

No funding for this ‘urgent’ work has been included in the 2014/2015 budget and therefore it is recommended that a budget adjustment be undertaken to allow the works to proceed. The required funding would be sourced from the Leederville Oval Reserve.

CONSULTATION/ADVERTISING:

The East Perth Football Club will be advised of Council's decision.

LEGAL/POLICY:

In accordance with Clause 6.19 'Capital Improvements, Repairs and Maintenance' the lessor is responsible for carrying out any Capital Improvements of an urgent nature. The lessor is also responsible for preparing a Capital Improvement, Repairs and Maintenance program for the term of the lease. This was prepared several years ago and is currently being reviewed.

Section 6.8(1) of the Local Government Act 1995 specifies that the expenditure cannot be incurred for an additional purpose unless it is authorised in advance by Council (Absolute Majority required).

RISK MANAGEMENT IMPLICATIONS:

Medium/High: Potential Occupational Health and Safety implications should the works not proceed.

STRATEGIC IMPLICATIONS:

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

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

The Leederville Oval Reserve was established in 1998/1999 for the "redevelopment of Leederville Oval and for works associated with maintenance, repairs, upgrade and replacement of Leederville Oval buildings, fixtures, fittings and associated land".

Currently the reserve has \$220,000. The estimated cost of the air conditioning works is \$8,200 (excluding GST). It is recommended that this amount be funded from the reserve.

COMMENTS:

In accordance with the Leederville Oval lease, the lessor (the City) is responsible for undertaking any capital improvements on the site. The air conditioning units in the East Perth Football Club offices have ceased to operate due to their age and condition.

It is therefore recommended that Council approves by an absolute majority to adjust the 2014/2015 annual budget by including a new budget item titled "Air-conditioning Replacement Leederville Oval" to the value \$8,200, to be funded from Leederville Oval Reserve.

9.2.6 Vincent Greening Plan - 2015 Garden Competition

Ward:	Both	Date:	17 April 2015
Precinct:	All	File Ref:	SC17
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	J van den Bok, Manager Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

1. **NOTES** that the 'City of Vincent Garden Awards Advisory Group' met on 8 April 2015 to discuss the format and to finalise dates for the 2015 City of Vincent Garden Competition;
2. **APPROVES** the;
 - 2.1 continuation of the Garden Competition in 2015 as outlined in the report, with entries to close on 2 October 2015, and the final judging to be undertaken on 10 October 2015;
 - 2.2 final judging panel shall comprising of the Deputy Mayor Cr Roslyn Harley, Cr John Pintabona and Cr Laine McDonald, Director Technical Services, Manager Parks and Property Services, Adele Gismondi (Water Corporation) and Community Judge Genevieve Mifsud (winner 2014 Best Rear Garden);
 - 2.3 removal of all existing Best Kept Street/Part Street signage awarded prior to 2012 and any new signage for Best Kept Street/Part Street being removed after two years;
3. **NOTES** that Administration will arrange a Vincent Greening Garden Awards Function to be held at the City of Vincent Administration and Civic Centre on 11 November 2015 commencing at 6.00pm with invitees including competition entrants/partners and sponsors.

PURPOSE OF REPORT:

To seek Council's approval for the dates and format of the 2015 Garden Competition as outlined by the City of Vincent Garden Awards Advisory Group.

BACKGROUND:

Since the City's inception in 1995 there has been an Annual Spring Garden Competition which is open to all owners/occupiers who have lived within the City's boundaries for at least six months.

This event continues to be very popular, and has in excess of 100 category entries received each year. Residents are always keen to be a part of the competition and with new initiatives like the Adopt-a-Verge program staff are expecting some quality entries as verge plantings mature.

DETAILS:

The City of Vincent Garden Awards Advisory Group met on Wednesday 8 April 2015 to discuss the format and to finalise dates for the 2015 City of Vincent Garden Competition.

Conditions of Entry:

No changes recommended; it should be noted that in 2013 the following change was made to the conditions of entry.

“All City of Vincent employees Councillors, the Mayor and Judges residing within the City’s boundaries are ineligible to enter the competition”

Categories:

The categories for 2014 Garden Competition remain unchanged and are listed below:

- Best Residential Front Garden;
- Best Kept Verge;
- Catchment Friendly Garden;
- Best Courtyard or Balcony Garden;
- Best Residential Rear Garden; and
- Best Vegetable or Food Garden; and
- Best Kept Street/Part Street;

- Mayor’s Encouragement Award

Judging:

As in previous years it is again recommended that the preliminary judging for the majority of categories be undertaken by the City’s horticultural staff.

Preliminary judging for the Catchment Friendly Garden will be undertaken by ClaiseBrook Catchment Group (CBCG) members, the Parks Services Technical Officer and the Project Officer – Parks and Environment.

Final judging will be undertaken on the morning of 10 October 2015 and it is proposed that the 2015 judging panel will consist of the following members:

- Deputy Mayor Roslyn Harley – City of Vincent;
- Cr. John Pintabona – City of Vincent;
- Cr. Laine McDonald – City of Vincent;
- Rick Lotznicker, Director Technical Services – City of Vincent;
- Jeremy van den Bok, Manager Parks and Property Services – City of Vincent;
- Adele Gismondi - Water Corporation;
- Genevieve Mifsud (Winner- 2014 Best Rear Garden)

Function/Awards/Prize Money:

No changes are recommended to the prize money allocations or prizes presented over the categories listed. The Catchment Friendly Garden category is sponsored by the Water Corporation through the CBCG, and their sponsorship has again been sourced.

The prize money allocations for the 2015 Garden Competition have been recommended by the City of Vincent Garden Awards Advisory Group as follows:

Best Residential Front Garden

Catchment Friendly Garden

- First Prize \$500 plus trophy
 - Second Prize \$300 plus doormat
 - Third Prize \$200 plus doormat
-

Best Residential Rear Garden
Best Courtyard or Balcony Garden
Best Vegetable Garden or Food garden
Best Kept Verge

- First Prize \$250 plus trophy
- Second Prize \$150 plus doormat
- Third Prize \$100 plus doormat

Best Kept Street/Part Street and Mayor's Encouragement Award

To encourage owner/occupiers to tidy up their streets prior to the final judging a flyer will be sent out to all houses within the street entered. A specialised street sign will be provided for the Best Kept Street/Part Street category and it is envisaged where appropriate that a small street party/BBQ could be arranged in the event that a street wins this award.

A quality pair of Swiss made "Felco" secateurs will be presented for the Mayor's Encouragement Award together with a floor mat.

The awards presentation night always includes a number of raffles or give-away prizes provided by the numerous sponsors.

Sponsorship:

No additional sponsors have been engaged at this time however, officers are working on attracting further sponsorship continually throughout the year.

'Green Thumbs Suggestion Box':

Suggestions/notes forwarded at last year's presentation night were as follows:

- *Recommend the use of 'Lux Flakes' diluted in water to spray over plants to kill and restrict further insect attack.*

Administration Comment:

City of Vincent horticultural staff concur that this is a good cheap option for insecticide control. Each year, the City's staff put together a display based on all the green thumb suggestions from the previous year. As this was the only suggestion forwarded from last year's presentation night, it is proposed that Parks Services staff will prepare a display of City of Vincent Green initiatives. This will include, but will not be limited to, the Adopt a Verge and Adopt a Tree programs, composting and waste reduction.

CONSULTATION/ADVERTISING:

An advertisement/entry form will be placed in local community papers during August/September 2015 and entry forms are included in the "Mayor's Message" with Council rates notices.

Posters have been placed at various locations around the City advertising the competition and entry forms are also available at the front desk of the Administration Civic Centre, City's Library and via the City's website.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

In accordance with the City's *Strategic Plan 2013-2023*, Objective 3.1 states:

"Enhance and promote community development and wellbeing.

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

SUSTAINABILITY IMPLICATIONS:

In keeping with the City's commitment to environmental sustainability and waterwise principles, all entries are evaluated in accordance with waterwise criteria including the use of native plants, water saving measures and demonstrated controlled use of fertilisers and pesticides.

FINANCIAL/BUDGET IMPLICATIONS:

The estimated costs associated with the 2015 City of Vincent Garden Competition are as follows:

Cash prizes	\$4,000
Function	\$5,500
Trophies	\$1,140
Photography	\$1,500
Prizes/Doormats	\$1,400
Bus hire	\$ 300
Advertising	\$1,300
Street sign	\$ 500
Total	\$15,640

A total of \$17,000 has been allocated in the City's 2015/2016 draft budget to undertake this event.

Revenue of \$1,250 will be received from the Water Corporation for the Catchment Friendly Garden prize money and trophy, and as in previous years up to \$2,000 is expected in cash donations from sponsors who have been associated with the competition.

COMMENTS:

It is therefore recommended that Council approves the 2015 Garden Competition as detailed within the report, with entries to close on Friday 2 October 2015.

9.3 CORPORATE SERVICES

9.3.1 Investment Report as at 31 March 2015

Ward:	Both	Date:	17 April 2015
Precinct:	All	File Ref:	SC1530
Attachments:	1 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	N Makwana, Accounting Officer B Wong, Accountant		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council **NOTES** the Investment Report for the month ended 31 March 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 March 2015 were \$19,061,000 as compared to \$19,361,000 at the end of February 2015. At 31 March 2014, \$16,811,000 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

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

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$292,600	\$259,217	\$369,396	126.25
Reserve	\$292,300	\$216,657	\$243,792	83.40

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

Long Term Rating (Standard & Poor's) or Equivalent	Short Term Rating (Standard & Poor's) or Equivalent	Direct Investments Maximum % with any one institution		Managed Funds Maximum % with any one institution		Maximum % of Total Portfolio	
		Policy	Actual	Policy	Actual	Policy	Actual
AAA Category	A1+	30%	Nil	45%	Nil	100%	Nil
AA Category	A1+	30%	29.9%	30%	Nil	90%	80.5%
A Category	A1	20%	13.1%	30%	Nil	80%	19.4%
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:

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

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

The funds invested have reduced slightly 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 3.29% as compared to the Reserve Bank 90 days Accepted Bill rate of 2.30%. As of March 2015, our actuals are over budget estimates. Interest earned on Municipal Investment is higher due to higher level of funds held, primarily due to current level of spending on capital projects. As a result the year to date Municipal interest revenue is currently 126% of the full year budget and the Reserve interest is 83% 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 March 2015

Ward:	Both	Date:	17 April 2015
Precinct:	All	File Ref:	SC347
Attachments:	<u>1</u> – Creditors Report <u>2</u> – Credit Card Report		
Tabled Items:	-		
Reporting Officers:	O Dedic, Accounts Payable Officer; B Tan, 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 March 2015 as detailed in Attachment 1 and 2 and as summarised below:

Cheque numbers 77914 – 78078	\$178,928.64
EFT Documents 1765 – 1774	\$4,014,637.28
Payroll	\$1,034,859.31
Credit Cards	\$11,888.90
Direct Debits	
• Lease Fees	\$11,307.69
• Loan Repayment	\$164,253.83
• Bank Fees and Charges	\$6,534.91
Total Accounts Paid	\$5,422,410.56

PURPOSE OF REPORT:

To present to Council the expenditure and list of accounts paid for the period 1 March to 31 March 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		
Automatic Cheques	77914 - 78078	\$178,928.64
Cancelled Cheques	77965, 77971, 77975, 77980, 77995	
Transfer of Creditors by EFT Batch	1765 - 1774	\$4,014,637.28
Sub Total		\$4,193,637.28
Transfer of Payroll by EFT	March 2015	\$1,034,859.31
Total Payments		\$5,228,425.23
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$6,522.41
Lease Fees		\$11,307.69
Corporate Credit Cards		\$11,888.90
Loan Repayment		\$164,253.83
Rejection fees		\$12.50
Total Bank Charges & Other Direct Debits		\$193,985.33
Less GST effect on Advance Account		0.00
Total Payments		\$5,422,410.56

LEGAL/POLICY:

Council has delegated to the Chief Executive Officer (Delegation No. 3.1) the power to make payments from the Municipal and Trust funds pursuant to the Local Government (Financial Management) Regulations 1996. Therefore, in accordance with *Regulation 13(1) of the Local Government (Financial Management) Regulations 1996* a list of accounts paid is prepared each month showing each account paid since the last list was prepared.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2013-2023:

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

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

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

SUSTAINABILITY IMPLICATIONS:

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

ADVERTISING/CONSULTATION:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENT:

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

9.3.3 Financial Statements as at 31 March 2015

Ward:	Both	Date:	17 April 2015
Precinct:	All	File Ref:	SC357
Attachments:	1 – Financial Reports		
Tabled Items:	2 – Significant Accounting Policies		
Reporting Officers:	N Makwana, Accounting Officer B Wong, Accountant B Tan, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

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

PURPOSE OF REPORT:

To present the Financial Statements for the period ended 31 March 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 financial activity statements 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 March 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	49-57

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 March 2015

	Original Budget \$	Revised Budget \$	Year to date Budget \$	Actual 2014/2015 \$	Variance \$	Variance %
Operating Revenue	30,810,822	31,828,082	21,512,008	19,907,455	(1,604,553)	-7%
Operating Expenditure	(51,659,410)	(54,723,686)	(41,391,636)	(38,271,509)	3,120,127	-8%
Add Deferred Rates Adjustment	-	-	-	30,923	30,923	0%
Add Back Depreciation	8,566,790	11,223,490	8,417,786	8,404,622	(13,164)	0%
(Profit)/Loss on Asset Disposal	(3,833,120)	(4,540,370)	(1,953,123)	(1,141,645)	811,478	-42%
Net Operating Excluding Rates	(16,114,918)	(16,212,484)	(13,414,965)	(11,070,153)	2,344,812	-17%
Proceeds from Disposal of Assets	4,455,000	6,305,000	858,333	1,294,080	435,747	51%
Transfer from Reserves	5,789,800	6,464,360	6,365,737	5,063,801	(1,301,936)	-20%
	10,244,800	12,769,360	7,224,070	6,357,881	(866,189)	-12%
Capital Expenditure	(16,895,834)	(13,604,774)	(12,093,922)	(5,847,641)	6,246,281	-52%
Repayments Loan Capital	(1,743,478)	(1,743,478)	(645,336)	(645,337)	(1)	0%
Transfers to Reserve	(5,599,370)	(4,248,453)	(1,984,675)	(2,881,651)	(896,976)	45%
	(24,238,682)	(19,596,705)	(14,723,933)	(9,374,628)	5,349,305	-36%
Net Capital	(13,993,882)	(6,827,345)	(7,499,863)	(3,016,748)	4,483,115	-60%
Total Net Operating and Capital	(30,108,800)	(23,039,829)	(20,914,828)	(14,086,902)	6,827,926	-33%
Rates	26,909,021	27,302,021	27,252,879	27,378,385	125,506	0%
Opening Funding Surplus/ (Deficit)	3,199,779	(4,758,710)	(4,758,710)	(4,758,710)	-	0%
Closing Surplus/(Deficit)	-	(496,518)	1,579,342	8,532,774	6,953,432	440%

**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 7% 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 8%.

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 positive 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 \$8,532,774 compared to year to date budget of \$1,579,342. This is substantially attributed to the current level of Capital Expenditure. The positive variance is not expected to be maintained through to the end of year position.

The significant accounting policies and notes forming part of the financial report are 'Tabled' and shown in electronic **Attachment 2**.

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 33)

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 \$22,353,535 and non-current assets of \$242,198,798 for total assets of \$264,552,334.

The current liabilities amount to \$8,215,257 and non-current liabilities of \$17,797,906 for the total liabilities of \$26,013,163.

The net asset of the City or Equity is \$238,539,171.

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 March 2015 is \$8,532,774.

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 \$	Variance %
Furniture & Equipment	209,075	209,075	23,461	11%
Plant & Equipment	1,854,775	1,361,198	1,011,897	74%
Land & Building	1,038,275	918,275	328,828	36%
Infrastructure	10,502,649	9,605,374	4,483,455	47%
Total	13,604,774	12,093,922	5,847,640	48%

	Revised Budget	Year to date Budget	Actual to Date	Variance %
	\$	\$	\$	
Capital Grant and Contribution	3,048,092	940,003	461,503	49%
Cash Backed Reserves	4,234,408	5,923,461	5,062,726	85%
Other (Disposal/Trade In)	247,000	247,000	199,385	81%
Own Source Funding – Municipal	6,075,274	4,983,458	124,026	2%
Total	13,604,774	12,093,922	5,847,640	48%

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 March 2015 is \$6,511,929. The balance as at 28 February 2015 was \$6,425,820.

9. Receivables (Note 9 Page 45)

Other Receivables are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Receivables of \$643,335 are outstanding at the end of March 2015.

Out of the total debt, \$375,496 (58.4%) relates to debts outstanding for over 60 days, which is related to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangements for more than one year.

The Receivables Report identifies significant balances that are well overdue.

Finance has been following up outstanding items with debt recovery 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 March 2015 including deferred rates was \$627,774 which represents 2.28% of the outstanding collectable income compared to 2.69% at the same time last year.

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

As at 31 March 2015 the operating deficit for the Centre was \$35,875 in comparison to the year to date revised budgeted surplus of \$170,890.

The revised March 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 \$536,182 in comparison year to date revised budget estimate of a cash surplus of \$741,994. The cash position is calculated by adding back depreciation to the operating position.

12. Explanation of Material Variances (Note 12 Page 49 - 57)

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 prepared, 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:

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

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENT:

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

**9.3.4 Kidz Galore Pty Ltd Request for Lease Extension - No. 13 (Lot 9)
Haynes Street, North Perth**

Ward:	North	Date:	17 April 2015
Precinct:	North Perth (8)	File Ref:	SC590
Attachments:	<u>1</u> – Letter		
Tabled Items:	Nil		
Reporting Officer:	K Davies, Executive Secretary Corporate Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council **REFUSES** the five year Lease extension from 31 December 2020 to 31 December 2025, for Kidz Galore Pty Ltd at the premises located at 13 Haynes Street, North Perth as per the letter received in Attachment 1.

PURPOSE OF REPORT:

To consider a request from Kidz Galore for an extension to its current lease.

BACKGROUND:

Kidz Galore Pty Ltd has leased this property at 13 Haynes Street North Perth as a child care facility since the year 2000.

The previous lease covered an initial term of 1 April 2005 to 31 March 2010, with a five year option period from 1 April 2010 to 31 March 2015.

In 2011 Kidz Galore submitted a development application for an increase to the child care facility with the installation of a demountable building to provide an additional 37 child care spaces. The financial feasibility of the project for the organisation calculated a minimum payback period of four years and six months. Kidz Galore therefore requested a lease extension at that point in time to provide security of tenure for their investment.

At the Ordinary Meeting of Council held 20 December 2011, Council resolved as follows:

“That subject to the Development Application stamp dated 6 December 2012 [Administration correction, 2011], for proposed temporary demountable additions to the Child Care Centre and an increase in numbers from 33 to 70 children (as listed in Item 9.1.1 on this Agenda) being approved, the Council APPROVES:

1. *a five (5) year Lease extension from 1 April 2015 to 31 December 2020, for Kidz Galore at the premises located at 13 Haynes Street, North Perth as shown in Appendix 9.3.6A; and*
2. *the lease of seven (7) car bays for the period to 31 December 2020 in the carpark adjacent to the Dental Health Clinic, Lot No. 93 as shown in Appendix 9.3.6B being granted to Kidz Galore subject to final satisfactory negotiations being carried out by the Chief Executive Officer.”*

DETAILS:

Kidz Galore has now requested a further five year lease from the end of the current option period as per **Attachment 1**.

Given the early exercise of the option period granted by Council, on the basis of the payback period of the lessee’s 2011 investment, no further justification has been provided to support a request for an extension to the current lease, which still has five years and seven months to run.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

City of Vincent Policy 1.2.1 – Policy Statement:

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:

Low Kidz Galore Pty Ltd still have a lease agreement in place until 31 December 2020.

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:

The current annual lease payment is \$28,716.75 per annum GST inclusive and is linked to the annual Consumer Price Index (CPI). Kidz Galore also lease seven car parking bays for \$2,445.89 per annum inc GST linked to CPI.

COMMENTS:

Kidz Galore Pty Ltd has been a good tenant, however Administration is of the opinion that there is no justification to grant the extension request at this point in time and it would be better addressed closer to the expiration of the current lease period.

9.3.5 Differential Rating Strategy 2015/16

Ward:	Both	Date:	24 April 2015
Precinct:	All	File Ref:	SC245
Attachments:	1 – Draft Budget Commentary 2 – Rate Setting Statement		
Tabled Items:	-		
Reporting Officer:	J Paton, Director Corporate Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council:

- APPROVES advertising by local notice, in accordance with Section 6.36(1) of the *Local Government Act 1995* its intention to levy the following Differential Rates and Minimum Rates in 2015/16 to include an invitation for submissions on the proposal from electors and ratepayers for a period of 21 days:**

Rating Category	2015/16	
	Rate-in-\$	Minimum
Residential	0.05951	\$907
Commercial Vacant	0.11578	\$1,414
Other	0.06281	\$907

- NOTES any public submissions received in response to the invitation will be presented to Council for consideration.**

PURPOSE OF REPORT:

To obtain approval to advertise the Differential Rates and Minimum Rates proposed for inclusion in the 2015/16 Annual Budget.

BACKGROUND:

Between 1 June and 31 August each year, local governments are required to prepare and adopt a budget for the financial year. A key part of the budget development is identifying the 'budget deficiency' to be made up from levying of Council Rates. Once an estimate of that budget deficiency is known, local governments are required to give local public notice of any intention to levy differential rates.

The budget deficiency is determined only after all other financial elements are taken into account including:

- opening balance
- operating income
- operating expenditure
- non-operating income (grants, sale of assets etc.)
- debt servicing
- capital expenditure
- transfers to and from Reserves

In preparing the Draft Budget, Administration has compiled relevant information and held two budget workshops with Council Members. Whilst work is ongoing to refine the Draft Budget, it has progressed to a point where an estimate can be determined of the amount required to be raised from Rates.

Whilst this report will primarily deal with the Rating strategy, with the Draft Budget to be presented to a subsequent Council Meeting, it is appropriate to provide budgetary context, in respect to past financial performance, sustainability factors, strategic directions and 2015/16 budget provisions/demands.

To assist in establishing context, **Attachment 1** provides a comprehensive Draft Budget Commentary. In respect to specific budget components, the following reflects current planning for the Draft Budget:

Operating Result:

	2012/13	2013/14	2014/15			2015/16
	Audited Actual	Audited Actual	Adopted Budget	Revised Budget	Forecast	Draft Budget
REVENUE						
Rates	23,825,952	25,362,390	26,909,021	27,302,021	27,397,888	29,063,813
Operating Grants, Subsidies and Contributions	1,567,459	1,435,384	2,473,885	1,493,840	1,530,340	1,565,895
Fees and Charges	15,304,231	19,187,447	20,337,630	20,747,640	19,791,157	20,986,415
Interest earnings	1,243,366	897,486	854,120	854,120	959,100	785,980
Other Revenue	3,590,513	1,099,417	163,975	1,144,020	1,187,356	1,128,305
	45,531,521	47,982,124	50,738,631	51,541,641	50,865,841	53,530,408
EXPENDITURE						
Employee Costs	(20,737,967)	(22,996,728)	(19,008,330)	(23,097,796)	(23,555,204)	(24,732,560)
Materials and Contracts	(14,495,855)	(14,385,556)	(15,054,925)	(15,348,526)	(13,977,328)	(15,634,912)
Utility Charges	(1,983,195)	(2,176,874)	(1,914,770)	(1,914,770)	(1,950,000)	(1,946,150)
Depreciation on Non-Current Assets	(8,906,059)	(11,760,170)	(8,566,790)	(11,223,490)	(11,223,490)	(11,144,595)
Interest Expenses	(1,199,652)	(1,145,812)	(1,096,580)	(1,096,580)	(1,096,580)	(991,375)
Insurance Expenses	(794,498)	(878,414)	(915,330)	(1,136,305)	(1,165,332)	(1,009,145)
Other Expenditure	1,204,412	(449,720)	(4,972,685)	(906,219)	(247,639)	(302,440)
	(46,912,814)	(53,793,274)	(51,529,410)	(54,723,686)	(53,215,573)	(55,761,177)
OPERATING RESULT	(1,381,293)	(5,811,150)	(790,779)	(3,182,045)	(2,349,732)	(2,230,769)

Capital Works:

The Draft Capital Works program, still under review, lists the following category of projects:

Category	Total	New	Upgrade	Renewal
Land & Buildings	2,081,876	18,600	1,343,300	719,976
Plant and Equipment	1,625,400	189,400	95,000	1,341,000
Infrastructure Assets	5,455,658	2,324,500	849,000	2,282,158
Furniture and Equipment	364,800	0	0	364,800
	9,527,734	2,532,500	2,287,300	4,707,934

Funding for the program is being sourced from:

Grant	\$1,462,428
Reserves	\$1,784,300
Municipal	\$6,281,006
TOTAL	\$9,527,734

Based on the current estimates being presented through the drafting process for the new budget, a draft Rate Setting Statement has been compiled (**Attachment 2**) which identifies that the budget deficiency for 2015/16 in the order of \$29.06 million. This represents an increase of approximately 6% on the City's rate revenue of \$27.4 million in 2014/15.

In order to determine the most effective and equitable manner to generate the estimated rates required in 2015/16, Administration has undertaken a review of the differential rating system.

DETAILS:

In developing an equitable rating model, it is useful to undertake a comparison with other metropolitan local governments. The following table details how the rate in the dollar and waste collection charges (where they are applied separately) impact on the rate levied on an individual residential property at a nominated Gross Rental Value (GRV) of \$21,000.

(Sorted by Total Account of GRV \$21,000)							
Municipality	Residential	General	Residential	Other	Rate levied	Variation	Minimum
	Rate	Minimum	Rubbish	Charges	on GRV		per
	(Cents)				\$21,000		assessment
<i>Perth</i>	4.22	654	197		\$1,083.20	-10.90%	\$851.00
<i>Cottesloe</i>	5.26	1008			\$1,104.60	-9.10%	\$1,008.00
<i>Canning</i>	3.734	621	344	51.9	\$1,128.14	-7.20%	\$965.00
<i>Vincent</i>	5.789	707			\$1,215.69	0.00%	\$707.00
<i>East Fremantle</i>	5.8277	881			\$1,223.82	0.70%	\$881.00
<i>Belmont</i>	4.46	775	293.3		\$1,229.90	1.20%	\$1,068.30
<i>Melville</i>	5.885	1160		52.7	\$1,235.85	1.70%	\$1,160.00
<i>Stirling</i>	4.478	790	301	29	\$1,241.31	2.10%	\$1,090.93
<i>Claremont</i>	5.53	1250			\$1,250.00	2.80%	\$1,250.00
<i>Fremantle</i>	6.0709	1164			\$1,274.89	4.90%	\$1,164.00
<i>Nedlands</i>	4.45	1288	293		\$1,288.00	5.90%	\$1,581.00
<i>Bayswater</i>	4.776	767	307.3		\$1,310.26	7.80%	\$1,074.30
<i>Cockburn</i>	4.303	683	435	65	\$1,338.63	10.10%	\$1,118.00
<i>Joondalup</i>	4.9903	797	346		\$1,393.96	14.70%	\$1,143.00
<i>Victoria Park</i>	6.86	1030			\$1,440.60	18.50%	\$1,030.00
<i>Mosman Park</i>	5.4458	820	310		\$1,453.62	19.60%	\$1,130.00
<i>Peppermint Grove</i>	6.946	1225			\$1,458.66	20.00%	\$1,225.00
<i>Gosnells</i>	5.675	875	267		\$1,458.75	20.00%	\$1,142.00
<i>Wanneroo</i>	7.1662	1205			\$1,504.90	23.80%	\$1,205.00
<i>South Perth</i>	6.07	875	252		\$1,526.70	25.60%	\$1,127.00
<i>Subiaco</i>	5.1	746	474		\$1,545.00	27.10%	\$1,220.00
<i>Kalamunda</i>	5.2858	800	460		\$1,570.02	29.10%	\$1,260.00
<i>Rockingham</i>	5.937	949	345	34.25	\$1,591.77	30.90%	\$1,294.00
<i>Bassendean</i>	6.113	987	320		\$1,603.73	31.90%	\$1,307.00
<i>Swan</i>	6.355	845	358	150	\$1,692.55	39.20%	\$1,203.00
<i>Cambridge</i>	5.6899	910	500		\$1,694.87	39.40%	\$1,410.00
<i>Kwinana</i>	6.85	885	310		\$1,748.50	43.80%	\$1,195.00
<i>Mundaring</i>	7.2459	724	279		\$1,800.64	48.10%	\$1,003.00
<i>Armadale</i>	7.627	1030	308		\$1,909.67	57.10%	\$1,338.00

In a Residential rating context, the above table clearly demonstrates the City of Vincent:

1. has the lowest Minimum Rate in the metropolitan area when the Waste Collection charge is factored in; and
2. has the fourth lowest rates of the 29 local governments listed.

In terms of Commercial/Industrial properties, the City of Vincent's rates (which were levied the same rate in the dollar as Residential) are then the third lowest behind Belmont and Canning.

The balance between the rate in the dollar and level of Minimum rate is important in establishing equity and ensuring an optimum level of revenue from a nominated rating level.

The Minimum Rate in Vincent is clearly out of proportion to other local governments, with the average minimum rate paid for residential properties across the metropolitan area in 2014/15 being \$1,143 (Minimum Rate plus Waste Collection charge) compared to the \$707 at the City of Vincent, which includes the waste collection charge. Commercial Minimum Rates average \$1,171 across the Metropolitan area.

It is proposed that in order to establish an effective and equitable rates system, structural changes are required to the City's Differential Rating System. These proposed changes involve:

1. Differentially rating Residential from other categories of land use, such as Commercial; and
2. Ensuring all properties are equitably contributing to the services provided by the City, through implementation of an appropriately set Minimum Rate.

It is noted that the triennial GRV revaluation was implemented in 2014/15 and this had a significant impact on the level of rates levied on Residential properties compared to Commercial properties, assessed as an average across each category. Splitting the Residential properties from other rating categories enables strategic decisions on rate distribution, without the influence of changes in valuations between land use or zoning types.

It is therefore proposed to establish the following Differential rates:

- Residential
- Commercial Vacant
- Other

In order to establish a differential between the Residential and Other categories, it is proposed to increase the Residential rate in the dollar by 2.8%, with the rate in the dollar for the other category being set above Residential. The Commercial Vacant category was established in 2014/15 and already experiences a differential significantly above the other two categories, so it is proposed that rate in the dollar remain the same.

Each category will also have a separate Minimum Rate applicable. Given the disproportionately low level that the Minimum Rate has been set in Vincent, it is recognised that achieving an optimum level consistent with the industry average will need to be phased in over successive years. However, it is considered to be inequitably low currently, particularly when the cost of the rubbish service alone is estimated at \$325 per property and this is likely to increase in 2015/16 to \$350 with proposed increases to disposal costs. In view of this it is considered an initial step increase is warranted.

The following table outlines the proposed rates in the dollar and minimum rates for 2015/16.

Rating Category	2014/15		2015/16		% Increase	
	Rate-in-\$	Minimum	Rate-in-\$	Minimum	Rate-in-\$	Minimum
General	0.05789	\$707				
Commercial Vacant	0.11578	\$1,414	0.11578	\$1,414	0.0%	0.0%
Residential	As for General		0.05951	\$907	2.8%	28.3%
Other	As for General		0.06281	\$907	8.5%	28.3%

LEGAL/POLICY:

The following clauses from the *Local Government Act 1995* are relevant to the levying of Differential Rates, Minimum Rates and the requirement to publish a Local Notice.

6.33. Differential general rates

- (1) *A local government may impose differential general rates according to any, or a combination, of the following characteristics –*
 - (a) *the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005; or*
 - (b) *a purpose for which the land is held or used as determined by the local government; or*
 - (c) *whether or not the land is vacant land; or*
 - (d) *any other characteristic or combination of characteristics prescribed.*

6.35. Minimum payment

- (1) *Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.*
- (2) *A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.*
- (3) *In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than –*
 - (a) *50% of the total number of separately rated properties in the district; or*
 - (b) *50% of the number of properties in each category referred to in subsection (6),*
on which a minimum payment is imposed.

6.36. Local government to give notice of certain rates

- (1) *Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so.*
- (2) *A local government is required to ensure that a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).*
- (3) *A notice referred to in subsection (1) –*
 - (a) *may be published within the period of 2 months preceding the commencement of the financial year to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency; and*

- (b) *is to contain –*
 - (i) *details of each rate or minimum payment the local government intends to impose; and*
 - (ii) *an invitation for submissions to be made by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters within 21 days (or such longer period as is specified in the notice) of the notice; and*
 - (iii) *any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed; and*
- (c) *is to advise electors and ratepayers of the time and place where a document describing the objects of, and reasons for, each proposed rate and minimum payment may be inspected.*
- (4) *The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.*
- (5) *Where a local government –*
 - (a) *in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or*
 - (b) *proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),*

it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.

STRATEGIC IMPLICATIONS:

Council's budget process is in accordance with Council's Strategic Community Plan 2013-2023 and Corporate Business Plan 2013-2017, Objective "4. Leadership, Governance and Management":

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

"4.1.4 Plan effectively for the future":

SUSTAINABILITY IMPLICATIONS:

Whilst the City receives the benefit of capital proceeds from its share in the Tamala Park Regional Council, true sustainability is achieved through balanced operations. This requires a long term focus and consistent results.

Achieving an effective rating strategy is an important part of the City's overall pricing policy, which will progressively enable the City to meet all its operational obligations, including asset renewal to ensure the current standard of service can be maintained for future generations.

FINANCIAL/BUDGET IMPLICATIONS:

The advertising of the proposed Differential Rating System is critical in the development process of the annual budget. The level of rates generation is linked to the delivery of service and level of funding for capital works, debt servicing and consolidation of Reserve funds.

COMMENTS:

The proposed changes to the Differential Rating System and nominated rates in the dollar and Minimum Rates is considered to be a strategic step in establishing a more consistent and sustainable financial approach.

An assessment of the impact of the proposed rate changes on respective rate categories has been undertaken, which has also considered the impact over a two year period, given the experience in 2014/15 arising from the GRV revaluation. The following information is considered relevant.

Residential

A 2.8% increase is likely to be one of the lower rate increases amongst local governments, however it is clear that the substantial impact will be experienced by those ratepayers who have enjoyed being on or near the previous minimum rate.

Increasing the Residential Minimum Rate from \$707 to \$907, will increase the number of Residential assessments (properties) on the Minimum Rate from 862 in 2014/15 to 2,054. The maximum increase that any Minimum Rated assessment will realise over a two year period from 2013/14 is \$226. 192 of all Minimum Rated Assessments are Vacant Residential.

Of the 2,054 assessments proposed to be on the Minimum Rate of \$907:

- 682 (33.2%) will increase by the maximum of \$226 from 2013/14;
- 782 (38.1%) will increase by between \$120.00 and \$225.00 from 2013/14 (at an average of \$177.95);
- 372 (18.1%) will increase by between \$4.65 and \$109.57 from 2013/14 (at an average of 51.21);
- 163 (7.9%) will *decrease* by between \$2.35 and \$422.05 from 2013/14 (at an average of \$127.23); and
- 55 (2.7%) are new Assessments created by Interim and therefore were not rated separately in 2013/14.

With the possible exception of the City of Perth, it is likely that Vincent's Minimum Rate of \$907 will remain the lowest in the metropolitan area in 2015/16.

Other

Creating a new differential for "Other" Assessments, will essentially create a Commercial/Industrial Differential Rate.

All non-minimum assessments levied on the Other differential rate will increase from 2014/15 by 8.5%. Actual dollar values will range from approximately \$72 to \$14,277, with these dollar value increases being directly related to their individual GRV.

In 2015/16, there will be 1,598 Assessments on the Other differential non-minimum rate. Due to the reduction in the Rate in dollar in 2014/15 (to offset the general valuation increase from the GRV revaluation) and despite the 8.5% increase proposed for 2015/16, 40% of these Assessments will realise a *decrease* in the dollar value of rates levied between 2013/14 to 2015/16. These decreases will range from \$0.98 to \$6,200 at an average of approximately \$148, with the amount directly related to their GRV.

Furthermore, approximately 73% of the balance (43% overall) will increase over the two year period by less than a combined 5%. This means that approximately 83% of all Assessments moving to the new Other Differential Category will realise either a decrease or an increase of less than 5% from their 2013/14 Rates. Only 8.1% will increase by more than 8.5% from 2013/14. (Their GRV increased by more than 20% in the 14/15 revaluation)

Other Minimum

Increasing the Minimum Rate for these classes from \$707 to \$907 will increase the number of Other Assessments on the Minimum Rate from 52 in 2014/15 to 74 in 2015/16. These 52 assessments will increase by the full \$200 from the minimum rate they shared with residential properties in 2014/15.

All of the 22 Assessments now moving to the 2015/16 Minimum Rate were above the Minimum Rate amount in 2013/14 and 2014/15. 19 of these Assessments will realise increases of between \$15.84 and \$161.33 from 2013/14. The 2015/16 increases for these Assessments ranges from \$79.17 to \$199.58. Three of these Assessments will realise a \$2.35 decrease from 2013/14. The 2015/16 increase for these Assessments is \$79.17.

Local Notice

Local governments are required to give notice of an intention to levy Differential rates by publishing a notice in a newspaper circulating in the district. The notice is to include an invitation for submissions to be made by electors or ratepayers in respect to the proposed rates or minimums.

Council is to consider any submission before imposing the proposed differential rates and minimums. It should be noted however, that Council is not restricted to impose what was advertised, but can modify the rates as required.

9.4 COMMUNITY SERVICES

9.4.1 Proposed Amendment – Policy No. 3.9.3 Parking Permits

ITEM WITHDRAWN BY ADMINISTRATION.

9.4.2 Project Update – Mary Street Piazza

Ward:	South Ward	Date:	29 April 2015
Precinct:	Mt Lawley Centre (11)	File Ref:	SC2075
Attachments:	1 – Proposed Piazza Footprint - 9 September 2014 (Council Report) 2 – Mary Street Piazza Concept Design One 3 – Mary Street Piazza Concept Design Two 4 – Mary Street Piazza Comparison Plan 5 – Confidential Attachment – Estimate Costs Breakdown		
Tabled Items:	Nil		
Reporting Officers:	D Doy, Place Manager J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

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.

PURPOSE OF REPORT:

For Council to consider approving one of the Concept Designs for the Mary Street Piazza in Highgate in accordance with Council’s decision of 9 September 2014.

BACKGROUND:

In July and August 2014, a temporary Piazza space was constructed at the southern corner of Mary Street and Beaufort Street. The temporary space was trialled during a two week community consultation period where direct feedback and submissions were collected in response to the Piazza idea. Three hundred and two (302) submissions were received from the community during this two week period, from which 87% were identified as supportive.

Council at its meeting held on 9 September 2014 considered the submissions received and resolved as follows:

“That Council;

1. *NOTES* the 302 submission received in relation to the Mary Street Piazza proposal and **ENDORSES** Administrations comments in response to those submissions;
2. **AUTHORISES** the Chief Executive officer to:
 - 2.1 *Call an Expression of Interest for qualified design consultants to design the Mary Street Piazza;*
 - 2.2 *Appoint a qualified design consultant to design the Mary Street Piazza; and*
 - 2.3 *Investigate the inclusion of a turning circle at the end of Mary Street and to seek Council’s final approval of the design once submitted by the appointed design consultant; and*
3. **ADVISES** the local community, ‘Beaufort Street Network’ and business owners of its decision”

The report to Council on 9 September 2014 included a proposed footprint for the Piazza (contained in **Attachment 1**). Although this footprint did not form part of Council's resolution on 9 September 2014, it is still important to note as it provides context to Council's decision, and what was contemplated at the time.

Following Council's decision on 9 September 2014, the City called for qualified design consultants to submit for the task of undertaking the design, documentation and project management of the Mary Street Piazza. A total of nine submissions were received. After a thorough review process the contract was awarded to local Landscape Architecture firm, Place Laboratory (the Consultant).

The Consultant and Officers from the City met at the corner of Mary Street and Beaufort Street on 25 March 2015 to undertake a thorough site inspection. The team were able to:

- Identify the location of existing services;
- Understand the cost and time constraints associated with moving, altering or upgrading these services;
- Consider the best design response to the topography of the site; and
- Meet with the neighbouring landowners to understand the needs and preferences of adjacent local business.

This detailed site analysis identified:

- An existing Low Voltage (LV) power line running approximately 800mm beneath the surface adjacent to the footpath on the south side of Mary Street that limits the ability to cut into the existing surface. It was initially concluded that this would result in retaining walls being pushed into the space, therefore undermining the useability of the western portion of the site. Advice from Western Power has outlined that a retaining wall can however, be built directly over this LV, therefore not compromising the width of the western portion of the Piazza;
- The potential for parking on the north side of Mary Street to be angled, reducing the need for manoeuvring space within the road pavement and, therefore allowing the western portion of the Piazza area to widen. It is the Consultant's opinion that the western portion of the Piazza outlined in the spatial layout in **Attachment 1** is very narrow and that some widening would create a more functional and useable space; and

In response to these findings, Administration requested the Consultant prepare two Concept Designs which are discussed in the Details Section below.

DETAILS:

The Mary Street Piazza Concept Designs are shown in **Attachment 2** (Concept Design One) and **Attachment 3** (Concept Plan 2). A summary of the key features and difference between these two designs is provided in the table below.

Key Features of the Mary Street Piazza Concept Designs

Key feature	Concept Design One	Concept Design Two
Spatial Layout	<p>Design One proposes a larger Piazza space than outlined in the report to Council at the 9 September 2014 OMC. A comparison plan which illustrates the extent of this expansion is contained in Attachment 4.</p> <p>The Concept Design proposes a wider western portion (6.4m). This extra width can be gained by angling parking on the north side of Mary Street. Angled bays do not require the manoeuvring space a traditional bay would require. Widening the Piazza through its western portion to 6.4m creates a much more functional space.</p> <p>The total area for Design One is 210m².</p> <p>Design One results in a loss of 8 car bays.</p>	<p>Design Two remains within the limits of the Piazza space illustrated in Attachment 1.</p> <p>Angled parking is not required on the north side of Mary Street.</p> <p>The total area for Design Two is 136m²</p> <p>Design Two results in a loss of 6 car bays.</p>
Accessibility	<p>Design One includes three 'at grade' entrances. This provides easy access to the Piazza for all users, from the adjacent footpaths and buildings. Activity generated from businesses within buildings abutting the piazza will spill into the Piazza.</p>	<p>Design Two also includes three 'at grade' entrances.</p>
Informal seating	<p>The proposed terraces at the Beaufort Street end of the Piazza have both a visual and functional purpose. They provide access to the first platform which will be under a steel, timber and fabric canopy. They also double as informal seating. The entrance will be a key meeting place for people coming to Beaufort Street.</p> <p>Due to the slope of the site a number of retaining walls are</p>	<p>Design Two incorporates the same entrance but does not include the steel, timber and fabric canopy.</p> <p>Design Two includes the same retaining walls bordering a narrowed and shorter space. The retaining walls in Design Two do not include timber capping but will have an attractive glazed brick finish.</p>

Key feature	Concept Design One	Concept Design Two
	<p>required. The retaining walls have a dual function. They not only hold together the fill required to create accessible level surfaces, but also act as informal seating. The retaining walls will include timber capping in parts and have an attractive glazed brick finish.</p>	
Green Space	<p>The Concept Design has deliberately focused on softening and greening the proposed Piazza, without compromising functionality. Two large trees (species to be determined) will be planted in the western portion of the Piazza. When these trees reach maturity they will spread to cover the western portion of the Piazza and extend over Mary Street.</p> <p>A sloping turfed embankment is also proposed at the midway point of the Piazza. Users will be able to lie down and view performances underneath the platform.</p> <p>This embankment extends into a small turfed area. This soft green space will provide a relaxed, comfortable, child friendly space.</p>	<p>Design Two includes the same 'green' features but in a smaller area.</p>
Materials	<p>The following materials will ensure the Piazza is both durable and beautiful:</p> <p>Surface Treatments:</p> <ul style="list-style-type: none"> • Natural grey broom finished concrete with saw cut joints. • Turf lawn and flat area suitable for events, play and resting. <p>Walls and Steps:</p> <ul style="list-style-type: none"> • Natural grey concrete seating, terraces and steps. • Glazed double brick walls with timber capping. 	<p>Design Two includes the same surface materials over a smaller area with the exception of timber capping on the retaining walls.</p>
Canopy	<p>The proposed canopy at the entrance to the Piazza at Beaufort Street has a number of functions:</p> <ul style="list-style-type: none"> • It provides protection to users of the Piazza; • It will be the focal point for the Piazza; and • It establishes the prime 	<p>Design Two does not include a canopy.</p>

Key feature	Concept Design One	Concept Design Two
	location for small community events and performances. Design One proposes a fabric canopy with a design in keeping with the existing artwork on the adjacent wall of the tenancy abutting to the south.	
Electrical Services	Design One will be fully connected to power and will include lighting and power points.	Design Two will not be connected to power, and therefore will not include lights or power points. Design Two will have the potential to connect to power in the future.

Delivery Timeframe

If a Concept Design is approved without any need for further consultation, the deadline for construction would remain at 30 October 2015 as agreed with the Consultant. If further consultation is deemed necessary by Council, then this construction deadline would need to be extended.

Cost

The construction cost estimates for the Concept Designs are as follows:

- Concept Design One has a construction cost estimate of \$288,223 (as outlined in **Confidential Attachment 5**); and
- Concept Design Two has a construction cost estimate of \$134,181 (as outlined in **Confidential Attachment 5**).

Turning Circle Investigation

At its 9 September 2014 meeting Council requested a review of the inclusion of a turning circle at the end of Mary Street. Administration has considered this matter in the context of the two submitted Concept Designs and has concluded that a turning circle is not required as vehicles travelling toward Beaufort Street will not be impeded.

CONSULTATION/ADVERTISING:

In July/August 2014, a temporary Piazza space was constructed at the southern corner of Mary Street and Beaufort Street. The temporary space was trialled for a two week period beginning 25 July running through to 8 August 2014.

A community 'drop in' session was also conducted on 2 August 2014 for a one hour period where City Officers were able to answer any questions about the Piazza from the community.

Since this time, ongoing consultation has occurred with the landowners and businesses adjacent to the Mary Street Piazza. Feedback from adjacent landowners has, in part, informed the spatial dimensions and features of the Piazza.

Council may wish to consider if further consultation with the community is required before a decision is made. The consultation period included a temporary Piazza with dimensions consistent with Concept Design Two (**Attachment 3**) and **Attachment 1**. The spatial layout illustrated in **Attachment 1** was also included in Administration's report to Council at their meeting on 9 September 2014. Council should consider whether the spatial expansion (clearly illustrated in the comparison plan contained in **Attachment 4**) would have resulted in a different response from the community should it have been presented during the consultation period in July and August 2014.

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS:

High: There is high likelihood that the design, documentation and project management fees charged by the Consultant will increase with Concept Design One in the order of \$5,000 to \$10,000. This will be able to be absorbed within the project contingency. Should variations occur during the construction phase, it is anticipated that the remaining project contingency will be sufficient to cover further costs.

Low/Medium: The proposed Piazza represents a low/medium risk to pedestrian and driver safety during construction and in the first month following development. It is expected that drivers will become accustomed to the change in the movement network over a period of weeks.

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:

Funds will need to be allocated by Council each financial year for ongoing cleaning and maintenance of the Piazza.

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. This leaves a budget of \$126,120 for the construction of the Piazza.

It is estimated that the construction cost of Design Concept One is \$288,223, which is \$162,103 extra than the existing construction budget.

An amount of \$95,000 has already been included in the Draft 2015/2016 Budget for Council's consideration. This sum will need to be expanded to \$165,000 in order to fund Concept Design One.

It is estimated that the construction cost of Concept Design Two is \$134,181, which is \$8,061 extra than the existing construction budget. This extra amount could be funded from the existing Beaufort Streetscape Enhancement Budget.

An estimated cost breakdown for both Concept Designs is contained in **Confidential Attachment 5**.

COMMENTS:

It is recommended that Council approve the Mary Street Piazza Concept Design One. Concept Design One outlines a functional and lasting urban space that maximises the activity generated from adjoining business.

Regardless of which Concept Design Council wishes to pursue, the current contract with the Consultant requires the preparation of detailed costings, drawings and tender specifications, tender documentation and the project management and supervision of construction.

9.5 CHIEF EXECUTIVE OFFICER

9.5.1 Use of the Council's Common Seal

Ward:	-	Date:	17 April 2015
Precinct:	-	File Ref:	SC406
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	L Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

That Council **NOTES** the use of the Council's Common Seal on the documents listed in this report, for the month of April 2015.

BACKGROUND:

The Chief Executive Officer (CEO) is responsible for the day-to-day management of the City and other responsibilities and functions in accordance with Section 5.41 of the Local Government Act. This includes the signing of documents and use of the Council's Common Seal for legal documents.

Policy No. 4.1.10 – "Use of Common Seal" states that Council authorises the Chief Executive Officer to use the Common Seal, in accordance with Clause 13.3 of the City of Vincent Standing Orders Local Law 2008, subject to a report being submitted to Council each month (or bi-monthly if necessary) detailing the documents which have been affixed with the Common Seal.

The Common Seal of the City of Vincent has been affixed to the following documents:

Date	Document	No of copies	Details
9/04/2015	Section 70A Notification	2	City of Vincent and K & R Hawthorne of 7 Melrose Street, Leederville, S Oregioni of 9A Melrose Street, Leederville, S A & J Meyer of 8 Cornflower Corner, Churchlands and Y Tse of 9 Melrose Street, Leederville re: No. 91 (Lot: 3 D/P: 6257) Bourke Street, Leederville – <i>To satisfy Clause 6.6 of Conditional Approval of the Council Meeting held on 21 October 2014</i>
9/04/2015	Deed (<i>Two additional copies</i>)	2	City of Vincent and R Howell and H Gale of 6 Anzac Road, North Perth and Western Australian Planning Commission of 140 William Street, Perth re: Two Additional Copies of Deed regarding lot sold to the WAPC to be used by the Owners of the Adjoining Lot – <i>Date of Council decision: 11 October 2005. Original Deed signed on 25 February 2015</i>
9/04/2015	Section 70A Notification	1	City of Vincent and Suncluster Pty Ltd of Unit 1, 10 Achievement Way, Wangara re: No. 261 (Lots 1 & 2) Charles Street, North Perth (Four (4) Storey Multiple Dwelling Development) – <i>To satisfy Clause 6.6 of Conditional Approval by the Development Assessment Panels (DAP) on 21 February 2014</i>
9/04/2015	Withdrawal of Caveat	1	City of Vincent and HWL Ebsworth Lawyers of Level 11, 167 St Georges Terrace, Perth WA 6000 re: No. 158 Bulwer Street, Perth – Change of Use from Parking Area to Unlisted Use (Car Wash) – <i>To satisfy Clause 6.1 of Conditional Planning Approval (5.2011.453.1)</i>
9/04/2015	Withdrawal of Caveat	1	City of Vincent and HWL Ebsworth Lawyers of Level 11, 167 St Georges Terrace, Perth WA 6000 re: No. 134 Alma Road, North Perth – Proposed 2 Two-storey Multiple Dwelling Buildings – <i>To satisfy Clause 2.4 of Conditional Planning Approval (5.2013.311.1)</i>

**9.5.2 Strategic Plan 2013-2023 – Progress Report for the Period
1 January 2015 – 31 March 2015**

Ward:	-	Date:	17 April 2015
Precinct:	-	File Ref:	-
Attachments:	1 – Strategic Plan Quarterly Progress Report		
Tabled Items:	-		
Reporting Officer:	J Highfield, Executive Assistant		
Responsible Officer:	Len Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

That Council **RECEIVES** the progress report on the Strategic Community Plan 2013 2023 (SCP) for the period 1 January 2015 – 31 March 2015 (Attachment 1).

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly report to the Council to keep it informed of progress of strategies in the Corporate Business Plan 2013-2017 (CBP) for the period 1 January 2015 to 31 March 2015, which align to objectives in the SCP.

BACKGROUND:

At the Ordinary meeting of Council dated 10 September 2013, Council considered a report dealing with the Statutory Review of the City of Vincent Strategic Community Plan 2011-2021 and Corporate Business Plan 2011 - 2016 and resolved as follows:

“That the Council;

1. *NOTES that in accordance with the Local Government (Administration) Regulations 1996 a Statutory review is required to be carried out of its Strategic Community Plan,*
2. *APPROVES BY AN ABSOLUTE MAJORITY to adopt the amended City of Vincent Strategic Community Plan 2013 – 2023 and Corporate Business Plan 2013 – 2017, as shown in Appendix 9.5.2;*
3. *ACKNOWLEDGES that the implementation of the City’s Plan for the Future maybe significantly impacted by the State Government’s proposal for amalgamations of Metropolitan Local Governments and the splitting of the City of Vincent; and*
4. *REQUESTS the Chief Executive Officer to write to the Department of Local Government and Communities seeking clarification as to the need to conduct the statutory comprehensive four (4) yearly review of the Plan for the Future, as required by the Local Government (Administration) Regulations 1996, due to the State Government’s proposal for amalgamations.”*

DETAILS:

Progress reports are traditionally reported to Council for each quarter as follows:

Period	Report to Council
1 October 2014 - 31 December 2014	March
1 January 2015 - 31 March 2015	May
1 April 2015 – 30 June 2015	August
1 July 2015 – 30 September 2015	October

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Section 5.56 of the Local Government Act 1995 requires a Local Government to plan for the future of the District. Division 3 of the Local Government (administration) Regulations 1996 deals with "Planning for the future", the Regulations prescribe that a Local Government is to:

- Prepare and adopt a Strategic Community Plan which is to cover at least 10 years; and
- Make a corporate business Plan of at least 4 financial years, which sets out the Local Government Priorities for dealing with the objectives of the Community outlined in the SCP.

RISK MANAGEMENT IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

The SCP provides the Council and administration with its aims, goals and objectives (key result areas) for the period 2013-2023. The CBP provides the operational priorities to activate the SCP during the four year period 2013-2017. The reporting on a quarterly basis is in accordance with the Strategic Plan 2013-2023 Key Result Area.

This is in keeping with the City's Strategic Community Plan 2013-2023- *"Leadership, Governance and Management"*, in particular, Objective 4.1.2 - *"Manage the Organisation in a responsible, efficient and accountable manner"*.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The progress report for the SCP indicates that the City's administration is progressing with the various strategies in accordance with the Council's adopted programs and adopted budget.

9.5.3 Information Bulletin

Ward:	-	Date:	17 April 2015
Precinct:	-	File Ref:	-
Attachments:	1 – Information Bulletin		
Tabled Items:	-		
Reporting Officer:	J Highfield, Executive Assistant		
Responsible Officer:	Len Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the Information Bulletin dated 17 April 2015 as distributed with the Agenda.

DETAILS:

The items included in the Information Bulletin dated 17 April 2015 are as follows:

ITEM	DESCRIPTION
IB01	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 4 March 2015
IB02	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 18 March 2015
IB03	Unconfirmed Minutes of the Garden Awards Advisory Group Meeting held on 8 April 2015
IB04	Ranger Services Statistics for January, February and March 2015
IB05	Vincent Bike Network Plan 2013 – Quarterly Report – Progress Report No. 10
IB06	Register of Petitions – Progress Report – May 2015
IB07	Register of Notices of Motion – Progress Report – May 2015
IB08	Register of Reports to be Actioned – Progress Report – May 2015
IB09	Register of Legal Action (Confidential – Council Members Only) – Monthly Report as at 13 April 2015
IB10	Register of Legal Action (Confidential – Council Members Only) – Quarterly Report as at 13 April 2015
IB11	Register of State Administrative Tribunal (SAT) Appeals – Progress Report – as at 15 April 2015
IB12	Register of Applications Referred to the Design Advisory Committee – 2015
IB13	Register of Applications Referred to the MetroWest Development Assessment Panel – Current
IB14	Forum Notes – 17 March 2015
IB15	Delegations of Authority exercised for the period 1 January 2015 to 31 March 2015

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

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

Nil.

15. CLOSURE
