



CITY OF VINCENT

# ORDINARY COUNCIL MEETING

13 December 2016

## 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 13 December 2016** at 6:00pm.

Len Kosova  
CHIEF EXECUTIVE OFFICER

9 December 2016

**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**
  3. (a) **Public Question Time and Receiving of Public Statements**  
(b) **Response to Previous Public Questions Taken On Notice**
  4. **Applications for Leave of Absence**
  5. **The Receiving of Petitions, Deputations and Presentations**  
Nil.
  6. **Confirmation of Minutes**  
6.1 Ordinary Meeting of Council held on 15 November 2016.
  7. **Announcements by the Presiding Member (Without Discussion)**
  8. **Declarations of Interest**
  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")**
  
  15. **Closure**
-

**INDEX**  
**(13 DECEMBER 2016)**

<b>ITEM</b>	<b>REPORT DESCRIPTION</b>	<b>PAGE</b>
<b>9.1</b>	<b>DEVELOPMENT SERVICES</b>	
9.1.1	FURTHER REPORT: Nos. 338-342 (Lots: 9 and 10; D/P: 2287) Oxford Street, Leederville – Proposed Change of Use from Educational Establishment to Place of Public Worship (5.2016.390.1) [ <b>ABSOLUTE MAJORITY DECISION REQUIRED</b> ]	1
9.1.2	No. 478 (Lot: 60; D/P: 2355) Fitzgerald Street, North Perth – Change of Use from Single House to Consulting Room Non-Medical (Beauty Therapy) (Retrospective) (Unlisted Use) (5.2016.168.1) [ <b>ABSOLUTE MAJORITY DECISION REQUIRED</b> ]	11
9.1.3	No. 391 (Lot: 1; STR: 19810) Fitzgerald Street, North Perth – Temporary Outdoor Market (Car Boot Sale) (Unlisted Use) (5.2016.357.1) [ <b>ABSOLUTE MAJORITY DECISION REQUIRED</b> ]	16
9.1.4	No. 642 (Lot: 99; D/P: 692) Beaufort Street, Mount Lawley – Proposed Change of Use from Shop and Office to Small Bar (Unlisted Use) and Office (5.2016.390.1) [ <b>ABSOLUTE MAJORITY DECISION REQUIRED</b> ]	22
9.1.5	No. 18 (Lot: 401; D/P: 74600) Turner Street, Highgate – Proposed Amendment to Previous Approval and Extension of the Term of Approval: Three Multiple Dwellings (5.2016.379.1)	30
9.1.6	No. 161 (Lots: 14 and 15; D/P: 1509) Loftus Street, Leederville – Extension of the Term of Approval: Ten Multiple Dwellings (5.2016.296.1)	37
9.1.7	No. 124 (Lot: 57; D/P: 1034) Richmond Street, Leederville – Proposed Extension of the Term of Approval: Four Multiple Dwellings (5.2016.452.1)	43
9.1.8	Nos. 77-79 (Lots: 3 and 4; D/P: 7680) Anzac Road, Mount Hawthorn – Six Grouped Dwellings (5.2016.368.1)	48
9.1.9	Nos. 201-203 (Lot: 1; D/P: 1239) Oxford Street, Mount Hawthorn – Proposed Alterations and Additions to Existing Non-Residential Building (Stairwell and Lift) (5.2016.267.1)	59
9.1.10	No. 14 (Lot: 51; D/P: 1106) Harley Street, Highgate – Section 31 Reconsideration – Proposed Single House (5.2016.144.1)	64
9.1.11	Outcomes of Advertising – Draft Policy No. 7.1.1 – Built Form (SC2320)	74
<b>9.2</b>	<b>TECHNICAL SERVICES</b>	
9.2.1	Hardy Street, North Perth - Proposed Parking Restriction (SC816, SC1201)	84
<b>9.3</b>	<b>CORPORATE SERVICES</b>	
9.3.1	Investment Report as at 30 November 2016 (SC1530)	86
9.3.2	Authorisation of Expenditure for the period 21 October 2016 to 23 November 2016 (SC347)	89
9.3.3	Financial Statements as at 31 October 2016 (SC357)	92
9.3.4	2015/2016 Carry Forwards Adjustment Report (SC357) [ <b>ABSOLUTE MAJORITY DECISION REQUIRED</b> ]	98

**INDEX  
(13 DECEMBER 2016)**

<b>ITEM</b>	<b>REPORT DESCRIPTION</b>	<b>PAGE</b>
9.3.5	Proposed Parking Restrictions and Car Parking Licence, Mick Michael Park/Royal Park carpark, 413 Bulwer Street, West Perth (corner Charles Street) – WA Volleyball Inc & Bethanie Group Inc (SC613)	101
9.3.6	Short-Term Lease of Litis Stadium/Floreat Athena Soccer Club (SC614)	108
9.3.7	Lease of clubrooms and croquet courts at Forrest Park, No 66 (Lot 143) Harold Street, Mt Lawley – Forrest Park Croquet Club Inc (SC619)	122
<b>9.4</b>	<b>COMMUNITY ENGAGEMENT</b>	
9.4.1	Review of Local Law Provisions Relating to Storage of Items on Verge (SC1991)	131
9.4.2	Community Development Initiative for Isolated Seniors (SC1978)	136
9.4.3	Review of Policy No. 3.10.9 – Public Murals (SC1450)	143
<b>9.5</b>	<b>CHIEF EXECUTIVE OFFICER</b>	
9.5.1	Council Recess Period 2015-2016 - Receiving of Reports (ADM0018) <b>[ABSOLUTE MAJORITY DECISION REQUIRED]</b>	147
9.5.2	Annual Report 2014-2015 – Adoption and Annual General Meeting of Electors 2016 (SC165) <b>[ABSOLUTE MAJORITY DECISION REQUIRED]</b>	149
9.5.3	Audit Committee Minutes and Annual Financial Report 2015/2016 (SC243) <b>[ABSOLUTE MAJORITY DECISION REQUIRED]</b>	152
9.5.4	Report to the Audit Committee Best Practice and Proposed Changes to the Audit Committee Terms of Reference (ADM0018)	156
9.5.5	Information Bulletin	160
<b>10.</b>	<b>COUNCIL MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>	
10.1	NOTICE OF MOTION: Councillor Susan Gontaszewski, Cr Emma Cole and Cr Dan Loden – Development of a City of Vincent Public Open Space Strategy	161
<b>11.</b>	<b>QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (Without Discussion)</b>	
	Nil.	163
<b>12.</b>	<b>REPRESENTATION ON COMMITTEES AND PUBLIC BODIES</b>	
	Nil.	163
<b>13.</b>	<b>URGENT BUSINESS</b>	
	Nil.	163
<b>14.</b>	<b>CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“Behind Closed Doors”)</b>	
	Nil.	163

**INDEX  
(13 DECEMBER 2016)**

<b>ITEM</b>	<b>REPORT DESCRIPTION</b>	<b>PAGE</b>
<b>15.</b>	<b>CLOSURE</b>	<b>163</b>

---

## 9.1 DEVELOPMENT SERVICES

### 9.1.1 FURTHER REPORT: Nos. 338-342 (Lots: 9 and 10; D/P: 2287) Oxford Street, Leederville – Proposed Change of Use from Educational Establishment to Place of Public Worship

<b>Ward:</b>	North	<b>Date:</b>	2 December 2016
<b>Precinct:</b>	Precinct 3 – Leederville	<b>File Ref:</b>	5.2016.305.1
<b>Attachments:</b>	<a href="#">1</a> – Consultation and Location Map <a href="#">2</a> – Development Application Plans <a href="#">3</a> – Amended Development Application including Management Plan <a href="#">4</a> – Car Parking and Bicycle Tables <a href="#">5</a> – Determination Advice Notes		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Narroo, Senior Statutory Planning Officer		
<b>Responsible Officer:</b>	J Corbellini, Director Development Services		

#### RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by Resolve Group Pty Ltd for the proposed Change of Use from Educational Establishment to Place of Worship at Nos. 338-342 (Lots: 9 and 10; D/P: 2287) Oxford Street, Leederville, as shown on plans included as Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 5:

#### 1. Parking and Special Events Management Plan

Use of the premises shall be carried out in accordance with the Parking and Traffic Management Plan date stamped 16 November 2016 or any revised Parking and Traffic Management Plan approved by the City. The Parking and Traffic Management Plan shall be reviewed every 12 months, with any changes identified during this review or by the City, being incorporated into an updated Parking Management Plan approved by the City as part of the review.

All requirements of the Parking and Traffic Management Plan shall be implemented to the satisfaction of the City;

#### 2. Use of the Premises

The maximum number of persons permitted on the site shall be limited to:

- 360 persons from 10:00 am to 1:00 pm on Easter Sunday, Christmas Sunday, Father's Day Sunday and Mother's Day Sunday;
- 300 persons from 10:00am to 1:00pm Sundays, except Easter Sunday, Christmas Sunday, Father's Day Sunday and Mother's Day Sunday;
- 200 persons from 11:00am to 5:00pm Saturdays and 2:00pm to 4:00pm Sundays;
- 30 persons from 10:00am to 2.30pm Monday to Friday;
- 30 persons from 7:00pm to 10:00pm Monday to Thursday;
- 50 persons from 7:30pm to 10:00pm Friday; and
- 10 persons at all other times unless a revised Parking and Traffic Management Plan is submitted to an approved by the City in accordance with Condition 1. above, in which case the maximum number of persons permitted on the site will be limited by the approved Parking and Traffic Management Plan;

**3. Car Parking and Access**

**3.1** The car parking and access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 prior to occupancy or use of the development;

**3.2** Vehicle and pedestrian access points are required to match into existing footpath levels; and

**4. External Fixtures**

All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings;

**5. Interactive Front**

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

**6. Verge Trees**

No verge trees shall be removed without the prior written approval of the City. The verge trees shall be retained and protected from any damage including unauthorised pruning, to the satisfaction of the City;

**7. Landscape and Reticulation Plan**

**7.1** A detailed landscape and reticulation plan for the development site and adjoining road verge is to be lodged with and approved by the City prior to commencement of the development. The plan shall be drawn to a scale of 1:100 and show the following:

**7.1.1** The location and type of existing and proposed trees and plants;

**7.1.2** Areas to be irrigated or reticulated; and

**7.1.3** The removal of redundant crossovers; and

**7.2** All works shown in the approved landscape and reticulation plan shall be undertaken to the City's satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

**8. Waste Management**

**8.1** A Waste Management Plan shall be submitted to and approved by the City prior to commencement of the development detailing a bin store to accommodate the City's specified bin requirement; and

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

---

9. **Stormwater**

Prior to occupancy or use of the development all storm water collected on the subject land shall be retained onsite, by suitable means to the satisfaction of the City;

10. **Bicycle Bays**

10.1 Prior to occupancy or use of the development a minimum of 10 bicycle bays are to be provided onsite to the City's satisfaction. Bicycle bays must be provided at a location convenient to the entrance, publicly accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3; and

10.2 Prior to occupancy or use of the development a minimum of 10 bicycle bays are to be provided at the applicants cost in the Franklin Street verge, in a location to the City's satisfaction. The bicycle facilities shall be designed in accordance with AS2890.3 and all works shall be undertaken to the City's specification and satisfaction;

11. **Signage**

11.1 Signage shall not have flashing or intermittent lighting;

11.2 All signage shall be safe, non-climbable, and free from graffiti and kept in a good state of repair for the duration of its display on-site;

11.3 The signage is to be entirely contained within the property boundary;

11.4 The proposed signage is to advertise the place of public worship and services only; and

11.5 The glazed area of the windows shall comply with Policy No. 7.5.2 – Signs and Advertising;

12. **Heritage**

12.1 Landscaping to the perimeter of the hail shall not be hard up against the building, and watering is to be directed away from the fabric to minimise issues with damp; and

12.2 A photographic archival record is to be made of the former St Mary's Hall prior to alterations, according to the *Guide to Preparing an Archival Record*; and

13. **General**

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

**PURPOSE OF REPORT:**

To further consider an application for development approval for a change of use from 'Educational Establishment' to 'Place of Public Worship' at Nos.338-342 Oxford Street, Leederville.

---

**BACKGROUND:**

<b>Landowner:</b>	Trustee of the Christian Brothers
<b>Applicant:</b>	Resolve Group Pty Ltd
<b>Date of Application:</b>	22 July 2016
<b>Zoning:</b>	MRS: Urban TPS1: Zone: Residential R-Code: R60 TPS2: Zone: Residential Commercial R-Code: R100
<b>Existing Land Use:</b>	Educational Establishment
<b>Proposed Use Class:</b>	Place of Public Worship - "AA"
<b>Lot Area:</b>	Lot 9 = 556m <sup>2</sup> Lot 10 = 556m <sup>2</sup> Total = 1,112m <sup>2</sup>
<b>Right of Way (ROW):</b>	Eastern side, 5 metres in width, sealed
<b>Heritage List:</b>	Yes - Management Category A

The subject site is located at Lots 9 and 10 Oxford Street Leederville, on the corner Franklin Street, see **Attachment 1**. The site currently contains the heritage listed St Mary's Hall, which is a vacant school hall previously used in association with Aranmore Catholic College. The subject site is included on the City's Municipal Heritage Inventory as Management Category A – Conservation Essential and the Heritage Council's State Register of Heritage Places.

The site is zoned 'Residential' and adjoins a 'Residential' zoned property containing a single house to the north, with Aranmore Catholic College to the south and east, separated by a Franklin Street and a right-of-way respectively. Commercial uses occur directly adjacent to the subject site to the west, across Oxford Street. The surrounding area is predominately zoned 'Residential' and is dominated by single house development.

The applicant proposes to use the existing building for a 'place of public worship' in order to accommodate Sonlife Church, an independent church currently located at 8 Cleaver Street, West Perth. The church has been operating from its current location for two and a half years and is looking to relocate to accommodate a higher density of visitors.

The application proposes to modify the internal layout of the building to accommodate the church use. This includes converting the storeroom, bathrooms, change rooms and kitchen in the northern addition, which was built in the 1960s, into classrooms and reconfiguring the existing stage in the Hall. Space for two car parking bays, ten bicycle bays and bin store is available on Lot 10 off the right-of-way. A dividing fence is also proposed along the northern boundary. Six signs are proposed as part of this application. The development plans are included as **Attachment 2**.

The proposed Change of Use from Educational Establishment to Place of Public Worship was presented to the Ordinary Meeting of Council on 18 October 2016 where Council resolved to defer the item for further consideration. The applicant subsequently amended their application by reducing the number of persons proposed to be accommodated on the site from 450 persons to:

- 15 persons from 9.30 am to 4:00pm Tuesday to Friday for the Church office;
- 30 persons from 10:00am to 2.30pm Monday to Friday for Community/Playgroups;
- 30 persons from 7:00pm on weeknights;
- 50 people from 7:30 pm to 10:00 on Fridays for Friday Fellowship;
- 300 persons from 10:00am to 1:00pm for Sunday Service;
- 360 persons from 10:00 am to 1:00 pm for Special Services on Sunday (Easter, Christmas, Father's Day and Mother's Day); and
- 200 persons for special events (Weddings, Funerals and Community Events) on Saturdays 11:00am to 5:00pm and Sundays from 2:00pm to 4:00pm.

The applicant also provided a comprehensive Parking and Traffic Management Plan detailing the parking demand, availability, location and management for each of the time periods outlined above. This revised management plan limits the location of on-street car parking for patrons to:

- Western part of Franklin Street;
- Northern side of Marian Street between Oxford Street and Shakespeare Street;
- Western side of Shakespeare Street at the southern end between Franklin Street and Marian Street; and only if necessary
- Oxford Street between Anzac Road and Tennyson Street.

These amended parking locations do not overlap with the parking areas used by St Mary's church, being the eastern side of Franklin Street, central and northern side of Shakespeare Street and the Aranmore Car Park. The amended proposal also includes details around marshalling, temporary signage and communication to guide churchgoers on the parking locations and requirements.

The amended proposal, including the expanded Parking and Traffic Management Plan is included as **Attachment 3**.

**DETAIL:**

**Summary Assessment**

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

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Land Use (only where required)		✓
Car Parking		✓
Bicycle Parking		✓
Signage		✓

**Detailed Assessment**

The deemed-to-comply assessment of the elements that require the discretion of Council is as follows, noting that the car parking and bicycle assessment tables is included at **Attachment 4**:

Land Use	
Deemed-to-Comply Standard	Proposal
<b>Town Planning Scheme No. 1</b>	
Zone – Residential R60	Place of Public Worship - "AA" Use
Parking	
Deemed-to-Comply Standard	Proposal
<b>Local Planning Policy No. 7.7.1 – Parking and Access</b>	
Church Office – 15 persons Tuesday to Friday 9:30 am – 4:00pm 2 bays	2 bays
Community/Playgroup – 30 persons Monday to Friday 10:00 am to 2.30pm 4 bays	2 bays

Meetings – 30 persons Monday to Thursday 7:00pm onward 4 bays	2 bays
Fellowship Service – 50 persons Friday nights 7:30pm to 10:00pm 7 bays	2 bays
Sunday Service – 300 persons Sunday 10:00am to 1:00pm 37 bays	2 bays
Special Services - Easter/Christmas/Father's Day/ Mother's Day – 360 persons Sunday – 10:00am to 1:00pm 44 bays	2 bays
Special Events – Weddings/Funerals/ Community Events – 200 persons Saturday 11:00am to 5:00pm Sunday 2:00pm to 4:00pm 25 bays	2 bays
Bicycles	
Deemed-to-Comply Standard	Proposal
<b>Local Planning Policy No. 7.7.1 – Parking and Access</b>  18 bicycle bays	10 bicycle bays  Plus 5 U-Rails (10 Spaces) on the Franklin Street Verge adjacent to the building (on the same offset alignment to the trees).
Signage	
Deemed-to-Comply Standard	Proposal
<b>Local Planning Policy No. 7.5.2 Signs and Advertising</b>  A maximum of 2 signs per tenancy  Window signs  Maximum 50 per cent of the glazed area of any one window.	6 signs  Windows facing Oxford Street = 66 and 69 per cent of the glazed area of the windows

**CONSULTATION/ADVERTISING:**

Following receipt of the amended proposal, the application was readvertised for a period of 14 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 2 November 2016 until 15 November 2016. The method of advertising included 249 letters mailed to all owners and occupiers along the streets where churchgoers are proposed to park their vehicles, as shown on **Attachment 1**, in accordance with the City's Policy No. 4.1.5 – Community Consultation.

A total of 8 submissions were received, including five objections one with concerns and two in support. Out of the five objections, two letters were from the same property. The two letters of support were from one individual who owns two different properties in the consultation area. The matters raised in the submissions related to parking and traffic impacts on the surrounding area, particularly given the operations of the school and St Mary's Church.

As part of the original round of consultation, undertaken for a period of 14 days from 18 August 2016 to 31 August 2016, a total of 12 submissions, including three objections, were received. The main planning concerns raised related parking, traffic, privacy and noise.

The main issues raised as part of the consultation process are discussed in the Comment section below.

**Design Advisory Committee (DAC):**

Referred to Design Advisory Committee: No

**Heritage**

The proposal was referred to the State Heritage Office given the subject place is listed on the City's Municipal Heritage Inventory as Management Category A – Conservation Essential and the Heritage Council's State Register of Heritage Places. In a letter dated 15 September 2016, received 22 September 2016, from the State Heritage Office, the Office stated that the proposed development is supported subject to the following conditions:

1. Landscaping to the perimeter of the hall shall not be hard up against the building, and watering is to be directed away from the fabric to minimise issues with damp (see Heritage Council publication *Technical guide - Salt Attack and Rising Damp*).
2. A photographic archival record is made of the former St Mary's Hall prior to alterations, according to the *Guide to Preparing an Archival Record*.

In addition, the State Heritage Office advised that in relation to the removal of the proscenium arch and proposed alterations to the stage, this will be an irreversible change occurring to significant original fabric. Whilst this change will not adversely impact the significance of the registered place, it is not considered good conservation practice. The State Heritage Office would encourage the applicant to reinstate the proscenium arch in its relocated position, or carefully dismantle and store the material on site so that it is capable of reinstatement at a later date.

Given the above, it is recommended that any approval of the development include the conditions and advice notes outlined by the State Heritage Office.

**LEGAL/POLICY:**

- *Planning and Development Act 2005*;
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.3 – Leederville Precinct;
- Policy No. 7.5.2 – Signs and Advertising; and
- Policy No. 7.7.1 – Parking and Access.

Delegation to Determine Applications:

This matter is being referred to Council as 'place of public worship' is classified as a Category 2 application which is required to be referred to Council for determination.

**RISK MANAGEMENT IMPLICATIONS:**

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

---

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2023 states:

*"Natural and Built Environment*

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

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

Land Use

The building on site, known as St Mary's Hall, has historically been used as a school hall in association with Aranmore Catholic College. The proposal to change the land use of the building to a 'public place of worship', is a discretionary land use under Town Planning Scheme No. 1, and is considered to closely align with historic use of the site. The land use is also considered complimentary to the heritage of the building as it necessitates minimal alteration to the original fabric of the place.

Though currently zoned 'Residential' the area is proposed to be rezoned 'Residential/Commercial' under the City's draft Town Planning Scheme No. 2. The immediate vicinity is already dominated by educational and commercial uses, and the proposed land use is considered in keeping with both the current and planned use of the area.

Parking and Traffic

Following deferral the applicant amended the application to reduce the intensity of the use of the site by reducing the maximum numbers of persons from 400 to 300 on Sunday mornings; 130 to 50 on Friday evenings; 450 to 360 on special services on Sunday; and 450 to 200 for special events on Saturdays and Sunday afternoons. This has significantly reduced the parking demand for the development with the application now requiring a maximum of 44 bays for the special services on Sunday, in accordance with the City's Policy No. 7.7.1 – Parking and Access.

The applicant has also developed a comprehensive Parking and Traffic Management Plan that details the car parking demand for each activity and the parking available during each time period. This has then informed the designated location of parking for each activity as well as the management measures that will be implemented in each case. The parking locations now proposed to be relied upon have been limited to the western side of Franklin Street, northern side of Marian Street and western side of Shakespeare Street south of Franklin.

These areas do not overlap with the parking areas used by St Mary's Church, being the eastern side of Franklin Street, central and northern side of Shakespeare Street and the Aranmore Car Park. As a result the on-street parking area relied on has little to no utilisation on Saturday and Sunday with at least 62 bays available in these areas in the worst case scenario identified in the parking surveys and aerial image investigations. Given this, there is considered to be more than adequate parking available in the locations identified in the Parking and Traffic Management Plan for the 44 car bays required for the development under the City's Parking and Access Policy. In addition, Oxford Street on-street parking is available only as a contingency.

---

The management plan also includes clear parking rules for each activity and details how these parking requirements will be communicated to attendees. This includes providing temporary signage and marshals to enforce those requirements for Sundays and special events. The marshal plan for Sunday Services and special events includes four Sonlife parking marshals who will be located at four different locations along Oxford Street, Franklin Street, Marion Street and Shakespeare Street to assist visitors to the church and ensure parking occurs in the correct locations. Attendees will be directed to the next available bay and will be advised that parking is not permitted in any other street or verge and that circulation and bay searching is not permitted. Oxford Street will only be used once all of the bays on the western side of Franklin Street, northern side of Marian Street and south western side of Shakespeare Street are utilised.

The current Sonlife Church located in Cleaver Street, West Perth currently relies on on-street parking and operates under a similar parking management plan. Parking for the Cleaver Street site has operated successfully for the past two and a half years, with neither the City nor the operator receiving any complaints in that time. Given the current church members operate under a similar parking management plan, it is likely that the same parking management process will also be successful in the proposed location. As such, it is considered there will be minimal impact on traffic and car parking in the area.

The amended proposal has demonstrated that the parking for the development can be accommodated away from both residential properties and Oxford Street. Given the management measures proposed and their demonstrated success in Cleaver Street, it is not considered that the development will have a detrimental impact on traffic or parking for residents or business in the area.

#### Bicycle Parking

The calculation for bicycle bays is based on the maximum number of attendees to the place of worship, which will occur only on Sundays. For the remaining part of the week, the required number of bicycle bays will comply. Given this, and the fact that the building is Heritage Listed, any changes would require significant alterations to accommodate additional bicycle parking. It is considered that 10 bicycle bays on site and the 5 U-Rails (10 Spaces) on the Franklin Street Verge adjacent to the building (on the same offset alignment to the trees) are appropriate in this instance, provided the bays in the Franklin Street road reserve are appropriately located and constructed to the City's satisfaction.

#### Privacy

It was noted in the submissions that the backyard of the adjoining northern property including the bathroom can be viewed from the hall's outdoor area. In order to address these potential privacy concerns, the applicant has proposed a fence along the northern boundary which will provide privacy to the adjoining property.

#### Noise

Submissions raised concerns regarding the impact of noise, particularly from bells and services. The applicant has advised bells will not be used as part of services and that acoustic insulation, acoustic curtains, carpets on the hall floor and padded seats will all be installed, which will contribute to absorption of sound. The hours proposed by the application are also considered appropriate to reduce the impact of noise on adjoin residential properties.

#### Signage

The application proposes six signs to the external façade of the building, five facing Oxford Street and three facing Franklin Street. The scale and design of the proposed wall and awning signage is considered to be minor and will not dominate the building or streetscape. The window signage proposed is however considered to be excessive given that it obscures more than 50 per cent of the glazing. As such, it is recommended that any approval require the windows to maintain an interactive frontage with the street and a condition has been imposed to this effect.

---

Conclusion

The proposed 'public place of worship' is considered to be an appropriate use for the site, given the mixed use character of the area, and the re-use of the existing building which is heritage listed. The development does propose a high intensity use on Sunday mornings and on special occasions, resulting in the reliance of street car parking surrounding Aranmore College. However, these times are 'off-peak' when the school is not in operation and do not overlap with any residential parking areas or the parking relied on by St Mary's Church. In addition it is considered that the comprehensive parking and traffic management plan will ensure that the utilisation of on-street parking will be located appropriately so as not to impact on adjoining residents or businesses.

Given the above, it is recommended that the application be approved subject to conditions.

**9.1.2 No. 478 (Lot: 60; D/P: 2355) Fitzgerald Street, North Perth – Change of Use from Single House to Consulting Room Non-Medical (Beauty Therapy) (Retrospective) (Unlisted Use)**

<b>Ward:</b>	South	<b>Date:</b>	30 November 2016
<b>Precinct:</b>	Precinct 10 – Norfolk	<b>File Ref:</b>	5.2016.168.1
<b>Attachments:</b>	<a href="#">1</a> – Consultation and Location Map <a href="#">2</a> – Development Application Plans <a href="#">3</a> – Applicant’s Justification <a href="#">4</a> – Determination Advice Notes <a href="#">5</a> – Summary of Submissions		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Groom, Statutory Planning Officer		
<b>Responsible Officer:</b>	J Corbellini, Director Development Services		

**RECOMMENDATION:**

That Council, APPROVES BY ABSOLUTE MAJORITY under Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the retrospective application for Change of Use from Single House to Consulting Room Non-Medical – Beauty Therapy (Unlisted Use) at No. 478 (Lot: 60; D/P: 2355) Fitzgerald Street, North Perth in accordance with plans shown on Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 4:

**1. External Fixtures**

- 1.1 Windows, doors and adjacent areas fronting Beaufort Street shall maintain an active and interactive relationship with the street. Darkened, obscured, mirror or tinted glass or the like is prohibited; and
- 1.2 All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings;

**2. Use of Premises**

- 2.1 The development shall be used in accordance with the definition of ‘Non-Medical Consulting Rooms’ set out under the City’s Policy No. 7.5.22 – Consulting Rooms;
- 2.2 The use shall be limited to a maximum of four beauty therapists operating at any one time; and
- 2.3 The hours of operation shall be limited to the following times:
  - 8:00am to 9:00pm Monday to Friday;
  - 8:00am to 5:00pm Saturday;
  - 11:00am – 5:00pm Sundays and Public Holidays (except Christmas Day, Good Friday and Anzac Day); and
  - CLOSED Christmas Day, Good Friday and Anzac Day;

**3. Car Parking and Access**

- 3.1 A minimum of eight car bays shall be provided as shown on the approved plans;

- 3.2 **Vehicle and pedestrian access points are required to match into existing footpath levels;**
- 3.3 **The car parking and access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 prior to occupancy or use of the development; and**
- 3.4 **Three class 3 bicycle facilities shall be provided at a location convenient to the entrance and publicly accessible to the development. The bicycle facilities shall be designed in accordance with AS2890.3;**

**4. Waste Management**

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

**5. Storm water**

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

**6. Verge Trees**

**No verge trees shall be removed without the prior written approval of the City. The verge trees shall be retained and protected from any damage, including unauthorised pruning, to the satisfaction of the City.**

**PURPOSE OF REPORT:**

For Council to consider an application for development approval for the continuation of a Non-Medical Consulting Room – Beauty Therapy at No. 478 Fitzgerald Street, North Perth.

**BACKGROUND:**

<b>Landowner:</b>	P M G Le & K N Tran
<b>Applicant:</b>	P M G Le & K N Tran
<b>Date of Application:</b>	5 May 2016
<b>Zoning:</b>	MRS: Urban TPS1: Zone: Residential R-Code: R60 TPS2: Zone: Residential R-Code: R60-R100
<b>Existing Land Use:</b>	Consulting Room (Non-Medical) – Unlisted Use
<b>Use Class:</b>	Consulting Room (Non-Medical) – Unlisted Use
<b>Site Area:</b>	681m <sup>2</sup>
<b>Right of Way (ROW):</b>	Not applicable
<b>Heritage List:</b>	No

The subject site is located on the corner of Fitzgerald Street and Burt Street, North Perth. The site is zoned 'Residential' and is opposite the 'District Centre' zone of the North Perth Town Centre. The location of the subject site is included as **Attachment 1**. The adjoining properties are zoned 'Residential' with an apartment development to the north, a single house to the east, and mixed use developments with retail uses on the ground floor to the south and west.

The City approved an application for Beauty Therapy for this site on 18 February 2015 for a period of 12 months in accordance with the City's Policy 7.5.22 – Consulting Rooms. The business commenced operating in May 2015. During this time the City has received no complaints in relation to the use.

Approval for the use lapsed on 18 February 2016. However, the owner did not lodge a renewal application for the use until 5 May 2016 and the use has continued to operate since this time. The applicant has advised that the delay in lodging the application was an error on their part as they had not investigated the lead in time for a renewal application and were distracted by the process of opening a new business. As a result, this application is retrospective and retrospective fees have been paid for the application.

The initial application was assessed as a consulting room under the City's Town Planning Scheme No. 1 which is considered an "SA" use within a 'Residential' zone. The proposal was advertised in accordance with Clause 37 of Town Planning Scheme No. 1 (TPS 1) and no written objections were received during the consultation period. As such, approval for the use was previously granted under Delegated Authority.

Following the application for renewal it was identified that the use cannot reasonably be determined as falling within the definition of 'Consulting Rooms' in TPS 1 which is defined as:

*"any building or part thereof used in the practice of a profession by a legally qualified medical practitioner or dentist, or by a physiotherapist, a masseur, a chiropractor, a chiropodist, or a person ordinarily associated with a medical practitioner in the investigation or treatment of physical or mental injuries or ailments but does not include a hospital".*

The business offers dermal therapies, beauty therapies and body therapies by four qualified beauty therapists and as this does not relate to the investigation or treatment of physical or mental injuries or ailments, it is not considered to meet the definition of a 'Consulting Room' under TPS1.

The City's Policy No. 7.5.22 – Consulting Rooms defines 'Non-medical Consulting Rooms' as:

*"any building or part thereof used in the practice of a qualified beauty technician, touch therapist, natural massage therapist or the like".*

The use is considered to fall within this definition.

As part of the original approval, the owner upgraded the exterior and interior of the single house on site. The exterior upgrades included rendering, repainting, paving the front setback area for car parking, landscaping and replacing the front fence. The interior upgrades included a reception area, four consulting rooms, a relaxation room, an office and staff room. Eight car bays exist on site including a disabled bay. The existing signage on site is compliant with the City's Policy No. 7.5.2 – Signs and Advertising. The application proposes no further physical changes to the building.

## DETAILS:

### Summary Assessment

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

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

**Detailed Assessment**

The deemed-to-comply assessment of the elements that require the discretion of Council is as follows:

Land Use	
Deemed-to-comply Standard	Proposal
Town Planning Scheme No. 1	
"P" Use	"SA" Unlisted Use – Non-Medical Consulting Room

The above elements of the proposal do not meet the specified deemed-to-comply standards are discussed in the Comment section below.

The applicant’s justification for the proposal is included in **Attachment 3**.

**CONSULTATION/ADVERTISING:**

Consultation was undertaken for a period of 14 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 22 June 2016 until 5 July 2016. A total of 18 letters were sent to owners and occupiers within close proximity of the subject site, as shown in **Attachment 1**, in accordance with the City’s Policy No. 4.1.5 – Community Consultation. A notice was also included in a local newspaper, “The Voice”.

A total of three submissions were received, including two objections and one letter of support. The concerns raised in the submissions related to the existing car parking issues along Burt Street. A summary of the submissions received and Administration’s response to each is contained within **Attachment 5**.

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*.

**Design Advisory Committee (DAC):**

Referred to Design Advisory Committee: No

**LEGAL/POLICY:**

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.10 – Norfolk Precinct;
- Policy No. 7.5.2 – Signs and Advertising;
- Policy No 7.5.22 – Consulting Rooms; and
- Policy No. 7.7.1 – Parking and Access.

Delegation to Determine Applications:

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

**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 development application.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2023 states:

*"Natural and Built Environment*

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

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

Land Use

The subject site is located in the Norfolk Precinct on the boundary of the North Perth Town Centre. The City's Policy No. 7.1.10 – Norfolk Precinct states that *"non-residential buildings are to display a character and scale which is compatible with adjacent residential development"*. The reuse of an existing house ensures that the character and scale of the site is compatible with the adjacent residential development.

The use cannot reasonably be determined as falling within the definition of consulting rooms in TPS 1 and is therefore considered an 'Unlisted Use'. The use is considered to meet all of the requirements of the City's Policy No. 7.5.22 – Consulting Rooms relating to non-medical consulting rooms including the hours of operation, accredited qualification of employees, car parking and signage.

The development has been in operation for 18 months and during this time the City has not received any complaints regarding the development. The Director of the business was awarded Telstra Young Business Women of the Year Award in 2015 and the Western Australian 40 under 40 Awards in 2016, further demonstrating the quality and legitimacy of the development.

Given the location of the development opposite the 'District Centre' zone of the North Perth Town Centre and the small in scale and intensity of the use, it is considered appropriate.

Parking

Two objections were received, both relating to car parking issues that currently exist along Burt Street. The development complies with the car parking requirements of the City's Parking and Access Local Planning Policy, with eight car parking bays provided on site and eight required by the policy.

The City is currently proposing time restricted parking in North Perth in response to the parking surveys undertaken and the concerns raised by the Community in the locality more generally.

Conclusion

The use has been operating since May 2015 with no concerns or complaints regarding the use being lodged with the City. In this instance, the use has demonstrated its legitimacy and it is recommended that Council approves the proposal subject to conditions.

---

**9.1.3 No. 391 (Lot: 1; STR: 19810) Fitzgerald Street, North Perth – Temporary Outdoor Market (Car Boot Sale) (Unlisted Use)**

<b>Ward:</b>	South	<b>Date:</b>	1 December 2016
<b>Precinct:</b>	Precinct 9 – North Perth Centre	<b>File Ref:</b>	5.2016.357.1
<b>Attachments:</b>	<a href="#">1</a> – Consultation and Location Map <a href="#">2</a> – Development Application Plans <a href="#">3</a> – Applicant’s Justification <a href="#">4</a> – Determination Advice Notes <a href="#">5</a> – Summary of Submissions		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Groom, Statutory Planning Officer		
<b>Responsible Officer:</b>	J Corbellini, Director Development Services		

**RECOMMENDATION:**

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES BY ABSOLUTE MAJORITY** the application for the proposed Temporary Outdoor Market (Unlisted Use) to existing Shopping Centre at No. 391 (Lot: 1; STR: 19810) Fitzgerald Street, North Perth in accordance with plans date stamped 23 August 2016, as shown on Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 4:

**1. Limitation on Use**

- 1.1 The Outdoor Market shall be located within the North Perth Plaza car park located on Lot 1 Fitzgerald Street, North Perth, as shown on the approved plans;
- 1.2 The Outdoor Market shall only operate on one Sunday of every month;
- 1.3 Stallholder “set-up” shall occur no earlier than 6:30am;
- 1.4 Public sales from the Outdoor Market shall only occur between 6:30 am and 10:30am; and
- 1.5 Stallholder “pack-up” shall be concluded by 11:00am on market days after which time the car park shall be entirely available for vehicle parking;

**2. Public Notification and Management**

- 2.1 Written notification of the outdoor markets shall be provided to the City and all premises within a 200 metre radius of the site. The notification shall be in a letter form and is to include information relating to the opening times and activities of the markets. The letter shall include a contact telephone number to notify the event organisers of any problems. The written notification of all of the proposed event dates shall be undertaken in advance of the first event being held;
- 2.2 Event organisers shall be available to answer the nominated contact telephone number provided to the residents and operating businesses written to in 2.1 above from 6:00am until 12:00pm on the day of each event to enable members of the public to seek information or lodge any complaints. A copy of any complaints received shall be forwarded to the City; and

**2.3 A Parking Management Plan shall be submitted to, and approved by the City prior to the outdoor market including more than 50 stalls or if operating during the same times and dates as the vintage art markets in the Rosemount Hotel Car Park. The Parking Management Plan shall include the following:**

- **The location and management of parking for the Outdoor Markets;**
- **Access to internal staff and customer parking; and**
- **Review of the Parking Management Plan every 12 months, with any changes identified during this review or by the City being incorporated into an updated Parking Management Plan approved by the City as part of the review.**

**The Outdoor Markets shall be carried out and operated in accordance with the approved Parking Management Plan to the satisfaction of the City;**

**3. Operational Guidelines**

**Operational Guidelines and Market Rules shall be submitted to and approved by the City prior to the commencement of the Outdoor Market in accordance with the City's Policy *Guidelines for Markets in the City of Vincent*. The Outdoor Market shall thereafter be managed in accordance with the approved Operational Guidelines and Market Rules; and**

**4. Waste Management**

**A Waste Management Plan shall be submitted to the City for approval prior to the commencement of the Outdoor Market, to the satisfaction of the City.**

**PURPOSE OF REPORT:**

To consider an application for development approval for an Outdoor Market (Unlisted Use) in the existing North Perth Plaza car park at No. 391 Fitzgerald Street, North Perth.

**BACKGROUND:**

<b>Landowner:</b>	North Perth Plaza Shopping Centre
<b>Applicant:</b>	North Perth Local
<b>Date of Application:</b>	23 August 2016
<b>Zoning:</b>	MRS: Urban TPS1: District Centre TPS2: District Centre
<b>Existing Development:</b>	Shopping Centre and Associated Car Park
<b>Proposed Use Class:</b>	Outdoor Market – "Unlisted Use"
<b>Lot Area:</b>	10,078m <sup>2</sup>
<b>Right of Way (ROW):</b>	Not applicable
<b>Heritage List:</b>	No

The subject site is located on the western side of Fitzgerald Street, North Perth, between Alma Road and View Street, as shown in **Attachment 1**. This site is zoned 'District Centre', with commercial properties located along Fitzgerald Street to the north and east and residential properties located on the opposite side of Alma Road to the south and Glebe Street to the west.

On 22 May 2016 and 20 November 2016, North Perth Local Inc. held car boot sales within the car parking area of Coles. These outdoor markets were temporary in nature and because they occurred for less than 48 hours in total over one 12 month period, they were considered exempt from the need for development approval in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City's Town Planning Scheme No. 1. During this time the City did not received any complaints in relation to the use of the car parking area for these temporary outdoor markets. The applicant advised that approximately 20 cars attended these car boot sales.

North Perth Local Inc. now propose to hold the car boot sale on a more regular basis on one Sunday each month. As the applicant intends to hold these 'car boot sales' on a reoccurring basis, a development application has been submitted. The application has been signed by the owners of North Perth Plaza and outlines that the outdoor market will occurs in the car park of the North Perth Plaza Shopping Centre. The application proposes to hold the 'outdoor market' on one Sunday of every month between 6:30am and 11:00am.

During regular Sunday trading house, only one shop within the North Perth Plaza will be open prior to 11:00am being Bakers Delight. The Outdoor Market is proposed to occupy the entire North Perth Plaza car park, excluding two car bays which have been provided for Bakers Delight at all times. No changes to the hours of operation of the North Perth Plaza including Coles have been proposed for the upcoming Christmas period to date.

A maximum of 100 vendors are proposed, with a member of North Perth Local Inc. being present on site during the market operating hours to direct vendors, patrons, pedestrian and vehicles through the car park. The applicant has advised that no food vendors are proposed for the car boot sale.

The applicant has provided brief details of how the 'Car boot sale' will operate, included as **Attachment 3**. Prior to the commencement of the Outdoor Markets, the applicant will be required to submit detailed Operational Guidelines to the satisfaction and approval of the City.

It is noted that the Rosemount Hotel holds its Vintage Art Markets on the last Sunday of each month commencing at 10:00am. The applicant has advised that it is their intention to hold the 'car boot sales' on the third Sunday of each month to avoid any conflict between these two markets operating days.

**DETAILS:**

**Summary Assessment**

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

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Land Use		✓
Parking & Access		✓

**Detailed Assessment**

The deemed-to-comply assessment of the elements that require the discretion of Council is as follows:

Land Use	
Deemed-to-comply Standard	Proposal
<b>Town Planning Scheme No. 1</b>	
"P" Use	"SA" Unlisted Use – Outdoor Market
Parking & Access	
Deemed-to-comply Standard	Proposal
<b>Policy No. 7.7.1 – Parking and Access</b>	
There are 110 existing bays constructed on-site.	The proposal involves the use of the existing car parking area associated with the North Perth Plaza, during which time no parking will be available on site for the event or North Perth Plaza.

The above elements of the proposal that do not meet the specified deemed-to-comply standards are discussed in the Comment section below.

**CONSULTATION/ADVERTISING:**

Consultation was undertaken for a period of 21 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 19 October 2016 to 8 November 2016. A total of 600 letters were hand delivered to owners within a 150 metre radius of the shopping centre including the shopping centre tenancies, as shown in **Attachment 1**.

A total of 11 submissions were received including six objections and five letters of support. The matters raised in the objections are as follows:

- No car parking on site will result in people parking in the surrounding residential streets and will impact on access to and from properties.

A detailed summary of the submissions and Administration's response to each matter raised is included in **Attachment 5**.

**Design Advisory Committee (DAC):**

Referred to Design Advisory Committee:           No

**LEGAL/POLICY:**

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Town Planning Scheme No. 1;
- Local Planning Policy No. 7.1.9 – North Perth Centre Precinct;
- Local Planning Policy No. 7.7.1 – Parking and Access; and
- Policy No. 4.1.5 – Community Consultation.

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*.

Delegation to Determine Applications:

The matter is being referred to Council for determination as the proposal is for an Unlisted Use which requires an Absolute Majority decision.

**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 development application.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

Land Use:

The application proposes a temporary use in the North Perth Plaza car park on one Sunday morning of each month. The proposed use cannot reasonably be determined as falling within the interpretation of any other use class listed in TPS 1 and has therefore been considered an 'Unlisted Use'.

TPS 1 requires that an 'Unlisted Use' be considered against the objectives and purposes of a particular zone in which it is located, in this case the 'District Centre' of the North Perth Centre Precinct. The City's Policy No. 7.1.9 – North Perth Centre Precinct states that the "*The North Perth Centre Precinct is to continue to provide for the retail, general commercial and community needs of the surrounding district and create increased opportunities for active and vibrant uses*". The proposed outdoor markets considered to provide both commercial and community needs of the surrounding district, and provide an increased opportunity for an active vibrant use of the North Perth Plaza car park, which aligns with these objectives.

Parking and Access:

The proposal involves the use of the existing North Perth Plaza car park for a maximum of one Sunday each month. During events the Plaza car park will not be available for parking by shopping centre users, except for two bays that will be available for Bakers Delight and the staff parking bays located on the western side of the car park. A number of submissions were received raising concerns that the use of the entire car park of the car boot sale would lead to parking overflowing into surrounding residential street and impact on access to residential properties.

The City's Policy No. 7.7.1 – Parking and Access requires 'markets' to provide 3 spaces per stall which would require 173 car bays (including adjustment factors) for the 100 stalls proposed by the application. During the operating times only one shop within the North Perth Plaza is open, being Bakers Delight, with two bays for customers and adequate bays for staff made available for this use.

---

The subject site is located in close proximity to the City owned and controlled "View Street" and "Wasley Street" car parks which contain 41 and 42 car bays respectively. In the area surrounding the proposed outdoor market there is substantial on-street parking with over 50 on street parking bays available on the adjoining roads (Fitzgerald Street, Glebe Street and Alma Road). These bays have very low utilisation on Sunday mornings and it is considered that there would be ample parking available to support an outdoor market with up to 50 stalls, which would only require the provision of 87 bays, noting the 133 available on street, adjoining the site, and in the City's two car parks.

The applicant stated in their proposal that the Temporary Outdoor Market (Car Boot Sale) would not operate on the same day at the vintage art market, which typically occurs in the Rosemount Hotel Car Park on Sundays from 10am. However, there is the potential for the vintage art market and Car Boot Sale to support one another and create greater attraction for the North Perth Town Centre. Both the vintage art markets and the proposed Temporary Outdoor Market (Car Boot Sale) rely on the View Street Car Park to accommodate their parking demand and so in order to ensure this is managed appropriately it is recommended that a Parking Management Plan be required for days where the Car Boot Sale is operating at the same time as the vintage outdoor markets. This parking management plan will be required to demonstrate how the parking for the Car Boot Sale will be managed to ensure that parking in the nearby residential streets will not impact on residential properties.

This has been demonstrated through the recent car boot sales that operated successfully without complaint on 22 May 2016 and 20 November 2016. These markets accommodated approximately 20 stalls and there was more than adequate parking available for the visitors to both the car boot sale and other businesses in the area without impacts on surrounding residential street being observed. The current application is proposing up to 100 stalls. It is not clear whether adequate parking is available for a 100 stall market. On this basis it is recommended that any market proposing more than 50 stalls be subject to the development of a detailed Parking Management Plan to the satisfaction of the City. The plan would provide detailed information regarding the likely demand for parking generated by the proposed market, the availability of parking in the location and the management measures proposed to ensure parking does not have an impact on nearby residents.

#### Conclusion

Despite the car parking shortfall on the site, given the temporary nature of the use, the proposed operating hours being outside of peak parking demand, being on a Sunday between 6:30am and 11:00am, and the proximity to public transport and public car parks, it is recommended that the proposal be supported, subject to a Parking Management Plan for larger market days.

---

**9.1.4 No. 642 (Lot: 99; D/P: 692) Beaufort Street, Mount Lawley – Proposed Change of Use from Shop and Office to Small Bar (Unlisted Use) and Office**

<b>Ward:</b>	South	<b>Date:</b>	1 December 2016
<b>Precinct:</b>	Precinct 11 – Mount Lawley Centre	<b>File Ref:</b>	5.2016.390.1
<b>Attachments:</b>	<a href="#">1</a> – Consultation and Location Map <a href="#">2</a> – Development Application Plans <a href="#">3</a> – Licenced Premises Management Plan <a href="#">4</a> – Car Parking and Bicycle Tables <a href="#">5</a> – Summary of Submissions <a href="#">6</a> – Determination Advice Notes		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Narroo, Senior Statutory Planning Officer		
<b>Responsible Officer:</b>	J Corbellini, Director Development Services		

**RECOMMENDATION:**

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES BY ABSOLUTE MAJORITY** the development application for the Change of Use from Eating House and Office to Office and Small Bar (Unlisted Use) at No. 642 (Lot: 99; D/P: 692) Beaufort Street, Mount Lawley, in accordance with plans included as Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 6:

**1. Use of the Premises**

- 1.1 The total occupancy associated with the Small Bar shall be limited to a maximum of 80 persons including the area within the property boundary (indoor and outdoor) and any alfresco dining area in the public realm unless otherwise approved by the City;
- 1.2 The Small Bar shall comply with the definition under the City's Policy No. 7.5.7 – Licensed Premises; and
- 1.3 A minimum area of 50m<sup>2</sup> shall be set up for seated dining at all times;

**2. Hours of Operation**

The hours of operation for the Small Bar shall be limited to:

Monday to Saturday – 6:00am to Midnight; and  
Sunday – 7:00 am to Midnight;

**3. Interactive Front**

Windows and doors fronting Beaufort Street shall maintain an active and interactive relationship to the street with the exception of a portion of frosted glazing to windows up to a maximum height of 700mm when measured from finished floor level. Darkened obscured, mirrored or tinted glass or other similar materials as considered by the City is prohibited;

**4. External Fixtures**

All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings;

5. **Stormwater**

Prior to occupancy or use of the development all storm water collected on the subject land shall be retained onsite, by suitable means to the satisfaction of the City;

6. **Acoustic Report**

An Acoustic Report in accordance with the City's Policy No. 7.5.21 – Sound Attenuation is to form part of the application for a Building Permit and shall be approved by the City prior to commencement of the development. All recommended measures in the report shall be undertaken in accordance with the report to the City's satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

7. **Bin Store**

Prior to the development first being occupied, a bin store is required to be provided of sufficient size to accommodate the City's specified bin requirement, as assessed by the City;

8. **Licensed Premises Management Plan**

Prior to the development first being occupied, a Licensed Premises Management Plan detailing the following matters shall be submitted to and approved by the City.

- The management of the parking area;
- The management of pedestrian movement and safety;
- The management and control of Noise;
- The management of patron and anti-social behaviour;
- The timing and management of deliveries;
- The timing and management of rubbish collection and disposal and litter associated with the development; and
- Any other matters, as required by the City;

The Small Bar shall operate in accordance with the approved Licensed Premises Management Plan.

9. **Signage**

9.1 Signage shall not have flashing or intermittent lighting;

9.2 All signage shall be safe, non-climbable, and free from graffiti and kept in a good state of repair for the duration of its display on-site;

9.3 Except the awning signs, signage is to be entirely contained within the property boundary; and

9.4 The signage shall relate to the development on site only;

10. **Bicycle Bays**

Prior to occupation or use of the development a minimum of two Class 1 or 2 and three Class 3 bicycle bays shall be provided onsite to the satisfaction of the City. Bicycle bays must be provided at a location convenient to the entrance and publically accessible. The bicycle facilities shall be designed in accordance with AS2890.3:2014;

---

11. **Cash-in-Lieu**

Prior to occupation or use of the development, a cash-in-lieu contribution shall be paid to the City for the shortfall of 1.368 car bays, based on the cost of \$5,400 per bay as set out in the City's 2016/2017 Schedule of Fees and Charges being a contribution of \$7,387.20; and

10. **General**

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

**PURPOSE OF REPORT:**

To consider a proposal for a change of use from Shop and Office to Small Bar (Unlisted Use) and Office at 642 Beaufort Street, Mount Lawley.

**BACKGROUND:**

<b>Landowner:</b>	MSF Properties Pty Ltd
<b>Applicant:</b>	Jonathan Stacey
<b>Date of Application:</b>	13 September 2016
<b>Zoning:</b>	MRS: Urban TPS1: District Centre TPS2: District Centre
<b>Existing Land Use:</b>	Shop – "P" and Office – "P"
<b>Proposed Use Class:</b>	Small Bar- "Unlisted Use", Office - "P"
<b>Lot Area:</b>	493.21m <sup>2</sup>
<b>Right of Way (ROW):</b>	Not applicable
<b>Heritage List:</b>	No

The subject site is located near the corner of Beaufort Street and Walcott Street, Mount Lawley. The location of the subject site is included as **Attachment 1**. The site is located within the Mount Lawley Town Centre and is surrounded by a mix of commercial developments which include shops, restaurants, licensed premises and other commercial uses. There is existing residential development at the rear of the property.

The existing development is a two storey building which is currently vacant. The upper floor has approval as an 'office' and the ground floor is currently being converted from a 'shop' into an 'eating house'. The proposed change of use relates only to the ground floor where the use now proposed is 'small bar'. The City issued a Building Permit for an Eating House Stage 1 and Stage 2 on the ground floor on 18 March 2016 and on 18 November 2016 respectively. The eating has not yet started operating on the subject site.

Details of the proposal are as follows:

- The small bar includes a seated/dining area in the middle of the tenancy of 50m<sup>2</sup> and a stand up area at the front of the tenancy of 47m<sup>2</sup>.
- The development is proposed to accommodate a maximum of 80 patrons.
- Frosted glass is proposed to the lower and upper parts of the front façade of the building.
- The proposed hours of operation are:  
Monday to Saturday – 6:00am to midnight  
Sunday 10:00am to midnight.
- Three advertising signs are proposed, one awning sign, one underside awning sign and one window sign.
- No changes are proposed to the office.

As part of the consultation process the proposal was advertised for change of use from 'shop' and 'office' to 'eating house', 'small bar (unlisted use)' and 'office'. After consultation finished the applicant confirmed that the Department of Racing Games and Liquor (DRGL) cannot issue a dual licence (eating house and small bar) in the same premise. Therefore the proposal has been amended to change the proposed use of the ground floor 'small bar (unlisted use)' only. The design and function of the 50m<sup>2</sup> seated dining area previously propose to be classified as 'eating house' is not proposed to change, but is required to also be classified as Small Bar in accordance with the Liquor Licencing regulations.

**DETAILS:**

**Summary Assessment**

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

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Land Use		✓
Car Parking		✓
Bicycle Parking		✓
Streetscape Relationship		✓
Operating Hours		✓
Signage	✓	

**Detailed Assessment**

The deemed-to-comply assessment of the elements that require the discretion of Council is as follows, noting the discretion sought for the land use, bicycle parking bays, streetscape relationship and operating hours.

Land Use	
Deemed-to-Comply Standard	Proposal
Town Planning Scheme No.1 "P" Use	"SA" Unlisted Use - Small Bar
Car Parking	
Deemed-to-Comply Standard	Proposal
Parking and Access Policy No.7.7.1 10.368 car bays	9 car bays
Bicycle Parking	
Deemed-to-Comply Standard	Proposal
Parking and Access Policy No.7.7.1 5 bicycle bays (two Class1 or 2 & three Class3)	Nil

Streetscape Relationship	
Deemed-to-Comply Standard	Proposal
<p><b>Development Guidelines for Commercial and Mixed Use Developments- Policy 7.5.12</b></p> <p>To achieve active ground level frontages the development shall demonstrate all of the following elements:</p> <ul style="list-style-type: none"> <li>• Building frontages with commercial uses at ground floor shall provide clear glazing to ground street level with display windows and/or entrances measuring at least 80 per cent of the width of the street frontage of each individual occupancy used for commercial uses;</li> <li>• Building frontages with commercial uses at ground floor shall have a window sill height of a maximum of 700 millimetres above the adjacent footpath</li> </ul>	<p>Frosted Glass facing Beaufort Street above and below the central bi-fold windows.</p> <p>Maximum height of window sill above footpath level = 1.45 metres</p> <p>Maximum height of window sill above ground floor level = 1.1 metres</p>
Operating Hours	
Deemed-to-Comply Standard	Proposal
<p><b>Licensed Premises Policy 7.5.7</b></p> <p>Monday to Saturday – 7:00am to midnight</p> <p>Sunday 7:00am to 10:00pm</p>	<p>Monday to Saturday – 6:00am to midnight</p> <p>Sunday – 10:00am to midnight</p>

The above elements of the proposal that do not meet the specified deemed-to-comply standards are discussed in the Comment section below.

**CONSULTATION/ADVERTISING:**

The proposal advertised was for change of use from shop and office to eating house, small bar (unlisted use) and office. Consultation was undertaken for a period of 21 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 28 October 2016 until 17 November 2016. The method of advertising included 312 letters mailed to the owners and occupiers within 150 metre radius of the subject site, as shown on **Attachment 1**, a sign on site and a notice being placed in the local newspaper in accordance with the City’s Policy No. 4.1.5 – Community Consultation.

A total of 6 submissions were received, including two objections and four in support. The main concerns raised by the submissions are as follows:

- Location of parking for the patrons;
- The development backs on to residential area; and
- There are already too many Liquor Outlets which contribute to anti-social behaviour in the area.

A summary of the submissions received and Administration’s response to each is contained within **Attachment 5**.

The lot fronts onto Beaufort Street, which is classified as an Other Regional Road. There is also road widening requirements affecting the subject site. The proposal was referred to Department of Planning for comments who had no objections to the proposal subject to the following:

*“Acquiring a Clause 42 Certificate that shows the exact dimensions of the land requirement. Acknowledgement of the road widening requirement affecting the subject site.”*

**Design Advisory Committee (DAC):**

Referred to Design Advisory Committee: No

**LEGAL/POLICY:**

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.11 – Mount Lawley Precinct;
- Policy No. 7.5.12 – Design Guidelines for Commercial and Mixed Use Developments;
- Policy No. 7.5.7 – Licensed Premises;
- Policy No. 7.7.1 – Parking and Access; and
- Draft Policy No. 7.7.1 – Non-Residential Development Parking Requirements.

*Draft Non-Residential Development Parking Requirements Policy 7.7.1*

Since the lodgement of this application, Council at its meeting of on 18 October 2016 adopted for the purpose of advertising its draft Non-Residential Development Parking Requirements Policy 7.7.1. Clause 67(b) of Schedule 2 (deemed provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* states that the local government is to have due regard to any proposed planning instrument that the local authority is seriously considering adopting or approving.

In this context due regard is given to the draft Non-Residential Development Parking Requirements Policy No. 7.7.1 for this development. Under the draft Non-Residential Development Parking Requirements Policy No. 7.7.1 the proposal will be located within the Town Centre. The major differences when assessing the proposed development under the draft Non-Residential Development Parking Requirements Policy No. 7.7.1 relate to car parking and bicycle parking requirements.

Delegation to Determine Applications:

Small Bar is classified as an “Unlisted Use” and as such the proposal is being referred to Council for a decision.

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

The City’s Strategic Plan 2013-2023 states:

*“Natural and Built Environment*

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

**SUSTAINABILITY IMPLICATIONS:**

Nil.

---

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

Land Use

The subject site is located within the 'District Centre' zone of the Mount Lawley Town Centre (Precinct 11). An objection to the proposed change of use was received on the basis that the use would have noise and anti-social behaviour impacts on the rear residential area. The subject site is located fronting Beaufort Street, with parking provided to the rear. This parking already exists and separates the single residential property to the rear and the proposed small bar. As a result the rear residential property is located approximately 17 metres from the proposed venue. There is also a 1.8 metres high fence on the boundary.

Given the residential nature of the rear property, it is recommended that any approval include a condition requiring that an acoustic assessment be prepared and any necessary works be undertaken to ensure the small bar use complies with the noise regulations. In addition it is recommended that a further condition be included on any approval requiring a Licenced Premises Management Plan be prepared and implemented by the operator setting out how the rear car park, noise, antisocial behaviour, waste pick up and deliveries will be managed to minimise the impact on surrounding residents and ensure the development complies with the noise regulations.

Operating Hours

The applicant is proposing opening hours on Monday to Saturday at 6 am in lieu of 7:00am and closing hours on Sunday of midnight in lieu of 10pm, as set out in the City's Licensed Premises Policy No. 7.5.7. The subject property is located within a district centre surrounded by shops, eating houses and other commercial uses. This area is a Town Centre precinct where activities occur until late night. Given the location of the subject site and recommended conditions requiring an acoustic report and licensed premises management plan, it is considered that the 6:00am starting time and the midnight closing time will not have any significant impact on the adjoining rear residential area and is appropriate.

Car and Bicycle Parking

The car and bicycle parking shortfalls under the current Policy No. 7.7.1 – Parking are 1.368 car bays and five (5) bicycle bays respectively. Under the draft Non-Residential Development Parking Requirements Policy No. 7.7.1, the car and bicycle parking shortfalls are three (3) car bays and six (6) bicycle bays respectively.

The development provides nine (9) car parking bays to the rear and has provided space for both a bin store and bicycle parking. Given there is adequate space for the necessary bicycle parking bays to be provided it is recommended that a condition be included on any approval requiring the five (5) bicycle parking bays required by the current policy to be provided.

The car parking provided is considered adequate for both staff and those customers that require close parking and direct access to the restaurant. On this basis it is considered appropriate for the remaining car parking shortfall to be addressed through a cash-in-lieu for 1.368 car bays shortfall.

---

### Streetscape Relationship

The application proposes frosted glass both above and below a central clear glazed bi-fold window running along the frontage to Beaufort Street. The frosted glass below the bi-fold windows will act like a window sill and will bring the development's window to eye level. The frosting does have a maximum height of 1.45 metres above the footpath, due to the slope of the road along this part of Beaufort Street. However, the frosting is only a maximum of 1.1 metres above the finished floor level of the development. Given high stools are proposed for customers along this internal frontage of the small bar, it is considered that adequate surveillance and interaction will occur between the development and street. In addition the frosted glass from the floor level to the window sill will provide screening to patrons of the small bar from the footpath.

The frosted glass above the window will have a height of 1.9 metres to 2.4 metres above the footpath level and it is considered that there will be no impact in terms of activation to the street. Given the frontage of the development and effective sill height proposed is in line with the other shops and restaurants fronting this part of Beaufort Street, the proposed frosted glass is supported.

### Conclusion

The proposed use is considered to be appropriate and consistent with existing land uses within the Town Centre. The proposal is recommended for approval subject to conditions.

---

**9.1.5 No. 18 (Lot: 401; D/P: 74600) Turner Street, Highgate – Proposed Amendment to Previous Approval and Extension of the Term of Approval: Three Multiple Dwellings**

<b>Ward:</b>	South	<b>Date:</b>	30 November 2016
<b>Precinct:</b>	Precinct 14 – Forrest	<b>File Ref:</b>	5.2016.379.1
<b>Attachments:</b>	<a href="#">1</a> – Consultation and Location Map <a href="#">2</a> – Previous Approval and Plans <a href="#">3</a> – Applicant’s Justification <a href="#">4</a> – Summary of Submissions		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Narroo, Statutory Planning Officer		
<b>Responsible Officer:</b>	J Corbellini, Director Development Services		

**RECOMMENDATION:**

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, **APPROVES** the application to amended the conditions and extend the period within which the development must be substantially commenced for development approval 5.2013.35.1 granted on 24 June 2014 for a Three Storey Multiple Dwelling Development Consisting of Three Multiple Dwellings and Associated Car Parking at No. 18 (Lot: 401; D/P: 74600) Turner Street, Highgate, subject to the following conditions:

1. All conditions and advice notes detailed on development approval 5.2013.35.1 granted 24 June 2014 and included in Attachment 2 continue to apply to this approval, except as follows:
  - a) Condition 2.8 of the development approval is deleted;
  - b) Condition 2.7 of the development approval is deleted and replaced with the following condition:
 

**“2.7 Affordable Housing**

    - 2.7.1 Prior to the occupation of the development the applicant shall demonstrate partnership agreements with an approved housing provider recognised by the Department of Housing for at least one of the three proposed dwellings to be provided as affordable housing in accordance with the National Rental Affordability Scheme;
    - 2.7.2 Prior to the occupation of the development, the owner shall enter into a restrictive covenant, to the City’s satisfaction, which identifies that at least one of the three proposed dwellings is to be maintained as affordable housing in accordance with the National Rental Affordability Scheme;
    - 2.7.3 The restrictive covenant referred to in condition 2.7.2 above, is to be prepared and implemented at the applicants cost;” and
  - c) Additional condition 5 is included on the development approval as follows:
    - “5. The development must be substantially commenced within six months from the date of this approval.”

**d) Additional condition 2.1.9 is included on the development approval as follows:**

**“2.1.9 Canopy trees (minimum 500 litres) that will achieve at least 12% canopy coverage of the site;”.**

**PURPOSE OF REPORT:**

For Council to consider an application to amend the current approval for the three multiple dwellings at 18 Turner Street, Highgate and to extend the period within which the development must be substantially commenced.

**BACKGROUND:**

<b>Landowner:</b>	M Zrinski
<b>Applicant:</b>	Urbanista Town Planning
<b>Date of Application:</b>	2 September 2016
<b>Zoning:</b>	MRS: Urban TPS1: Zone: Residential R-Code: R80 TPS2: Zone: Residential R-Code: R80
<b>Existing Land Use:</b>	Vacant
<b>Proposed Use Class:</b>	Multiple Dwelling – “P”
<b>Site Area:</b>	250m <sup>2</sup>
<b>Right of Way (ROW):</b>	Not Applicable
<b>Heritage List:</b>	Not Applicable

The subject site is located on Turner Street, near the corner with Wright Street, as shown in **Attachment 1**. The site and surrounding area is zoned ‘Residential’ and is characterised by a mix of single houses with grouped dwelling development located in close proximity to the subject site. To the south, on the opposite side of Turner Street, the land is reserved as ‘Parks and Recreation’ under Town Planning Scheme no. 1 (TPS 1) and is known as the Jack Marks Reserve.

The subject site is a vacant green title lot and was created as a result of the subdivision of No. 116 Wright Street into two lots, one on the corner of Wright Street, which accommodates an existing two storey dwelling, and one vacant parcel of land fronting Turner Street, which is the subject site.

The applicant sought a review of the City’s previous refusal determination through the State Administrative Tribunal. Following a Section 31 reconsideration request, the proposal was conditionally approved by Council at its Ordinary Meeting held on 24 June 2014.

The application is for a six month extension to the period within which the development approval (5.2013.35.1) must be substantially commenced. No modifications are now proposed to the previously approved plans, which are included in **Attachment 2**. The current approval lapsed on 30 June 2016.

The initial plans lodged for this application on 2 September 2016 were different to those originally approved on 24 June 2014. The applicant has since amended the application to reflect the original approved plans, which are the subject of this application to extend the period within which the development must be substantially commenced.

In addition, the applicant has also requested deletion or amendment of conditions 2.7 and 2.8 of the approval 5.2013.35.1 in relation to Star Rating and Sustainability for the existing development approval which are as follows:

**“2.7 Star Rating**

**2.7.1 *Building to be designed to achieve a minimum 6 Star NaBERS rating and an average 7.5 Star NaBERS rating; and***

2.8 Sustainability

*All items listed below to be implemented by applicant*

2.8.1 *Recyclable Cladding;*

2.8.2 *Recycled Brick Paving;*

2.8.3 *Provision of Horizontal and Vertical Roof Gardens reducing glare;*

2.8.4 *Provision of Grey Water Systems; and*

2.8.5 *Lightweight Construction Materials”*

**DETAILS:**

The applicant has provided the following statement for the request to extend the period within which the development must be substantially commenced:

*“The application was approved with conditions by the City of Vincent at its Ordinary Meeting of Council on 24 June 2014 for a period of two years from the date of issue to June 2016. That time has now lapsed due to a change of builder and re-engineering of the project during the preconstruction phase which delayed the project.*

The applicant has also requested removal of conditions 2.7 and 2.8 in relation to Star Rating and Sustainability for the existing development approval for the following reasons:

*“The reason for seeking that these conditions be deleted from the approval is two-fold. First, whilst the application was originally submitted as a three storey development, refinement of the design of the building (during the SAT process relating to the application) resulted in the application changing to a two storey plus loft development.”*

*“Notwithstanding, if the City feels that the development is for a three storey building and that an additional requirements in accordance with the Exercise of Discretion Policy is to be achieved, then we submit evidence that the building qualifies as affordable housing in accordance with AR1.4.”*

**Summary Assessment**

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

Planning Element	Use Permissibility/ Deemed-to-Comply	Previously Approved
Density/Plot Ratio	✓	
Street Setback		✓
Front Fence	✓	
Building Setbacks/Boundary Wall		✓
Building Height/Storeys		✓
Roof Form		✓
Open Space	✓	
Privacy	✓	
Parking & Access		✓
Bicycles	✓	
Solar Access	✓	
Site Works	✓	

Planning Element	Use Permissibility/ Deemed-to-Comply	Previously Approved
Essential Facilities	✓	
Surveillance	✓	
Landscaping	✓	

**CONSULTATION/ADVERTISING:**

Following receipt of this application to amend the development approval, consultation on the proposal was undertaken for a period of 14 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 28 September 2016 until 11 October 2016. Letters were sent to owners and occupiers of a total of 20 properties within close proximity of the subject site (**Attachment 1**) in accordance with the City's Policy No. 4.1.5 – Community Consultation.

A total of seven submissions were received, including four (4) objections, one with concerns and two in support. The matters raised in the submissions are as follows:

- Support for the original design and the current development as it would negate the amalgamation of properties which may result in greater density of development;
- Concern in relation to any height greater than two storeys;
- Concern in relation to the removal of sustainability conditions previously imposed which may result in a lesser standard of development; and
- Concern the implementation of affordable housing will lessen the character of the area and impact the existing residents.

The main issues raised by the objectors are discussed in the Comment section below. A detailed summary of the submissions received and Administration's response to each issue raised is included in **Attachment 4**.

**Design Advisory Committee (DAC):**

Referred to Design Advisory Committee: No

The original application was previously referred to DAC on 3 occasions between March and June 2013. Amendments to the plans were proposed on each of the three occasions. The DAC comments are detailed in the Agenda Report of the Ordinary Council meeting of 24 June 2014.

**LEGAL/POLICY:**

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Town Planning Scheme No. 1;
- State Planning Policy 3.1: Residential Design Codes;
- Policy No. 4.1.5 – Community Consultation;
- Draft Policy No. 7.4.8 – Multiple Dwelling Policy;
- Policy No. 7.5.11 – Exercise of Discretion for Development Variations
- Policy No. 7.1.14 – Forrest Precinct;
- Policy No. 7.2.1 – Residential Design Elements; and
- Draft Policy No. 7.1.1 – Built Form.

The application to amend an approval can be considered in accordance with Schedule 2, Part 9, Clause 77 (1) (a) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Clause 77 (4) provides the local government the ability to approve the application with or without conditions or refuse the application.

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*.

*Draft Local Planning Policy – Built Form No. 7.1.1*

Since the lodgement of this application, Council at its meeting of on 20 September 2016 adopted for the purpose of advertising its draft Local Planning Policy – Built Form No. 7.1.1. Clause 67(b) of Schedule 2 (deemed provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* states that the local government is to have due regard to any proposed planning instrument that the local authority is seriously considering adopting or approving.

In this context due regard is given to the draft Local Planning Policy No. 7.1.1: Built Form for this development. The major difference when assessing the proposed development under the draft Local Planning Policy relates to landscaping and this is discussed in the Comment section below.

*Local Planning Policy No. 7.4.8: Development Guidelines for Multiple Dwellings*

At its meeting of 26 July 2016 Council adopted as final, amendments to its Local Planning Policy No. 7.4.8: Development Guidelines for Multiple Dwellings. This amended policy included a number of landscaping provisions that require the approval of the Western Australian Planning Commission (WAPC) in accordance with State Planning Policy 3.1: Residential Design Codes (R-Codes) and the TPS 1. Following Council's decision the landscaping provisions were referred to the WAPC for endorsement in accordance with the R-Codes. No decision has yet been made by the WAPC regarding these provisions.

Clause 67(b) of Schedule 2 (deemed provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* states that the local government is to have due regard to any proposed planning instrument that the local authority is seriously considering adopting or approving. In this context due regard is given to the amendments adopted by Council to the policy. The amendments that are relevant to this application relate to landscaping and are discussed in the Comment section below.

Delegation to Determine Applications:

This matter is being referred to Council as the original planning application was determined by Council.

**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 development application.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2023 states:

*“Natural and Built Environment*

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

**SUSTAINABILITY IMPLICATIONS:**

Nil

**FINANCIAL/BUDGET IMPLICATIONS:**

---

Nil

**COMMENTS:**

Landscaping

The proposed development fully complies with the landscaping requirements set out in the R-Codes and the deemed-to-comply landscaping requirements set at the time in the City's Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings. The application has been assessed against the provisions of the draft Built Form LPP, which sets a deemed-to-comply standard of 30% of the site area as tree canopy cover within five years and 15% of the site area as deep soil zone.

Deep root zones are located in the southern courtyard area and along the northern boundary of the lot and equate to 16.6% of the subject site, which complies with the required deep root zone area. The applicant has outlined that with the inclusion of some additional trees that a canopy of at least 12% of the site area could be achieved. A condition has been recommended accordingly.

The proposed landscaping will enhance the visual appearance of the building to the street, the rear of the building when viewed by the adjoining northern properties and soften the built form. The location of the landscaping around the dwelling optimises the ability for greenery to form around the building and provide a landscaped setting. The development is considered to meet the applicable principles of the policy.

Modifications to Conditions of Approval

Conditions 2.7 and 2.8 in the initial planning approval relating to sustainability and star rating were included on the original approval to address the Additional Requirements of the City's Policy No. 7.5.11 – Exercise of Discretion for Development Variations, due to the additional storey in height proposed in the application. The applicant is seeking to have these conditions removed on the basis that they consider the development to be two storeys with a loft as opposed to three storeys. However, the third level of the development meets the definition of storey set out in TPS 1 and as such it is considered that one of the Additional Requirements set out in the Policy No. 7.5.11 – Exercise of Discretion for Development Variations should apply to the development.

Given this, the applicant proposes to comply with AR 1.4 of the policy, which relates to the provision of Affordable Housing. The applicant has advised that one of the three dwellings will be nominated as affordable housing, and will be affiliated with the National Rental Affordability Scheme (NRAS) through the Questus Organisation. The NRAS affiliation is recognised through the Department of Housing, who administers the funding contributions. As the provision of affordable housing is incentivised by the City it meets the intent of the Policy. To ensure that the dwelling remains as affordable housing in the future, and will be binding to the present and subsequent land owners, additional conditions have been recommended.

Concerns were raised during the community consultation period regarding the extent of changes to the sustainability conditions. One submitter was concerned that the quality of the development would fall if the sustainability conditions were removed. The removal of the condition to implement sustainable elements of housing design are an additional requirement over and above the standard building requirements. This does not negate the requirement to meet energy efficiency requirements under the Building Code of Australia.

Height/Storeys

Concerns were also raised regarding the height of the development during the community consultation period. The proposed development was approved with a height of three storeys. Through the mediated SAT process, the design of the upper storey was refined to make its appearance more reflective of a two storey with loft design. There is no change to the previously approved development.

---

Conclusion

The proposal to amend the conditions on the development approval is considered to meet the requirements of the existing policies and the intent of the Future Built Form Policy. The provision of affordable housing through an affiliation with the Department of Housing meets one of the necessary the Additional Requirements set in the City's Policy No. 7.5.11 – Exercise of Discretion for Development Variations and on this basis it is recommended for approval subject to conditions.

**9.1.6 No. 161 (Lots: 14 and 15; D/P: 1509) Loftus Street, Leederville – Extension of the Term of Approval: Ten Multiple Dwellings**

<b>Ward:</b>	North	<b>Date:</b>	30 November 2016
<b>Precinct:</b>	Precinct 3 – Leederville	<b>File Ref:</b>	5.2016.296.1
<b>Attachments:</b>	<a href="#">1</a> – Consultation and Location Map <a href="#">2</a> – Previous Approval and Plans <a href="#">3</a> – Summary of Submissions		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Groom, Statutory Planning Officer		
<b>Responsible Officer:</b>	J Corbellini, Director Development Services		

**RECOMMENDATION:**

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, APPROVES the application to extend the period within which the development approval 5.2014.311.1 granted on 9 September 2014 for a Three Storey Multiple Dwelling Development consisting of 10 multiple dwellings and associated car parking at No. 161 (Lots: 14 and 15; D/P: 1509) Loftus Street, Leederville, must be substantially commenced, subject to the following conditions:

1. All conditions and advice notes detailed on development approval 5.2014.311.1 granted on 9 September 2014 and included in Attachment 2 continue to apply to this approval, except as follows:
  - a) Condition 6.1 of the development approval is deleted and replaced with the following condition:
    - “6.1 A detailed landscape and reticulation plan for the development site and adjoining road verge is to be lodged with and approved by the City prior to commencement of the development. The plan shall be drawn to a scale of 1:100 and show the following:
      - 6.1.1 The location and type of existing and proposed trees and plants;
      - 6.1.2 A minimum of 7 mature trees (minimum 500 litres) are to be provided onsite;
      - 6.1.3 Areas to be irrigated or reticulated;
      - 6.1.4 The removal of redundant crossovers; and
      - 6.1.5 Deep Soil Zones;
    - 6.2 All works shown in the plans as identified in Condition 6.1 above shall be undertaken in accordance with the approved plans to the City’s satisfaction, prior to occupation or use of the development and maintained thereafter to the satisfaction of the City;”
2. Additional condition 6.5 is included on the development approval as follows:
  - “6.5 Amalgamation  
Lots 14 and 15 shall be amalgamated into one lot on a certificate of Title to the satisfaction of the City prior to the occupation or use of the development;”
3. Additional condition 11 is included on the development approval as follows:
  - “11. The development must be substantially commenced within two years from the date of this approval;” and

**4. Additional condition 12 is included on the development approval as follows:**

- “12. Prior to the occupation of the dwelling, a screening device be installed to the balcony of Unit 10 to the satisfaction of the City, to accord with the requirements of the State Planning Policy 3.1: Residential Design Codes.

**PURPOSE OF REPORT:**

For Council to consider an application to amend the current approval for ten multiple dwellings at No. 161 Loftus Street, Leederville to extend the period within which the development must be substantially commenced.

**BACKGROUND:**

<b>Landowner:</b>	P Doran-Wu
<b>Applicant:</b>	i-Develop Real Estate WA Pty Ltd
<b>Date of Application:</b>	15 July 2016
<b>Zoning:</b>	MRS: Urban TPS1: Zone: Residential R-Code: R60 TPS2: Zone: Residential R-Code: R60
<b>Existing Land Use:</b>	Single House – “P”
<b>Proposed Use Class:</b>	Multiple Dwelling – “P”
<b>Lot Area:</b>	1068m <sup>2</sup>
<b>Right of Way (ROW):</b>	4 metres in width, sealed, City owned
<b>Heritage List:</b>	No

The subject site consists of two lots which are located on the corner of Loftus Street and Galwey Street, Leederville. The location of the subject site is included as **Attachment 1**. The site and adjoining properties are zoned ‘Residential’ and consist of single houses, grouped dwellings and recently constructed multiple dwellings. The properties that front Loftus Street are coded R60 with the properties to the rear of the development site, separated by a 4 metre wide right of way, coded R40.

Council granted a development approval for 10 multiple dwellings on the subject site at its meeting held on 9 September 2014. No demolition or development works have commenced on site. The previous approval is included as **Attachment 2**.

The application is for a two year extension to the period within which the development approval (5.2014.331.1) must be substantially commenced. No modifications are proposed to the previously approved plans, which are included in **Attachment 2**. The current approval lapsed on 9 September 2016.

**DETAILS:**

**Summary Assessment**

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

Planning Element	Use Permissibility/ Deemed-to-Comply	Previously approved
<b>Plot Ratio</b>	✓	
<b>Street Setback</b>	✓	
<b>Front Fence</b>	✓	

Planning Element	Use Permissibility/ Deemed-to-Comply	Previously approved
Building Setbacks/Boundary Wall	✓	
Building Height/Storeys	✓	
Roof Form		✓
Open Space	✓	
Privacy		✓
Parking & Access	✓	
Bicycles	✓	
Solar Access	✓	
Site Works	✓	
Essential Facilities	✓	
Surveillance	✓	
Landscaping	✓	

#### CONSULTATION/ADVERTISING:

Following receipt of this application to extend the period within which the development must be substantially commenced, consultation on the proposal was undertaken for a period of 21 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 29 August 2016 until 18 September 2016. A total of 117 letters were sent to owners and occupiers of properties within a 100 metre radius of the subject site in accordance with the City's Policy No. 4.1.5 – Community Consultation. A sign was also placed on the site and a notice was included in a local newspaper, "The Voice".

Eight submissions were received, seven being objections and one raising concerns. The concerns raised in the submission related to:

- Existing parking issues on Galwey Street; and
- The potential with the increased congestion in the right of way.

The main issues raised by the objectors are discussed in the Comment section below. A summary of the submissions received and Administration's response to each issue raised is included as **Attachment 3**.

The proposal was referred to the Department of Planning as the subject property abuts Loftus Street which is reserved as an Other Regional Road in the Metropolitan Region Scheme. The Department has no objection to the proposal on regional transport planning grounds.

#### Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

#### LEGAL/POLICY:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Town Planning Scheme No. 1;
- State Planning Policy 3.1: Residential Design Codes;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.1 – Built Form;
- Policy No. 7.1.3 – Leederville Precinct;
- Policy No. 7.2.1 – Residential Design Elements;
- Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings; and
- Policy No. 7.5.19 – Amalgamation condition on Planning Approvals.

The application to extend the validity of an approval can be considered in accordance with Schedule 2, Part 9, Clause 77 (1) (a) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Clause 77 (4) provides the local government the ability to approve the application with or without conditions or refuse the application.

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*.

*Draft Local Planning Policy – Built Form No. 7.1.1*

Since the lodgement of this application, Council at its meeting of on 20 September 2016 adopted for the purpose of advertising its draft Local Planning Policy – Built Form No. 7.1.1. Clause 67(b) of Schedule 2 (deemed provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* states that the local government is to have due regard to any proposed planning instrument that the local authority is seriously considering adopting or approving.

In this context due regard is given to the draft Local Planning Policy No. 7.1.1: Built Form for this development. The major difference when assessing the proposed development under the draft Local Planning Policy relates to landscaping and this is discussed in the Comment section below.

*Local Planning Policy No. 7.4.8: Development Guidelines for Multiple Dwellings*

At its meeting of 26 July 2016 Council adopted as final, amendments to its Local Planning Policy No. 7.4.8: Development Guidelines for Multiple Dwellings. This amended policy included a number of landscaping provisions that require the approval of the Western Australian Planning Commission (WAPC) in accordance with State Planning Policy 3.1: Residential Design Codes (R-Codes) and the TPS 1. Following Council's decision the landscaping provisions were referred to the WAPC for endorsement in accordance with the R-Codes. No decision has yet been made by the WAPC regarding these provisions.

Clause 67(b) of Schedule 2 (deemed provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* states that the local government is to have due regard to any proposed planning instrument that the local authority is seriously considering adopting or approving. In this context due regard is given to the amendments adopted by Council to the policy. The amendments that are relevant to this application relate to landscaping and are discussed in the Comment section below.

Delegation to Determine Applications:

This matter is being referred to Council as the original planning application was determined by Council.

**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 development application.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

---

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

Landscaping

The proposed development fully complies with the landscaping requirements set out in the R-Codes and the deemed-to-comply landscaping requirements set at the time in the City's Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings. The application has been assessed against the provisions of the draft Built Form LPP, which sets a deemed-to-comply standard of 15% of the site area as a deep soil zone; 50% of the of the front setback area as soft landscaping; and 30% of the site area as canopy coverage.

The development currently provides for approximately 0.4% of the site area as deep soil zones, however it does have capacity to increase the provision of deep soil zones along the street frontages, side and rear of the site, with seven mature trees proposed along Loftus Street, Galwey Street and the right of way. Given this, it is recommended that a condition be included on any approval requiring a landscaping plan that includes deep soil zones and the provision of mature tree planting in these areas.

Amalgamation

The development is proposed across two lots, however, a condition was not included on the original approval requiring amalgamation of the lots prior to use of the development, in order to ensure the site compliance with the National Construction Code fire separation requirements. A condition has been recommended to be imposed with any approval of this application requiring the two lots to be amalgamated on the Certificate of Title prior to occupation or use of the development, generally in accordance with the City's Policy No. 7.5.19 – Amalgamation condition on Planning Approvals.

Parking and Access

Concern was raised by submitters during the community consultation period regarding the amount of people parking in Galwey Street and the potential congestion of the right of way. The resident and visitor car parking bays meet the deemed to comply requirements of State Planning Policy 3.1: Residential Design Codes, with ten residential bays and two visitor bays provided. Given this, it is not considered that the development will increase parking demand on Galwey Street.

The right of way to the rear of the subject site currently serves six lots, two being part of this application. The right-of-way is approximately 4 metres wide, seal and managed by the City. There is considered to be sufficient capacity for this right-of way to service the proposed development along with the potential redevelopment of the four remaining lots that have direct access to it.

---

### Visual Privacy

A review of the assessment of the 2014 application was undertaken, in relation to the visual privacy setback from the proposed balcony to Unit 10. The proposed balcony is setback 6.35m and at the time of the original decision the requirement was for a 7.5m setback to be provided to an adjoining property boundary. The original application was the subject of a Council report and it was noted that in the body of the report that a condition be imposed to require screening to the balcony. However on review of the conditions imposed there was not a specific condition requiring the additional screening.

The proposed balcony to unit 10 overlooks the active habitable space associated with the dwelling at No1 Galwey Street Leederville and the inclusion of a screening device will ensure that direct overlooking is minimised. A condition has been recommended accordingly.

### Conclusion

Given the above, the request to extend the period within which the development must be substantially commenced by two years is considered acceptable, subject to previous conditions and advice notes detailed on development approval 5.2014.311.1 with the addition of conditions requiring appropriate landscaping and amalgamation of the two lots prior to occupation of the development.

---

**9.1.7 No. 124 (Lot: 57; D/P: 1034) Richmond Street, Leederville – Proposed Extension of the Term of Approval: Four Multiple Dwellings**

<b>Ward:</b>	South	<b>Date:</b>	30 November 2016
<b>Precinct:</b>	Precinct 3 – Leederville	<b>File Ref:</b>	5.2016.452.1
<b>Attachments:</b>	<a href="#">1</a> – Consultation and Location Map <a href="#">2</a> – Previous Approval and Plans <a href="#">3</a> – Summary of Submissions		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Narroo, Senior Statutory Planning Officer		
<b>Responsible Officer:</b>	J Corbellini, Director Development Services		

**RECOMMENDATION:**

That Council, **APPROVES** the application to extend the period within which the development approval 5.2014.102.1 granted on 23 September 2014 for a Two Storey Multiple Dwelling Development Consisting of Four (4) Multiple Dwellings at No. 124 (Lot: 57; D/P: 1034) Richmond Street, Leederville, must be substantially commenced, subject to the following conditions:

1. All conditions and advice notes detailed on development approval 5.2014.102.1 granted on 23 September 2014 and included in Attachment 2 continue to apply to this approval, except as follows:

a) Condition 6.2 of the development approval is deleted and replaced with the following condition:

**“6.2 A detailed landscape and reticulation plan for the development site and adjoining road verge is to be lodged with and approved by the City prior to commencement of the development. The plan shall be drawn to a scale of 1:100 and show the following:**

- 6.2.1 The location and type of existing and proposed trees and plants;**
- 6.2.2 Deep Soil Zones equating to at least 13% of the site area, being 57.55m<sup>2</sup> be provided along the northern, western and street boundary and the provision of mature trees (minimum 500 litres) in these locations;**
- 6.2.3 Areas to be irrigated or reticulated; and**
- 6.2.4 The removal of redundant crossovers.**

**All works shown in the plans as identified in Condition 6.1 above shall be undertaken in accordance with the approved plans to the City’s satisfaction, prior to occupation or use of the development and maintained thereafter to the satisfaction of the City;”**

2. Additional condition 8 is included on the development approval as follows:

**“8. The development must be substantially commenced within twelve months from the date of this approval.”**

**PURPOSE OF REPORT:**

For Council to consider an application to amend the current approval for Four Multiple Dwellings at No. 124 Richmond Street, Leederville, to extend the period within which the development must be substantially commenced.

**BACKGROUND:**

<b>Landowner:</b>	TJ Vlahos
<b>Applicant:</b>	Megara
<b>Date of Application:</b>	25 October 2016
<b>Zoning:</b>	MRS: Urban TPS1: Zone: Residential R-Code: R60 TPS2: Zone: Residential R-Code: R60
<b>Existing Land Use:</b>	Vacant Land
<b>Proposed Use Class:</b>	Multiple Dwelling - "P"
<b>Lot Area:</b>	443m <sup>2</sup>
<b>Right of Way (ROW):</b>	Not applicable
<b>Heritage List:</b>	No

The subject site is located on Richmond Street, midway between Haley Street and Leicester Street, Leederville, to the east of Leederville Tennis Club. The location of the subject site is included as **Attachment 1**. The site and adjoining properties are zoned 'Residential R60' and the area consists of a mix single houses, multiple dwellings and grouped dwellings, with single houses being prevalent development type along this street.

Council granted a development approval for four multiple dwellings at the subject site at its meeting held on 23 September 2014. Demolition of the existing building has occurred, however, no development works have commenced on site.

An application for building permit was submitted on 10 October 2016 to only then establish that the Planning Approval had lapsed. As development had not substantially commenced, the applicant was advised that an amendment to the planning approval for an extension of time was required in order to progress with the development.

The application is for a 12 month extension to the period within which the development approval (5.2014.102.1) must be substantially commenced. No modifications are proposed to the previously approved plans, which are included in **Attachment 2**. The applicant has indicated that they are in a position to commence works immediately.

**DETAILS:**

**Summary Assessment**

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

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

### **CONSULTATION/ADVERTISING:**

Following receipt of this application to extend the period within which the development must be substantially commenced, consultation on the proposal was undertaken for a period of 14 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 4 November 2016 until 17 November 2016. A total of 27 letters were sent to owners and occupiers of adjoining properties (**Attachment 1**) in accordance with the City's Policy No. 4.1.5 – Community Consultation”.

A total of 5 submissions were received, including two objections, two neither support nor object but have concerns and one in support. The concerns raised by the submissions are as follows:

- Type of development;
- The narrowness of the landscaping strips;
- The need for the boundary walls to be extended to protect from privacy and noise;
- Impact of construction.

The main issues raised by the objectors are discussed in the Comment section below. A summary of the submissions received and Administration's response to each issue raised is included as **Attachment 5**.

### **Design Advisory Committee (DAC):**

Referred to Design Advisory Committee:           No

The original application was referred to DAC as part of the previous approval. It is noted that Design Excellence was not considered by the DAC as it was not an Essential Criteria as Part of Policy No.7.5.11. The DAC comments were originally detailed in the initial Agenda Report on 23 September 2014. An extract of the Design Advisory Committee Minutes and comments can be found in **Attachment 4**.

For this application for an extension to the planning approval, the proposal was not referred to DAC.

### **LEGAL/POLICY:**

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Town Planning Scheme No. 1;
- State Planning Policy 3.1: Residential Design Codes;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.3 – Leederville Precinct;
- Policy No. 7.2.1 – Residential Design Elements;
- Draft Policy No. 7.4.8 - Multiple Dwellings; and
- Draft Policy No. 7.1.1 – Built Form.

The application to extend the validity of an approval can be considered in accordance with Schedule 2, Part 9, Clause 77 (1) (a) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Clause 77 (4) provides the local government the ability to approve the application with or without conditions or refuse the application.

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*.

---

*Draft Local Planning Policy – Built Form No. 7.1.1*

Since the lodgement of this application, Council at its meeting of on 20 September 2016 adopted for the purpose of advertising its draft Local Planning Policy – Built Form No. 7.1.1. Clause 67(b) of Schedule 2 (deemed provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* states that the local government is to have due regard to any proposed planning instrument that the local authority is seriously considering adopting or approving.

In this context due regard is given to the draft Local Planning Policy No. 7.1.1: Built Form for this development. The major difference when assessing the proposed development under the draft Local Planning Policy relates to landscaping and this is discussed in the Comment section below.

*Local Planning Policy No. 7.4.8: Development Guidelines for Multiple Dwellings*

At its meeting of 26 July 2016 Council adopted as final, amendments to its Local Planning Policy No. 7.4.8: Development Guidelines for Multiple Dwellings. This amended policy included a number of landscaping provisions that require the approval of the Western Australian Planning Commission (WAPC) in accordance with State Planning Policy 3.1: Residential Design Codes (R-Codes) and the TPS 1. Following Council's decision the landscaping provisions were referred to the WAPC for endorsement in accordance with the R-Codes. No decision has yet been made by the WAPC regarding these provisions.

Clause 67(b) of Schedule 2 (deemed provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* states that the local government is to have due regard to any proposed planning instrument that the local authority is seriously considering adopting or approving. In this context due regard is given to the amendments adopted by Council to the policy. The amendments that are relevant to this application relate to landscaping and are discussed in the Comment section below.

Delegation to Determine Applications:

This matter is being referred to Council as the original planning application was determined by Council.

**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 development application.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2023 states:

*"Natural and Built Environment*

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

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

---

## COMMENTS:

### Land Use

The application seeks to extend the period within which the previously approved development is required to be substantially commenced. No other changes to the development are proposed as part of this application. Concerns were raised during the consultation period regarding the type of use proposed, being 'Multiple Dwellings', and stating that this type of development should not be allowed. 'Multiple Dwellings' are permitted within the 'Residential' zone and on this basis the proposed land use is considered appropriate.

### Landscaping

The proposed development fully complies with the landscaping requirements set out in the R-Codes and the deemed-to-comply landscaping requirements set at the time in the City's Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings. The application has been assessed against the provisions of the draft Built Form LPP, which sets a deemed-to-comply standard of 30% of the site area as tree canopy cover within five years and 15% of the site area as deep soil zone.

The applicant has outlined that there is the potential for the development to accommodate approximately 13% of the site area (being 57.55m<sup>2</sup>) as deep soil zones. This includes increasing the extent of deep soil zone adjacent to northern, western and street boundary as these areas could support mature tree planting. Given this, it is recommended that a condition be included on any approval requiring a landscaping plan that includes a deep soil zone in these areas.

### Privacy and Noise

During the consultation period, a request was received to have the boundary walls to the stores to the eastern boundary extended so as to mitigate any noise and privacy impacts on the adjoining property. The area immediately adjoining the store will be used for parking of vehicles and bicycles. A dividing fence (up to a maximum height of 1.8m) will be provided in this location to provide privacy where there is no boundary wall. It is considered that the extension of the boundary walls in this instance would result in additional visual bulk and is not considered necessary given a dividing fence would afford appropriate levels of screening to the parking area. It is noted that the owners are required to comply with *Environmental Protection (Noise) Regulations 1987* for a residential setting.

### Impact of Construction

During the consultation period concerns were raised regarding the impact on adjoining properties during construction. In accordance with condition 6.4 of the current approval, the applicant is required to submit a construction management plan as part of the building permit which will address noise and traffic impacts on the adjoining properties during construction. Under the *Building Act 2011* the builder will also be required to ensure that there is no adverse impact on the developments of the adjoining properties, and should there be any potential impact that measures are agreed to by the parties prior to the issue of a building permit.

### Conclusion

Given the above, the request for approval until 31 January 2017 for the development to be substantially commenced is considered acceptable, subject to previous conditions and advice notes detailed on development approval 5.2014.102.1 and an additional condition requiring the development to demonstrate deep soil zones and mature tree planting.

---

**9.1.8 Nos. 77-79 (Lots: 3 and 4; D/P: 7680) Anzac Road, Mount Hawthorn – Six Grouped Dwellings**

<b>Ward:</b>	North	<b>Date:</b>	5 December 2016
<b>Precinct:</b>	Precinct 1 – Mount Hawthorn	<b>File Ref:</b>	5.2016.368.1
<b>Attachments:</b>	<p><a href="#">1</a> – Consultation and Location Map  <a href="#">2</a> – WAPC Subdivision Approval and Plans  <a href="#">3</a> – Development Application Plans  <a href="#">4</a> – Applicant’s Justification  <a href="#">5</a> – Summary of Submissions  <a href="#">6</a> – Determination Advice Notes</p>		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Dyson, Statutory Planning Officer		
<b>Responsible Officer:</b>	J Corbellini, Director Development Services		

**RECOMMENDATION:**

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application for Six Grouped Dwellings at Nos. 77-79 (Lots: 3 and 4; D/P: 7680) Anzac Road, Mount Hawthorn in accordance with plans as shown on Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 6:

**1. Amalgamation**

Lots 3 and 4 shall be amalgamated into one lot on a certificate of Title to the satisfaction of the City prior to the occupation or use of the development;

**2. Privacy**

The proposed balconies at the front and rear of the upper floors to the western elevation of Units 1 and 3 and the eastern elevation of Units 2 and 6 are to be screened in accordance with the Residential Design Codes of WA prior to the occupancy of the development;

**3. Front Walls and Fencing**

3.1 The proposed fencing to Units 1 and 2 fronting Anzac Road within the front setback area shall be a maximum height of 1.8 metres, with the solid portions of wall to be a maximum height of 1.2 metres above the adjacent footpath level; and

3.2 The portion of wall above 1.2 metres referred to in condition 3.1 above is required to be a minimum fifty percent visually permeable the satisfaction of the City.

**4. Boundary Walls**

4.1 The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls in a good and clean condition prior to the occupation or use of the development and maintained thereafter to the satisfaction of the City; and

4.2 The two storey boundary walls between Units 3 and 4 and Units 5 and 6 are to be simultaneously constructed;

**5. Car Parking and Access**

- 5.1 The car parking and access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 prior to occupancy or use of the development;
- 5.2 Vehicle and pedestrian access points are required to match into existing footpath levels; and
- 5.3 All new crossovers shall be constructed in accordance with the City's Standard Crossover Specifications;

**6. External Fixtures**

All external fixtures and building plant, including air conditioning units, piping ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings;

**7. Verge Trees**

No verge trees shall be removed without prior written approval from the City. The verge trees shall be retained and protected from any damage including unauthorised pruning, to the satisfaction of the City;

**8. Acoustic Report**

- 8.1 An Acoustic Report in accordance with the City's Policy No. 7.5.21 – Sound Attenuation, shall be lodged with and approved by the City prior to the commencement of the development. All of the recommended measures included in the approved Acoustic Report shall be implemented as part of the development, to the satisfaction of the City; and
- 8.2 Certification from an acoustic consultant shall be provided to the City demonstrating that all of the recommended measures in the approved Acoustic Report have been undertaken to the City's satisfaction, prior to occupation or use of the development;

**9. Landscape and Reticulation Plan**

- 9.1 A detailed landscape and reticulation plan for the development site and adjoining road verge is to be lodged with and approved by the City prior to the commencement of development. The plan shall be drawn to a scale of 1:100 and show the following:
    - 9.1.1 The location and type of existing and proposed trees and plants;
    - 9.1.2 Deep soil zones as indicated on the stamped approved plans;
    - 9.1.3 The inclusion of eighteen mature jacaranda trees as indicated on the stamped approved plans;
    - 9.1.4 30% of the site achieving a canopy coverage;
    - 9.1.5 Areas to be irrigated or reticulated; and
    - 9.1.6 The removal of redundant crossovers;
  - 9.2 All works shown in the approved landscape and reticulation plan, as identified in Condition 9.1, shall be undertaken in accordance with that plan to the City's satisfaction, prior to occupation or use of the development and maintained thereafter to the satisfaction of the City;
-

**10. Construction Management Plan**

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

**11. Waste Management**

11.1 A Waste Management Plan shall be submitted to and approved by the City prior to commencement of the development detailing a bin store to accommodate the City's specified bin requirement and the form and timing of waste collection; and

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

**12. Stormwater**

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

**13. Schedule of External Finishes**

Prior to commencement of development a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted to and approved by the City. The development shall be finished in accordance with the approved schedule prior to the use or occupation of the development;

**14. Right of Way Setbacks & widening**

14.1 A 1.5 metre right of way setback to any buildings and structures is to be maintained at all times to enable future right of way widening; and

14.2 The future right of way widening referred to in condition 14.1 above, is to be ceded free of cost to the City on subdivision of the land, including Built Strata subdivision;

**15. Garage Modifications**

Prior to the commencement of development, the proposed garages to Units 3-6 fronting the right of way shall be modified to the satisfaction of the City, to reduce the size of the garage door to accommodate a separate definable entry point to each dwelling at the ROW; and

**16. General**

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

**PURPOSE OF REPORT:**

To consider an application for development approval of six grouped dwellings at Nos. 77-79 Anzac Road, Mount Hawthorn.

---

**BACKGROUND:**

<b>Landowner:</b>	P. Haselhurst
<b>Applicant:</b>	Gnech Building Company
<b>Date of Application:</b>	15 August 2016
<b>Zoning:</b>	MRS: Urban TPS1: Zone: Residential R-Code: R30 TPS2: Zone: Residential R-Code: R30
<b>Existing Land Use:</b>	Single House
<b>Proposed Use Class:</b>	Grouped Dwelling – “P”
<b>Site Area:</b>	No 77 = 827m <sup>2</sup> No 79 = 827m <sup>2</sup> Total Area = 1,654m <sup>2</sup>
<b>Right of Way (ROW):</b>	Yes, Southern, 5 metres in width, Council owned with rights to access the ROW
<b>Heritage List:</b>	No

The subject site is located along Anzac Road, near the corner of Anzac Road and Oxford Street, Mount Hawthorn. The location of the site is as shown in **Attachment 1**. The site and surrounding area is zoned ‘Residential’ and is characterised by single houses and grouped dwellings. Most of the developments in the immediate vicinity are generally single to two storeys in height. The site is also in close proximity to the multi-storey development to the south-east of the subject site and commercial uses along Oxford Street.

The subject site has a lot frontage of 27.4 metres (13.7 metres each lot) to Anzac Road. The site topography falls to the rear of the lot towards the ROW. A single storey residential dwelling is currently located on each individual lots with access being provided from Anzac Road.

A subdivision has been conditionally approved for the subject site by the Western Australian Planning Commission for the creation of six lots, two lots fronting onto the Anzac Road frontage and four lots to the rear ROW. The conditionally approved plan of subdivision is included as **Attachment 2**. Whilst conditional subdivision approval has been obtained the lots have yet to be created and titles have not been issued. This application proposes development consistent with the lot configuration proposed by the conditionally approved subdivision.

The proposal is for a six grouped dwelling development, with two of the six units fronting Anzac Road (Units 1 and 2) and the remaining four units accessed via the ROW (Units 3-6). The dwellings are two storeys in height and include two car garages. The car bays to Units 1 and 2 are accessed via a single crossover from Anzac Road. The development plans are provided as **Attachment 3**.

**DETAILS:**

**Summary Assessment**

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

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Density/Plot Ratio	✓	
Street Setback		✓

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

### Detailed Assessment

The deemed-to-comply assessment of the elements that require the discretion of Council is as follows:

Street Setback	
Deemed-to-Comply Standard	Proposal
<b>Policy No. 7.2.1 – Residential Design Elements SADC 5</b>	
Ground Floor – 5.7 metres	4.2-5.2 metres to Anzac Road (Units 1 and 2)
Upper Floor – 2 metre behind each portion of the ground floor setback	1.2-2.2 metres behind ground floor
Balcony – 1 metre behind ground floor	Nil, located directly above the ground floor
Building Setbacks/Boundary Wall	
Deemed-to-Comply Standard	Proposal
<b>Residential Design Codes Clause 5.1.3</b>	
<b>Ground</b>	
Western	
Unit 3 – 1.5 metres	1.2-1.91 metres
Eastern	
Unit 6 – 1.5 metres	1.2-1.91 metres
<b>Upper</b>	
Western	
Unit 3 – 2.4 metres	1.91 metres
Eastern	
Unit 6 – 2.7 metres	1.91 metres
Walls to 1 Side Boundary	Walls to 2 Side Boundaries
Average Wall Height – 3 metres	3.3 metres

<b>Building Height/Storeys</b>	
<b>Deemed-to-Comply Standard</b>	<b>Proposal</b>
<b>Policy No. 7.2.1 – Residential Design Elements BDADC 5. Building Height</b>  Maximum wall height = 6 metres above natural ground level	Maximum wall height of 6.9 metres above natural ground level for Unit 1 and Unit 2
<b>Roof Forms</b>	
<b>Deemed-to-Comply Standard</b>	<b>Proposal</b>
<b>Policy No. 7.2.1 – Residential Design Elements BDADC 3 – Roof Forms</b>  30 degrees – 45 degrees	Concealed roof of 5 Degrees to Units 3-6
<b>Privacy</b>	
<b>Deemed-to-Comply Standard</b>	<b>Proposal</b>
<b>Residential Design Codes Clause 5.4.1</b>  Cone of Vision setback to lot boundary for balcony = 7.5 metres	Units 1 and 2 2 metres (East and West)  Units 3 and 6 2 metres (Front and Rear of Units)
<b>Outdoor Living Area</b>	
<b>Deemed-to-Comply Standard</b>	<b>Proposal</b>
<b>Residential Design Codes Clause 5.3.1</b>  Outdoor Living Areas to be behind street setback area	Outdoor Living Area of Units 1 and 2 are in front setback area
<b>Site Work Requirements</b>	
<b>Deemed-to-Comply Standard</b>	<b>Proposal</b>
<b>Residential Design Codes Clause 5.3.7</b>  Maximum 0.5 metres	Maximum 0.6 metres
<b>Parking and Access</b>	
<b>Deemed-to-Comply Standard</b>	<b>Proposal</b>
<b>Policy No. 7.2.1 – Residential Design Elements SADC 8 – Setback of Garages and Carports</b>  Car parking, garages and carports are to be located at the rear of the property and accessed via a right of way where a right of way exists and the property has legal right of access to the right of way.	Two of the six dwelling are accessed from Anzac Road

The above elements of the proposal do not meet the specified deemed-to-comply standards are discussed in the Comment section below. The applicant's justification for the proposal is included in **Attachment 4**.

### **CONSULTATION/ADVERTISING:**

Consultation was undertaken for a period of 14 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 3 November 2016 until 16 November 2016. A total of 122 Letters were sent to owners and occupiers within a 75 metre radius of the subject site, as shown on **Attachment 1**, in accordance with the City's Policy No. 4.1.5 – Community Consultation.

The assessment information advertised with the application include a number of assessment errors as follows:

- The deemed-to-comply setback from the upper floor of Unit 3 and Unit 6 to the respective side boundary was shown as 5.7 metres when in fact it is 2.4 metres and 2.7 metres respectively;
- The setback of the upper floor to Unit 1 and Unit 2 did not meet the deemed-to-comply standard when in fact they do and so no discretion is being sought in this regard;
- The wall height to Units 1 & 2 having a maximum of 6.8 metres when in fact the maximum height is 6.9 metres; and
- The deemed-to-comply standard requiring the development to provide 1 visitor parking bay when in fact no visitor parking bays are required.

The application was re-assessed following advertising and it was identified that the specified setbacks were miscalculated and that less discretion was being sought in this regard. It was also identified that the building heights measured 6.9 metres to Unit 1 and Unit 2 rather than the 6.8 metres advertised. However, given the height still required consideration against the design principles, it is not considered that this 0.1 metre difference would have had any bearing on the results of the consultation process. It should also be noted that as only two dwellings propose access from the common access driveway, no visitor parking is required by the R-Codes.

This report is based on the updated assessment and it is considered that readvertising of the proposal is not required as the extent of the changes results in a lesser impact or a very minor increase to a portion of a dwelling (Unit 1), which is not considered to have any further impact on the adjoining property.

Five submissions were received during the community consultation process being three objections and two comments of support. The concerns raised in the submission related to the following:

- The proposed development does not fit in with the character of the area, with numerous dwellings that have been restored.
- Traffic and Access impacts on the existing ROW.

A summary of the submissions received and Administration's response to each is contained in **Attachment 5**.

The main issues raised by the objectors are discussed in the comment section below.

### **Design Advisory Committee (DAC):**

Referred to Design Advisory Committee:           No

---

**LEGAL/POLICY:**

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015.*
- City of Vincent Town Planning Scheme No. 1;
- State Planning Policy 3.1: Residential Design Codes;
- Draft Policy No. 7.1.1 – Built Form;
- Local Planning Policy No. 4.1.5 – Community Consultation;
- Local Planning Policy No. 7.1.1 – Mount Hawthorn Precinct; and
- Local Planning Policy No. 7.2.1 – Residential Design Elements.

It is noted that development approval for the demolition of the existing single dwellings is not required as per the *Planning and Development (Local Planning Schemes) Regulations 2015*.

*Draft Local Planning Policy – Built Form No. 7.1.1*

Since the lodgement of this application, Council at its meeting on 20 September 2016 adopted for the purpose of advertising its draft Local Planning Policy – Built Form No. 7.1.1 Clause 67(b) of Schedule 2 (deemed provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* states that the local government is to have due regard to any proposed planning instrument that the local authority is seriously considering adopting or approving.

In this context due regard is given to the draft Local Planning Policy No. 7.1.1: Built Form for this development. The major difference when assessing the proposed development under the draft Local Planning Policy relates to landscaping and are discussed in the Comment section below.

Delegation to Determine Applications:

The matter is being referred to Council as the application proposes six grouped dwellings and there is no officer delegation to consider more than three grouped dwellings.

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2023 states:

*"Natural and Built Environment*

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

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

---

**COMMENTS:**

Streetscape

The two existing single dwellings located on the subject properties are not heritage listed and the street is not subject to any character retention guidelines. The property is located along a portion of Anzac Road which consists of a tree lined streetscape with street setbacks ranging from 3.3 metres to 10.9 metres. The plan proposes dwellings fronting Anzac Road with a setback of 4.2 metres increasing to 5.2 metres, which are considered in keeping with the general street setbacks.

The upper floor of Units 1 and 2 is located directly above the ground floor, however the development is articulated with an open balcony to Anzac Road and inclusion of varying materials to the street façade to reduce the visual bulk of the development. The proposed outdoor living areas to the same dwellings are located within the front setback areas, orientated to the north and are open to winter sun. The finished level of the courtyards are lower than the natural ground level and fenced to provide an acceptable degree of privacy.

The fencing within the front setback area to Anzac Road is a combination of solid and fill material, with the fencing to the side boundary in the front setback being predominantly solid. Whilst Anzac Road is a "District Distributor B" road classification, and the existing fencing to the current properties is solid the existing streetscape is not dominated by high fencing and this presents an opportunity to maintain an open style streetscape. To ensure activation and surveillance of the street is provided and visual bulk is minimised conditions relating to fencing are recommended. It is not considered that the conditions will adversely affect the privacy of the outdoor living areas given the differing levels.

The proposal includes a pitched roof type for dwellings fronting Anzac Road (Units 1 and 2), with a skillion style concealed roof for the four rear dwellings fronting the ROW (Units 3-6). Although the surrounding area is characterised by a predominately pitched roof design with varying degrees of pitches, there are various structures and buildings along the ROW which are skillion or flat roof design and on this basis the proposed roof form is considered appropriate to the ROW. In addition, given the pitched roof design of the units fronting Anzac Road, and that the rear units with the skillion concealed roof are stepped down below Anzac Road, it is not considered that and the development will directly impact the Anzac Road streetscape.

The plan outlines that four of the dwellings will be oriented to the ROW, with garages at the ground level and bedrooms/balcony to each dwelling at the upper level. The draft Built Form Policy requires that developments fronting a ROW provide a definable entry point that is visible and accessed from the ROW. The entry point to each dwelling is located within the garage which is fitted with a visually permeable garage door, which provides visual connectivity between the entry to the dwelling and the ROW. However, given the entry is behind a garage door, it is not considered to be directly accessible from the ROW. The applicant has indicated that the ground floor elevation to each of the dwellings can be modified to reduce the width of the garage and create a separate front door for each dwelling. As a result, a condition is recommended to require this modification.

Lot Boundary Setbacks

The proposed ground floor setback for Unit 3 and Unit 6 varies between 1.2 metres and 1.91 metres. The departure from the deemed-to-comply provisions relates to a 500mm wide feature column located to the rear of the dwelling. Given the minor nature of the column and that the rest of these dwellings are setback in excess of the minimum 1.5 metres, it is considered that the bulk and scale will not impact the adjoining property.

---

The proposed upper floor setback from Unit 3 to the western boundary is setback 1.91 metres in lieu of 2.4m. This portion of wall contains windows of various shapes and sizes, however has no major openings. It is considered that the proposal will not adversely impact the adjoining property in terms of bulk and scale as the section of the adjoining dwelling abutting the reduced setback has no major openings or habitable areas.

The proposed upper floor setback from Unit 6 to the eastern boundary is setback 1.91 metres in lieu of 2.7 metres. This portion of wall contains windows of various shapes and sizes, however has no major openings. It is considered that the proposal will not adversely impact the adjoining property in terms of bulk and scale as the development on the adjoining property has an existing boundary wall (with additional screening erected on top) and dwellings with no major openings orientated to this boundary.

#### Boundary Walls

The proposed development includes a boundary wall along the western boundary to the garage of Unit 3 and a boundary wall along the eastern boundary to the garage to Unit 6. The deemed-to-comply standards enable boundary walls to one side boundary as-of-right. The proposed boundary walls are single storey and accord with the deemed-to-comply maximum height of 3.5 metres. However, both walls require assessment under the design principles as the average wall height is 3.3 metres in lieu of 3 metres.

The proposed boundary wall to the western boundary is unlikely to have adverse impacts on the adjoining property as the proposed wall abuts an existing boundary wall of the existing dwelling and only projects approximately 1.7m beyond the rear the adjoining wall. The proposed boundary wall along the eastern boundary abuts an existing boundary wall for its entire length and will not be visible from the adjoining development. It is noted that under the City's draft Built Form Policy proposals for two boundary walls will accord with the deemed-to-comply provisions, which provides for boundary walls to two boundaries where they do not impact on the same property.

#### Site Works & Building Height

The development proposes fill and associated retaining to a maximum height of 600mm in lieu of 500mm, which results from a proportion of cut and fill works for a section of the site to account for the current slope on the property. The proposed works are principally located towards the middle of the property and minimise any potential impact to the adjoining properties.

The building heights of the Unit 1 and Unit 2 increase to a maximum of 6.9 metres when measured above the existing natural ground level in lieu of the maximum deemed-to comply building height of 6m. The overall height to the top of the pitched roof for the development is below the maximum permitted height of 9 metres.

The proposed departure to building height standards is confined to a limited portion of the development, given the slope of the land, and is not considered to have an adverse impact on the development when viewed from the street. The development has been stepped at the centre of the site to minimise the potential impact. The proposed building height will not impact on any views of significance, with overshadowing principally contained within the existing lot, in compliance with the standards of the R-Codes. On the eastern adjoining lot the impact of the height will principally fall on the access way of the lot, whilst on the western elevation the presence of boundary walls adjoining the area of increased height will negate any impact of the increased height.

---

### Privacy

The cone of vision setback of the proposed front balconies to Units 1 and 2 and both front and rear balconies to Units 3 and 6 will fall into the adjoining properties and will have the potential to the east and west properties. These potential areas of overlooking include a habitable area on the western adjoining property and the side habitable area on the eastern boundary. Given the potential for direct overlooking, a condition is recommended to ensure the proposed balconies are screened to satisfy the visual privacy requirements of the Residential Design Codes.

### Parking and Access

Concerns were raised during the consultation period that the traffic movements and access would impact on the ROW. The City's Residential Design Elements policy requires that access to the carports and garages for the development be provided from the ROW. The application proposed four of the six dwellings with access to the ROW, distributing the traffic across Anzac Road and the ROW. A majority of lots along Anzac Road between Brentham and Oxford Streets have vehicular access from Anzac Road, including the two current dwellings on the subject lots. The garages to Units 1 & 2 are located to the rear of the dwellings and are not considered to visually dominate the site or the streetscape.

### Landscaping

The proposed development fully complies with the landscaping requirements set out in the R-Codes and the City's current policy. The application has been assessed against the provisions of the draft Built Form LPP, which sets a deemed-to-comply standard of 30% of the site area as tree canopy cover within five years and 15% of the site area as deep soil zone.

The application was submitted prior the release of the draft Built Form LPP and does not specifically meet the above requirements. The proposed development has included deep soil landscaping into each of the six north facing courtyard areas of the dwellings, with a total of 15.07% or 249.25m<sup>2</sup>. The development does include the placement of three mature Jacaranda trees for each of the dwellings, with an expected three metre canopy spread over a five year period. This equates to 21.33% canopy coverage.

The proposed development achieves the deep soil zone requirement but not the canopy coverage requirement. The landscaping provided for a grouped dwelling development does satisfy the intent of the policy provisions. However there is the opportunity to increase the canopy cover within the nominated deep soil zones and as a result a condition is recommended accordingly.

### Conclusion

Although the proposal requires discretion in relation to street setbacks, lot boundary setbacks, boundary walls, building height, street walls and fencing, privacy, roof forms, site works, outdoor living areas, these elements of the proposal are considered to meet the design principles/criteria set out in the R-Codes and Residential Design Elements, subject to the privacy and street walls and fencing elements being conditioned. In each instance the proposal is not considered to adversely impact the adjoining properties or the streetscape.

Given the above, the proposed six grouped dwellings are supported and recommended for approval subject to conditions.

---

**9.1.9 Nos. 201-203 (Lot: 1; D/P: 1239) Oxford Street, Mount Hawthorn – Proposed Alterations and Additions to Existing Non-Residential Building (Stairwell and Lift)**

<b>Ward:</b>	South	<b>Date:</b>	1 December 2016
<b>Precinct:</b>	Precinct 4 – Oxford Centre	<b>File Ref:</b>	5.2016.267.1
<b>Attachments:</b>	<a href="#">1</a> – Location and Consultation Map <a href="#">2</a> – Development Application Plans <a href="#">3</a> – Car Parking Table <a href="#">4</a> – Determination Advice Notes <a href="#">5</a> – Summary of Submissions		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Dyson, Statutory Planning Officer		
<b>Responsible Officer:</b>	J Corbellini, Director Development Services		

**RECOMMENDATION:**

That Council **APPROVES** under Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the application for development approval for alterations and additions to Existing Shop/Showroom (Stairwell, Lift and Awning) at Nos. 201-203 (Lot: 1; D/P: 1239) Oxford Street, Leederville in accordance with plans shown on Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 4:

**1. Car Parking and Access**

1.1 The car parking and access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 prior to the occupancy or use of the development;

1.2 A minimum of four commercial car bays shall be provided on site.

**2. External Fixtures**

All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings;

**3. Verge Trees**

No verge trees shall be removed without the prior written approval of the City. The verge trees shall be retained and protected from any damage including unauthorised pruning, to the satisfaction of the City;

**4. Schedule of External Finishes**

A detailed schedule of external finishes (including materials and colour schemes and details) is to be lodged with and approved by the City prior to commencement of the development. The external finishes of the development shall be provided in accordance with the approved schedule prior to the occupancy or use of the development;

5. **Construction Management Plan**

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

6. **Awning**

A minimum height clearance of 2.75 metres is to be provided from natural ground level as denoted on the approved plans;

7. **Stormwater**

Prior to occupancy or use of the development all storm water produced on the subject land shall be retained onsite by suitable means to the full satisfaction of the City. Stormwater shall thereafter be retained on site;

8. **Cash-in-Lieu**

Prior to occupancy or use of the development, a cash-in-lieu contribution shall be paid for the shortfall of 0.16 car bays, based on the cost of \$5,400 per bay as set out in the City's 2016/2017 Schedule of Fees and Charges being a contribution of \$864; and

9. **General**

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

**PURPOSE OF REPORT:**

To consider an application for development approval for Alterations and Additions to Existing Shop/Showroom (Stairwell, Lift and Awning) at Nos. 201-203 Oxford Street, Leederville.

**BACKGROUND:**

<b>Landowner:</b>	Cameraland (WA) Pty Ltd
<b>Applicant:</b>	L Fiore
<b>Date of Application:</b>	29 June 2016
<b>Zoning:</b>	MRS: Urban TPS1: Commercial TPS2: Regional Centre
<b>Existing Land Use:</b>	Shop and Showroom
<b>Proposed Use Class:</b>	Shop "P" and Showroom "P"
<b>Site Area:</b>	412m <sup>2</sup>
<b>Right of Way (ROW):</b>	Yes, Western Side, 3.0 metres in width, Sealed, Council owned with private access rights.
<b>Heritage List:</b>	No

The subject site is located on the western side of Oxford Street, Leederville on the corner of Oxford and Melrose Streets in Leederville. The location of the site is shown in **Attachment 1**. The site is zoned 'Commercial' with the properties adjoining the site to the northern also zoned 'Commercial'. The site to the rear, opposite the right of way, is zoned 'Residential R60', and the properties to the south on the opposite side Melrose Street are zoned 'Residential/Commercial'. On the other side of Oxford Street is the North Metropolitan TAFE, which is zoned 'Technical School'. The area generally consists of a mix of single and double storey buildings, with residential to the west and commercial elsewhere.

The proposed application is for a three level lift and stairway addition to the rear of the existing showroom and shop. The stairway and lift provide external access to the existing roof terrace located on the third storey. Currently access to the roof terrace is provided via an internal stairwell. The lift is required to allow universal access to the second and third floors and the stairs are proposed to allow access from the car park to the rear to the store.

The proposal also includes the provision of an awning along the Melrose and Oxford Street frontages. The stairway structure is open in nature and steps up from a landing area on each level of the structures. The lift structure is accessible from a lift door on the ground floor car parking area and extends up to the roof terrace area.

The proposed addition of the lift and stairway, results in the loss of one car parking bay from the existing five car parking bay area located at the western end of the lot.

**DETAILS:**

**Summary Assessment**

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

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

**Detailed Assessment**

The deemed-to-comply assessment of the elements that require the discretion of Council is as follows, noting that the car parking and bicycle assessment tables are included as attachments.

Parking and Access	
Deemed-to-Comply Standard	Proposal
<b>Policy No. 7.7.1 – Parking and Access</b>	
4.16 car bays	4 car bays

The above elements of the proposal do not meet the specified deemed-to-comply standards are discussed in the Comment section below.

**CONSULTATION/ADVERTISING:**

Consultation was undertaken for a period of 14 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 7 October 2016 until 20 October 2016. Letters were sent to owners and occupiers of a total of 155 properties within a 100 metre radius (**Attachment 1**) in accordance with the City's Policy No. 4.1.5 – Community Consultation. A sign was also placed on the site.

One submission was received, being a comment of support received during the consultation period. A summary of the submissions received and Administration's response to each is contained within **Attachment 5**.

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*.

**Design Advisory Committee (DAC):**

Referred to Design Advisory Committee: No

**LEGAL/POLICY:**

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Scheme) Regulations 2015*;
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.4 – Oxford Centre Precinct;
- Policy No. 7.5.12 – Development Guidelines for Commercial Mixed Use Development;
- Policy No. 7.7.1 – Parking and Access; and
- Appendix No. 16 – Leederville Masterplan Built Form Area Guidelines.

Delegation to Determine Applications:

Being a Category 1 application, the matter is being referred to Council for determination as there is no delegation for Administration to determine the proposal.

**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 development application.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2023 states:

*"Natural and Built Environment*

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

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil

---

**COMMENTS:**

Parking and Access

The proposed addition of a stairway and lift to the western end of the existing building will result in the removal of one car parking bay from the existing five car parking bay area. This results in a car parking bay shortfall of 0.16 carp parking bays for the site. The sites located on Oxford Street, which is a high frequency bus route and accommodates a number of public car parking areas, and is in close proximity to the Leederville Town Centre. Given this it is considered appropriate to accept a cash-in-lieu payment of \$864 for the 0.16 car parking.

Conclusion

The existing development is three storeys in height inclusive of the existing roof terrace. The proposed stairway and lift structures are of a minor scale, setback from both the northern and western adjoining properties, and are located at the rear of the development, though still integrated with the existing built form. As such the proposal is not considered to adversely impact the adjoining properties or the streetscape and the proposal is recommended for approval subject to conditions.

**9.1.10 No. 14 (Lot: 51; D/P: 1106) Harley Street, Highgate – Section 31 Reconsideration – Proposed Single House**

<b>Ward:</b>	South	<b>Date:</b>	2 December 2016
<b>Precinct:</b>	Precinct 12 – Hyde Park	<b>File Ref:</b>	5.2016.144.1
<b>Attachments:</b>	<p><a href="#">1</a> – Location and Consultation Map  <a href="#">2</a> – Previously Refused Development Application Plans  <a href="#">3</a> – Amended Development Application Plans (subject of this report)  <a href="#">4</a> – Applicant’s Justification  <a href="#">5</a> – Detailed Assessment against the draft Harley Street Character Retention Guidelines  <a href="#">6</a> – Summary of Submissions  <a href="#">7</a> – Marked up plans showing modifications imposed through proposed conditions of approval  <a href="#">8</a> – Determination Advice Notes</p>		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	G Hajigabriel of Rowe Group, Consultant acting on behalf of Council		
<b>Responsible Officer:</b>	J Corbellini, Director Development Services		

**RECOMMENDATION:**

That Council, in accordance with Section 31 of the *State Administrative Tribunal Act 2004*, SETS ASIDE its decision of the 26 July 2016 and, in accordance with the provisions of the City of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, APPROVES the application for the construction of a Two Storey Single House at No. 14 (Lot: 51; D/P: 1106) Harley Street, Highgate in accordance with the plans as shown on Attachment 3, subject to the following conditions, with the associated determination advice notes in Attachment 8:

1. **Revised Plans**

Revised plans shall be submitted to and approved by the City prior to the commencement of development and shall depict the following to the satisfaction of the City:

- 1.1 a raised level within the paved driveway area located parallel to the Right of Way, to prevent potential flooding of the driveway and garage from the Right of Way;
- 1.2 the wall plate height of bedroom 1 and the study on the ground floor, together with the level of the verandah roof, increased by 3 courses (approximately 257mm) as annotated in red on the stamped approved plans;
- 1.3 the window of bedroom 1 facing Harley Street modified so that there are two windows with a vertical orientation as annotated in red on the stamped approved plans; and
- 1.4 the front fence modified so that the brick piers have a maximum width of no greater than 355mm;

2. **Boundary Wall**

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

3. **Car Parking and Access**

The car parking and access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 prior to the occupancy or use of the development;

4. **External Fixtures**

All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings;

5. **Verge Trees**

No verge trees shall be removed without the prior written approval of the City. The verge trees shall be retained and protected from any damage including unauthorised pruning, to the satisfaction of the City;

6. **Schedule of External Finishes**

Prior to commencement of development a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted to and approved by the City. The development shall be finished in accordance with the approved schedule prior to the use or occupation of the development;

7. **Stormwater**

Prior to occupancy or use of the development all storm water produced on the subject land shall be retained onsite, by suitable means to the satisfaction of the City; and

8. **General**

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

**PURPOSE OF REPORT:**

To reconsider pursuant to Section 31 of the *State Administrative Tribunal Act 2004* an application for development approval for a single house at No.14 (Lot 51) Harley Street, Highgate.

**BACKGROUND:**

<b>Landowner:</b>	GM & RK O'Brien
<b>Applicant:</b>	Antonelli Investments Pty Ltd T/As Novus Homes
<b>Date of Application:</b>	20 April 2016
<b>Zoning:</b>	MRS: Urban TPS1: Zone: Residential R-Code: R50 TPS2: Zone: Residential R-Code: R50
<b>Existing Land Use:</b>	Vacant
<b>Proposed Use Class:</b>	Single House – "P"
<b>Site Area:</b>	347m <sup>2</sup>
<b>Right of Way (ROW):</b>	At rear 2.7 metres
<b>Heritage List:</b>	No

The subject site is located on the eastern side of Harley Street, Highgate, north of Lincoln Street, as shown in **Attachment 1**. The subject site and surrounding area is zoned 'Residential' and is characterised by predominantly single dwelling development. The single dwelling developments in the immediate locality (on Harley Street) are predominantly single storey in nature though some two storey developments are also present.

The subject site is currently vacant after demolition of the previous single storey brick and tile dwelling.

At its Ordinary Council Meeting of 26 July 2016 Council refused a development application for a single house at the subject site.

The Applicant exercised its right to seek a review of the decision and lodged an Application for Review with the State Administrative Tribunal ('SAT'). In light of the officers' recommendation to support the application, Administration engaged the services of a planning consultant to represent Council in the matter before the tribunal. Rowe Group were engaged from the WALGA list of planning consultants.

The SAT referred the matter to mediation, which was held on the 18 October 2016. As a result of the Mediation Conference, the Applicant submitted revised plans (dated 24 October 2016) and the SAT, under Section 31 of the *State Administrative Tribunal Act 2004*, has invited the City of Vincent to reconsider its (26 July 2016) decision.

The revised plans, the subject of this Section 31 Reconsideration, are included as **Attachment 2** and include changes to elements of the single dwelling, summarised by the Applicant as follows:

- Reduced wall heights to walls built up to both the south-western and north-eastern boundaries;
- The ground floor setback to the study has been reduced to allow for the second storey to be setback a minimum of 2m from the ground floor facade;
- All roof pitches are now 30 degrees or more; and
- Changes to the architectural features to the front facade of the proposed dwelling.

**DETAILS:**

**Summary Assessment**

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

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

**Detailed Assessment**

The deemed-to-comply assessment of the elements that require the discretion of Council is as follows

<b>Street Setback</b>	
<b>Deemed-to-Comply Standard</b>	<b>Proposal</b>
<p><b>Policy No. 7.2.1 – Residential Design Elements Clause SADC5 and SPC5 – Street Setback</b></p> <p>Ground Floor – 3.8 metres</p>	<p>2.92 – 4.63 metre</p>
<b>Street Walls and Fences</b>	
<b>Deemed-to-Comply Standard</b>	<b>Proposal</b>
<p><b>Policy No. 7.2.1 – Residential Design Elements Clause SADC13 and SPC13 – Street Walls and Fences</b></p> <p>Street walls and fences within the primary setback area, including along the side boundaries, and front walls and fences to new infill dwellings fronting a right of way or dedicated road:</p> <ul style="list-style-type: none"> <li>• Posts and piers are to have a maximum width of 355mm and a maximum diameter of 500mm.</li> </ul>	<p>Piers range in size from 400mm – 500mm</p>
<b>Building Setbacks/Boundary Wall</b>	
<b>Deemed-to-Comply Standard</b>	<b>Proposal</b>
<p><b>Residential Design Codes Clause 5.1.3 – Lot Boundary Setback</b></p> <p><u>Boundary Wall</u></p> <p>Boundary walls to one lot boundary</p>	<p>Boundary walls to two lot boundary</p>

The above elements of the proposal do not meet the specified deemed-to-comply standards are discussed in the Comment section below.

The applicant's justification for the proposal is included in **Attachment 3**.

**CONSULTATION/ADVERTISING:**

Consultation was undertaken as part of the original proposal, which occurred for a period of 14 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 5 May 2016 to 18 May 2016. A total of 19 letters were sent to owners and occupiers within close proximity of the subject site, as shown in **Attachment 1**, in accordance with the City's Policy No. 4.1.5 – Community Consultation.

At the conclusion of consultation, 11 submissions including ten objections and one neither support nor objecting were received. The concerns raised in the submissions related to design of the development in the context of the existing streetscape. A detailed summary of the submission and Administration's response to each matter raised is included in **Attachment 5**.

There is no statutory requirement as part of the Section 31 Reconsideration process to readvertise the amended proposal to owners and occupiers of adjoining properties or those who made submissions based on the original proposal. Notwithstanding the above, the City has written to all those who were initially consulted advising that amended plans have been provided and are available for viewing on the City's website; that the SAT has invited the Council to reconsider its decision based on amended plans received; and advising that the matter has been included on the December Council Agenda.

**Design Advisory Committee (DAC):**

Referred to Design Advisory Committee: No

**LEGAL/POLICY:**

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Scheme) Regulations 2015;*
- *State Administrative Tribunal Act 2004;*
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.12 – Hyde Park Precinct;
- Policy No. 7.2.1 – Residential Design Elements; and
- Policy No. 7.5.15 - Character Retention Areas (Draft Harley Street Guidelines).

This report is for the reconsideration of an application for a single house and in considering the proposal, the Council has the option to:

- Affirm its decision;
- Vary its decision; or
- Set aside the decision and substitute a new decision.

As the State Administrative Tribunal (SAT) has invited Council to reconsider its original refusal under Section 31 of the *State Administrative Tribunal Act 2004*, the applicant has already exercised the right to have Council's decision reviewed in accordance with Part 14 of the *Planning and Development Act 2005*. Should Council refuse this Section 31 Reconsideration the applicant may request the matter be determined by the SAT at a Full Hearing.

*Amendment to Local Planning Policy No. 7.5.15 - Character Retention Areas*

Since the lodgement of this application, Council at its meeting of 18 October 2016 adopted for the purpose of advertising an amendment to Policy No. 7.5.15 seeking to include a new appendix for the Harley Street Character Retention Guidelines. Clause 67(b) of Schedule 2 (deemed provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires the City to have due regard to a proposed planning instrument that the local government is considering adopting or approving. As such, the application requires consideration against the amendment to Policy No. 7.5.15 which seeks to include the Harley Street Character Retention Guidelines.

The major differences when assessing the proposed development under the draft Harley Street Character Retention Guidelines relate to upper floor setbacks, plate height, street surveillance, roof pitch and building design provisions. A detailed assessment is provided for in **Attachment 4** and is discussed in the Comment section below.

---

*Draft Local Planning Policy – Built Form No. 7.1.1*

Since the lodgement of this application, Council at its meeting on 20 September 2016 adopted for the purpose of advertising its draft Local Planning Policy – Built Form No. 7.1.1. Clause 67(b) of Schedule 2 (deemed provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* states that the local government is to have due regard to any proposed planning instrument that the local authority is seriously considering adopting or approving. In this context due regard is given to the draft Local Planning Policy No. 7.1.1: Built Form for this development. It is noted that this draft policy outlines that where there is a specific policy or guideline which applies to a site or area (i.e. Character Retention Guidelines discussed above), that the provision of that policy or guideline is to prevail. The assessment of the proposal against the draft Local Planning Policy No. 7.1.1: Built Form is discussed in the Comment section below.

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2023 states:

*"Natural and Built Environment*

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

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

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

As Administration has engaged the services of a planning consultant to represent Council, costs associated with the appointment (already expended and committed) to date are approximately \$11,000.

Should Council refuse this Section 31 Reconsideration the applicant may request the matter be determined by the SAT at a Full Hearing. If the matter was to proceed to a full hearing, the City will need to continue to engage the services of a planning consultant which has been estimated at cost of \$18,000 on top of existing consultancy costs for this application.

**COMMENTS:**

Street Setback

The amended proposal has a staggered ground floor setback, which varies between 2.92 metres and 4.63 metres, giving an average setback of 3.77 metres. The average of the five properties on either side of the application site equates to approximately 3.8 metres. The proposal is broadly in line with the established setback line of the street, with the additional setback of the 4.63 metre section offsetting the closer portion of building. The articulation of the ground floor has been increased through the extension of the verandah along the front façade; altering the proportions of the part of the dwelling forward of the verandah to better align with the adjoining dwellings; increase in the roof pitch; and use of different material in the front façade, including brick work in the front fence. These changes assist to create a more aesthetically pleasing building and reduces the impact of having the whole building closer to the street.

---

The proposed design of the front elevation provides for varying setbacks to add interest to the elevation, and provides some features that reflect the older properties in the area such as the front ground floor gable feature and colorbond roof. The proposed variations to the front setback are considered minor and acceptable in this instance.

#### Street Walls and Fences

It is considered that a reduction in the width of the piers (to a maximum of 355mm) would assist in maintaining consistency in the fencing along this portion of Harley Street and, therefore, be in-keeping with the desired streetscape of the locality. It is recommended that a condition be imposed which requires the applicant to modify the width of the fencing piers to a maximum of 355mm, therefore according with the current deemed-to-comply provisions of LPP No. 7.2.1.

#### Boundary Walls

The amended proposal has reduced the height of these boundary walls to comply with the deemed-to-comply standards of the R-Codes, however, the application still proposes three individual portions of boundary wall split across two boundaries proposed, with a combined length of 18.47 metres. The R-Codes allows for a boundary wall up to two thirds the length of the boundary behind the front setback area, which in this instance would equate to approximately 20 metres in length. It must be noted that any one of these could be deemed to be the 'as of right' boundary wall permitted by the R-Codes for this density coding. In addition, the advertised version of the draft Built Form policy allows boundary walls to be provided to two boundaries as-of-right.

All the walls have been reduced in height to single storey, and their distribution over more than one boundary assists to reduce bulk and impact to adjoining properties. It is not expected that the walls on the boundary have a negative impact on the neighbouring properties for the following reasons:

##### *South-western wall:*

The wall on the south western boundary is in relation to the proposed garage and partially replaces a wall on the boundary from the previous garage. The impact from this wall is on a rear garden of the adjoining property. As this wall is not visible from the street it does not impact on the streetscape of Harley Street. Furthermore, the residents and owners of the property adjacent to the south-western wall have given their written consent to the garage being built up to the south-western boundary.

##### *North-eastern walls:*

The two walls on the north eastern boundary are to the south of No. 16 Harley Street, and therefore do not have any overshadowing implications. The walls face a blank wall of Bedroom 1, and two smaller secondary windows to the dining area of No. 16 Harley Street. The space between the two proposed boundary wall portions aligns with the location of the two dining windows of No. 16 Harley Street, resulting in minimal impact in relation to bulk, light and ventilation to the this dwelling.

It should be noted that recommended condition 1.2 relates to an increase in plate height, the study boundary wall to the north eastern boundary will increase in height by 3 brick courses (approximately 257mm). This will result in an overall maximum wall height of 3.257 metres to the study boundary wall. The affected wall is located to the south of the adjoining property hence it will have a negligible impact on amenity in terms of overshadowing. It is also noted that the locality is characterised by boundary walls that are higher than 3m.

Only the wall located closest to Harley Street can be seen from the street. Given there are other examples of boundary walls in excess of 3.0m within the locality (noting the study boundary wall will be a maximum of 3.257 metres in height given the requirements of condition 1.2) it is considered that there will be negligible impact on the streetscape as a result of the boundary wall.

---

### Landscaping

There are no current landscaping requirements set out in the R-Codes or the City's policies for a single house. The application has been assessed against the provisions of the draft Built Form LPP No 7.1.1, which sets a deemed-to-comply standard of 30% of the site area as tree canopy cover within five years and 15% of the site area as deep soil zone.

The application was originally submitted prior the release of the draft Built Form LPP and does not specifically meet the above requirements. The application does not propose any mature tree planting that will contribute to canopy coverage, however the site is capable of being able to accommodate deep soil zone landscaping areas which equate to 14% of the total site area. This is considered to provide an adequate opportunity for the development to provide the appropriate level of canopy coverage to achieve the intent of the City's draft Policy.

### Draft Harley Street Guidelines

It is noted that the majority of objections received during the advertising period relate to the historical character of the street, and that the process to have the Harley Street character protected through the City's Character Retention Area process has been initiated. At its 18 October 2016 Ordinary Council Meeting, Council resolved to adopt an amendment to Policy No. 7.5.15 to include the Harley Street Guidelines in the City's Character Retention Policy, for the purposes of advertising. The advertising of the amendment to the policy commenced on the 12 November 2016 and is due to conclude on 12 December 2016. It should be noted that the Harley Street Guidelines are still in a draft form and as such they are subject to change.

The revised proposal has been assessed against the provisions of the Harley Street Guidelines in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and, subject to the modifications required through the proposed conditions of approval, is consistent with the intent of the draft guidelines.

As outlined above, the revised plans the subject of this Section 31 Reconsideration include changes to elements of the single dwelling, summarised by the Applicant as follows:

- Reduced wall heights to walls built up to both the south-western and north-eastern boundaries;
- The ground floor setback to the study has been reduced to allow for the second storey to be setback a minimum of 2m from the ground floor facade;
- All roof pitches are now 30 degrees or more; and
- Changes to the architectural features to the front facade.

The revised proposal has been assessed against the draft guidelines, and this assessment is included in **Attachment 5**. The areas where the revised proposal does not meet the deemed-to-comply standards of the draft guidelines are discussed below:

#### *Building Height (Plate Height)*

The revised plans submitted by the Applicant still propose a lower plate height than the adjoining properties. On this basis it is recommended that a condition be applied (condition 7.1 (b)) requiring the plate height to be increased by three courses to better match the adjoining properties. This condition will result in a built form that will be in-keeping with the scale and proportions of the original street pattern. It is considered that subject to the adoption of the proposed conditions the development will meet the relevant local housing objective of the draft guidelines.

---

### *Street Setback Upper Floor*

The development has been amended to bring it into compliance with the Residential Design Elements policy, with the upper floor setback between 2 metres and 3.7 metres behind the ground floor. The draft guidelines require the upper floor to be setback 10 metres back from the street, with the application proposing a 6.62 metre setback.

The intent of the upper floor setback is to reduce the visual dominance of upper storeys and hence maintain a predominantly single storey streetscape scale. The extended verandah now projects forward of the building line, which gives the upper floor the appearance of a greater setback. In addition, the recommended condition 7.1(b) discussed above, requiring the increase in the floor plate level, will have the effect of raising the wall height of the front portion of the lower storey and the lower level roof line, which will increase the screening of the upper storey and will have the effect of removing the upper floor highlight windows. With the design changes required through the proposed conditions of approval it is considered that the upper floor will be adequately integrated into the development and meet the relevant local housing objective of the draft guidelines.

### *Street Surveillance (Front Verandah)*

The verandah has been increased to occupy a minimum of 49 per cent of the front façade of the development, in lieu of 50 per cent set as a deemed-to-comply standard under the guidelines. The development proposes two habitable rooms with primary street surveillance and it is considered that the verandah provides adequate space to promote interaction with the street. On this basis it is considered the development meets the relevant local housing objectives of the draft guidelines.

### *Street Walls and Fences (Visual Permeability)*

The development proposes the front fence to be 77.6 per cent visually permeable in lieu of the 80 per cent set as a deemed-to-comply standard. This level of visual permeability still allows view from the street to the dwelling and front garden. However, the piers of the front fence exceed the width of piers incorporated into fencing along this portion of Harley Street. It is considered that a reduction in the width of the piers (to a maximum of 355mm) would assist in maintaining consistency and would be in-keeping with the desired streetscape of the locality. It is recommended that a condition be imposed which requires the applicant to modify the width of the fencing piers to a maximum of 355mm. This modification will also have the effect of increasing the visual permeability of the proposed fencing which will result in compliance with the draft guidelines.

### *Roof Pitch (Pitch to Gable)*

The amended application proposed a 34 degree pitch to the roof gables in lieu of the 35 degree pitch set as a deemed-to-comply standard in the draft guidelines. The proposed gable pitch is considered to align with the design of adjoining dwellings and subject to the changes required through proposed conditions 7.1(b) 7.1(c) and 7.1(d), it is considered that the dwelling will be in-keeping with the scale and proportions of the original street pattern and meet the relevant local housing objective of the draft guidelines.

### *Building Design*

Whilst the revised plans represent an improvement in relation to the streetscape integration when compared to the plans previously considered by Council, there remains a concern that the dwelling will not integrate in terms of scale when compared to the existing dwellings either side of it. In particular the eaves of the lower level at the street front will be significantly lower than those of the adjoining dwellings. The intent of proposed condition 7.1(b) is to raise the wall height of the front part of the lower portion of the proposed dwelling so that the gutter line of the lower roof and the roof of the verandah are more closely aligned with those of the adjoining dwellings. Additionally by raising the level of the lower storey roof but not adjusting the level of the upper storey, the screening of the upper storey will be improved.

---

It is acknowledged that the internal floor level is lower than the floor level of the adjoining dwellings however if the internal floor level of the proposed dwelling was to be raised, then the entire building including the upper storey would also increase in height. The lower floor level will not significantly impact upon the streetscape given the proposed front fence will create a visual barrier.

The windows proposed for bedroom 1 do not have a clear vertical emphasis and are not in keeping with the general proportions of windows in the locality. Proposed Condition No. 7.1(c) requires that the ratio of glazing to wall be reduced and the large single window is replaced with two vertical windows. This is considered to more appropriately respect the existing streetscape and is necessary for the development to meet the relevant local housing objective of the draft guidelines.

#### Conclusion

The site is currently vacant after demolition of the existing dwelling. The proposal seeks the exercise of discretion relating to the front fencing, front setback and buildings on boundary. The extent of discretion required in each instance is minor and acceptable provided a number of minor changes are required to the design through conditions of approval. With these changes it is considered that the proposal will comply with the new draft Harley Street Guidelines and will not have a negative impact on the amenity of the area. The amended application is recommended for approval subject to conditions.

---

**9.1.11 Outcomes of Advertising – Draft Policy No. 7.1.1 – Built Form**

<b>Ward:</b>	Both	<b>Date:</b>	5 December 2016
<b>Precinct:</b>	All	<b>File Ref:</b>	SC2320
<b>Attachments:</b>	<a href="#">1</a> – Advertised Draft Policy No. 7.1.1 – Built Form <a href="#">2</a> – Summary of Building Height Submissions <a href="#">3</a> – Summary of Submissions and Recommended Modifications <a href="#">4</a> – Revised Draft Policy No. 7.1.1 – Built Form (Track Changes) <a href="#">5</a> – Revised Draft Policy No. 7.1.1 – Built Form (Clean)		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	T Elliott, Strategic Planning Officer S Smith, Coordinator Policy and Place J O’Keefe, Manager Policy and Place		
<b>Responsible Officer:</b>	John Corbellini, Director Development Services		

**RECOMMENDATION:**

That Council:

1. **ADOPTS** draft Policy No. 7.1.1 – Built Form included as Attachment 5 pursuant to Clause 4(3) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
2. **RESCINDS** Policy No. 7.1.1 – Mount Hawthorn Precinct – Scheme Map 1; Policy No. 7.1.2 – Mount Hawthorn Centre Precinct – Scheme Map 2; Policy No. 7.1.3 – Leederville Precinct – Scheme Map 3; Policy No. 7.1.4 – Oxford Centre Precinct – Scheme Map 4; Policy No. 7.1.5 – Cleaver Precinct – Scheme Map 5; Policy No. 7.1.6 – Smith’s Lake Precinct – Scheme Map 6; Policy No. 7.1.7 – Charles Centre Precinct – Scheme Map 7; Policy No. 7.1.8 – North Perth Precinct – Scheme Map 8; Policy No. 7.1.9 – North Perth Centre Precinct – Scheme Map 9; Policy No. 7.1.10 – Norfolk Precinct – Scheme Map 10; Policy No. 7.1.11 – Mount Lawley Centre Precinct – Scheme Map 11; Policy No. 7.1.12 – Hyde Park Precinct – Scheme Map 12; Policy No. 7.1.13 – Beaufort Precinct – Scheme Map 13; Policy No. 7.1.14 – Forrest Precinct – Scheme Map 14; Policy No. 7.1.15 – Banks Precinct – Scheme Map 15; Policy No. 7.2.1 – Residential Design Elements; Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings; Policy No. 7.5.11 – Exercise of Discretion for Development Variations; and Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Developments, pursuant to Clause 6 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
3. **NOTES:**
  - 3.1 The submissions received in relation to the advertising of draft Policy No. 7.1.1 – Built Form included as Attachment 2 and Attachment 3, and **ENDORSES** Administration’s responses to those submissions included in Attachment 3;
  - 3.2 That Administration will publish a notice of adoption pursuant to Clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
  - 3.3 That Administration will publish a notice of revocation pursuant to Clause 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;

- 3.4 That Administration will FORWARD the landscaping and setback provisions in Policy No. 7.1.1 – Built Form to the Western Australian Planning Commission for approval pursuant to Clause 7.3.2 of State Planning Policy 3.1: Residential Design Codes; and
- 3.5 That Administration will commence a review of the Built Form Policy, including the heights in the Claisebrook area, when Town Planning Scheme No. 2 is adopted.

**PURPOSE OF REPORT:**

To consider the outcomes of community consultation relating to draft Local Planning Policy No. 7.1.1 – Built Form (Built Form Policy) and to consider the revised draft Built Form Policy.

**BACKGROUND:**

At its meeting on 20 September 2016 Council resolved to adopt the draft Built Form Policy, included as **Attachment 1**, for the purpose of advertising for public comment (Item 9.1.14).

The draft Built Form Policy was advertised between 11 October 2016 and 11 November 2016. A timeline of the development of the Built Form Policy is as follows:

Date	Comment
10 March 2015	Council resolved to adopt a suite of draft local planning policies for the purpose of advertising for public comment including five precinct policies and one development policy.
31 July 2015 – 11 September 2015	The suite of draft local planning policies were advertised for public comment.
20 September 2016	The outcomes of community consultation and a new draft Policy No. 7.1.1 – Built Form were presented to Council and the draft policy was adopted for the purpose of public consultation.
11 October 2016 – 11 November 2016	Draft Policy No. 7.1.1 – Built Form was advertised for public comment.

**DETAILS:**

The City received 42 written submissions during the consultation period. The comments received raised a range of issues which Administration has considered. A summary of the submission received and Administration's response to each is included in **Attachments 2 and 3**.

The development and planning industry were generally supportive of the new format and structure of the draft policy. Many commented specifically that the improvement to the structure and inclusion of Part One would reduce inconsistent decision making and provide much more certainty to landowners.

With respect to comments relating to specific development provisions, the five key areas and Administration's responses are summarised below.

Setbacks

The advertised draft Built Form Policy proposed setbacks which provide separation between higher density development and lower density established residential areas. The advertised policy also proposed minimal setbacks to the side and street in Town Centres, Activity Corridors and Mixed Use Areas, to allow development potential where it did not impact on established residential areas. Submitters were generally supportive of the approach to provide setbacks which require separation between established residential areas and higher density development.

The key issues relating to setbacks are outlined below.

*Boundary Walls in Town Centres / Activity Corridors / Mixed Use Areas*

The draft Built Form Policy was advertised with no side setback requirements for the first three storeys in these areas. During the consultation period, Administration reviewed these requirements and noted that this would allow three storey boundary walls adjoining existing single residential dwellings in some instances. This has the potential to create poor quality streetscapes and significantly impact on existing residential properties while these areas transition.

In order to better address these concerns, while still allowing a transition to higher intensity development in Town Centres, Activity Corridors and Mixed Use Areas, it is recommended that this deemed-to-comply standard be reduced to only allow two storey side boundary walls as-of-right unless there is an existing or simultaneously constructed boundary wall. In these instances higher boundary walls that match an existing boundary wall are permitted as-of-right.

This approach will create a more responsive streetscape, recognising existing built form and ensuring that buildings are providing adequate light and ventilation to all units regardless of their location within a building. Tall, long exposed boundary walls are considered a poor outcome for the existing streetscape, adjoining development and the local amenity of an area.

*Balcony setbacks*

Concerns were raised during the consultation period that the side and rear setbacks did not align with the privacy setbacks for balconies, creating an inconsistency between these two setback requirements. In order to address this inconsistency it is recommended that the policy be modified to apply the privacy setbacks of the R-Codes as the side and rear setbacks where balconies are proposed. Where balconies are not proposed the advertised side and rear setbacks of the policy will apply.

In addition, it was also noted that the setback illustrations that related to a right-of-way were incorrect. These illustrations stated that a maximum of 2 metres of the right-of-way could contribute to that setback measurement, when in fact the draft policy provisions stated that in this circumstance the setback is calculated from the midpoint of the right-of-way. These illustrations have been modified to correct this error.

Access, Garages and Carports

The advertised draft Built Form Policy sets out provisions which affect the location and design of garages and carports into the following three areas:

1. *Vehicular access*

The advertised draft Built Form Policy proposed to use Clause 5.3.5 of the R-Codes to guide decisions on vehicular access. This Clause requires that access is to be provided from a right of way (ROW) where it exists, from the secondary street where no ROW exists, and from the primary street where no ROW or secondary street exists. This clause cannot be varied in a local planning policy without the approval of the Western Australian Planning Commission (WAPC).

2. *Location and setback of garages and carports*

The advertised draft Built Form Policy required garages to be setback 500mm behind the building line of the dwelling. Carports were permitted in the primary street setback area subject to certain conditions.

---

3. *Design of garages and carports*

The advertised draft Built Form Policy required carports and garages to be designed to match the existing dwellings predominant roof form, colour, scale and materials.

During the consultation period the City did not receive any specific feedback in relation to these provisions. On review, it is proposed that further clarity be provided on the design and functionality of carports in the street setback area. The changes will ensure future carport designs are suitable and responsive for a range of housing scenarios provided certain elements are incorporated into the final design.

In summary, these elements include:

- The removal of the requirement for the roof form to match the existing dwelling provided the design is complimentary of and subservient to the dwelling;
- That the front windows and door are clearly visible from the street;
- That the carport is not attached to the dwelling, allowing opportunity for light and ventilation to the front windows; and
- That the width of the carport does not exceed 50 per cent the frontage of the lot (including strata lots) or 6 metres (consistent with Australian Standards), whichever is the lesser.

In addition, it is recommended that the setback of the carport structure be aligned with the R-Codes. The draft Built Form Policy did not contain a setback requirement for carports and also removed the previous requirement for carports to only be permitted where more than 50 per cent of the properties in the street had access from the primary street. This will potentially lead to poor streetscape outcomes, where carports are permitted as-of-right up to the front boundary where no other property in the street has any structures in the front setback area. Applying the R-Codes carport setback requirement will ensure that carports are setback appropriately for each street by applying a deemed-to-comply setback that is half the dwelling setback and allowing carports at lesser setbacks where they do not detract from the streetscape.

Landscaping

The advertised draft Built Form Policy proposed a new approach to Landscaping.

The advertised provisions for Town Centres, Activity Corridors and Mixed Use Areas were as follows:

- Deep soil zones to be 15% of the site area with minimum area of deep soil zone corresponding to the size of the site. The 15% may be reduced to 12% where a mature tree is retained;
- 80% of the rear setback area to be provided as canopy coverage; and
- A landscape plan and landscape maintenance plan to be provided by a landscape architect.

The advertised provisions for the Transit Corridors were as follows:

- Deep soil zones to be 15% of the site area with minimum area of deep soil zone corresponding to the size of the site. The 15% may be reduced to 12% where a mature tree is retained;
  - 50% of the front setback to be provided as soft landscaping;
  - 30% of the site area to be provided as canopy coverage; and
  - A landscape plan and landscape maintenance plan to be provided by a landscape architect.
-

The advertised provisions for the Residential Areas were as follows:

- Deep soil zones to be 15% of the site area with minimum area of deep soil zone corresponding to the size of the site. The 15% may be reduced to 12% where a mature tree is retained;
- 30% of the site area to be provided as canopy coverage;
- A landscape plan and landscape maintenance plan to be provided by a landscape architect for multiple dwellings only; and
- Where any additions or alterations to a building is proposed, 30% of the front setback area is to be provided as canopy coverage, unless an existing mature tree with equivalent coverage is retained anywhere on the site.

During the consultation period submitters raised concerns with the canopy coverage requirement, how it is to be measured and its ability to be enforced. The intent for this clause is for applicants to submit landscaping plans at the development application stage which demonstrate the ability for the proposed landscaping to provide 30% canopy coverage. This has been achieved in a number of recent development applications and is considered a reasonable approach that will deliver significant landscaping improvements to development undertaken in the City. For grouped dwellings, multiple dwellings and commercial developments, compliance with the approved landscaping plan will then be followed up by the City, as is the current industry wide practice. It is recommended that this intent is clarified through minor modifications to the provisions.

#### 4. Height

The advertised draft Built Form Policy sets maximum building heights for each lot to provide clear guidance on the scale of development that can be built throughout the City. Where an applicant is seeking additional height the Policy requires them to prepare a Local Development Plan, among other requirements.

Several submitters felt the requirement to prepare a Local Development Plan was too onerous and costly. Administration acknowledges that preparing a Local Development Plan is a comprehensive process, however, this is an important step in the planning and development process to determine what additional height, if any, is appropriate in the context of that location. On this basis it is recommended that the proposed position be maintained.

A range of submissions were received requesting individual changes to building heights. An itemised map showing the requested building height modifications and Administration's response is included as **Attachment 2**. The main issues are outlined as follows:

##### *Land Zoned Residential R80*

The draft Built Form Policy was advertised with the building height for all residential zoned land to be consistent with the R-Codes. Some concern was raised regarding the four storey height this would permit for land zoned Residential R80. These areas are largely single storey detached housing and so permitting four storeys in these areas at this stage would be a significant change and potentially have a significant effect on existing properties. It is therefore recommended that the height limit for the Residential R80 areas be reduced to three storeys which is consistent with current policy position. The City is focusing density on the major corridors and in town centres so the reduction in height for these areas is considered entirely appropriate and will not jeopardise the ability of the City to deliver density in accordance with State Government requirements.

##### *Mt Hawthorn – R60 Area*

The residential zoned land adjoining the Mezz Shopping Centre immediately west will be zoned R60 when draft Town Planning Scheme No. 2 (TPS2) is gazetted. A submission was received requesting that this land only be permitted to be developed to two storeys. Given the location of these properties immediately adjoining low density R30 sites to the north, it is proposed to include a provision to ensure that any changes to zones to R60 as a result of draft TPS2 in this area remains as a two storey height limit.

---

### *Design Guideline Areas*

The City's Planning and Building Policy Manual contains a number of specific Design Guidelines which were drafted to guide re-development that required additional planning guidance. Where the draft Built Form Policy is inconsistent with these guidelines, the guidelines prevail. To this end, building height limits specified in these documents will continue to be enforced until or unless they are reviewed following the introduction of the draft Built Form Policy. These areas have been identified on the Building Heights map which has been included in the final draft of the Policy.

### *Submissions Proposing Additional Height*

A number of submissions were provided to the City during the advertising period requesting that additional height be considered for certain properties or areas prior to the final adoption of the policy. These include:

- Residential Built Form Area increasing from two storeys to three storeys;
- Residential R50 sites increasing from two storeys to three storeys;
- Newcastle Street north mixed use area increasing from four storeys to six storeys;
- Oxford Street increasing from four storeys to six storeys;
- North Perth Mixed Use Area increasing from four storeys to seven storeys;
- One site on Charles Street increasing from four to six storeys; and
- One site on Wright Street increasing from four storeys to eight storeys.

The proposed increases in height are not supported for inclusion in the final Built Form Policy. It is considered that the proposed height limits reflect the current built form and intended future built form for these areas, noting any additional height can be considered by the City through the assessment of a Local Development Plan.

### *Submissions Requesting a Reduction in Height*

The City also received submissions requesting the reduction of building height in some areas. These were provided by adjoining residents who may be affected by future built form in these locations. The areas include:

- Mt Lawley Town Centre reduced from six storeys to four storeys;
- Charles Street (between Newcastle Street and Carr Street) reduced from six storeys to four storeys;
- Newcastle Street North reduced from six storeys to four storeys; and
- Newcastle Street South reduced from seven storeys to six storeys for lots fronting Newcastle Street.

Although these comments are noted, it is not proposed that any building height limits in these areas be modified. These areas are in close proximity to the Perth CBD and are situated in the context of commercial and mixed use zones. Administration does not consider it suitable to reduce the heights in these contexts.

In addition to the maximum height limits proposed, the draft Policy has been designed to ensure that buildings adjoining residential zoned land have adequate and sophisticated setback and landscaping provisions which when working in conjunction, will significantly reduce the impact of any development on adjoining properties.

### *Claisebrook*

The Claisebrook area is currently guided by the East Perth Redevelopment Authority Scheme 1992 (EPRA Scheme). None of the City's planning policies yet apply to this area, but will if and when the City's draft Town Planning Scheme No. 2 is gazetted.

---

In anticipation of this, the City advertised a range of heights in this area which will come into effect upon gazettal of the new scheme. The intention was to ensure the same heights which apply under the EPRA Scheme would be either carried over into the draft policy, or increased where appropriate.

The heights west of Claisebrook Road were increased from four storeys to six storeys with no submissions in support or objection to this being received.

In order to ensure the heights east of Claisebrook Road are also consistent some amendments are proposed as follows:

Road	Current	Advertised	Proposed
Caversham Road (north)	10 storeys	6 storeys	10 storeys
Caversham Road (south)	8 storeys	6 storeys	8 storeys
Edward Street (north)	4 storeys	6 storeys	No change
Edward Street (south)	8 storeys	6 storeys	8 storeys
Claisebrook Road	4 storeys	6 storeys	8 storeys

The proposed height increases for Caversham Road, Claisebrook Road and Edward Street from what was advertised is considered to be appropriate as they reflect the current height limit set under the EPRA Scheme. This will ensure that the precinct continues to be incentivised as a major re-development precinct within the City.

A review of the permitted building heights in the Claisebrook area is intended to be undertaken following the publishing of Town Planning Scheme No. 2 in the Government Gazette. If changes to the building heights in the Built Form Policy are required as a result of this review they will be included as a future amendment to the policy.

#### Environmentally Sustainable Design

The advertised draft Built Form Policy proposes to require development to obtain a sustainability rating in accordance with the Green Building Council of Australia's Green Star rating system, life cycle assessment methodologies or equivalent.

Submitters generally agreed with this approach, however, the level of detail (such as glazing and plumbing detail) required to complete these assessments at such an early stage in the development process is of concern. Because environmentally sustainable design is such an important consideration and should be incorporated into the policy, it is recommended that minor amendments be made to the environmentally sustainable design provisions to ensure that applicants can 'demonstrate' that they are able to meet the requirements required by the policy. Slightly changing the language will ensure that there are no inconsistencies or conflicts between any planning approval and the Building Code of Australia.

Further to the submissions received Administration identified several minor editorial modifications and it is recommended that these be included in the final Built Form Policy. A full summary of the submissions, Administration's response to each and the recommended modifications is included as **Attachment 3**. A tracked change version of the revised draft Built Form Policy is included as **Attachment 4** and a clean version is included as **Attachment 5**.

**CONSULTATION/ADVERTISING:**

Required by Legislation:	Yes, required by Schedule 2, Part 2, Clauses 4 and 5 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
Required by City of Vincent Policy No.:	Yes, required by the City's Policy No. 4.1.5 – Community Consultation.
Consultation Period:	11 October 2016 – 11 November 2016
Consultation Type:	<ul style="list-style-type: none"> <li>• Two community information sessions;</li> <li>• Discussion with the Environmental Advisory Group;</li> <li>• A workshop with the Design Advisory Committee;</li> <li>• Advertisements in the local newspapers;</li> <li>• Advertisement on the City's website;</li> <li>• Notice in the City's Planning Newsletter and E-Newsletter;</li> <li>• Notices on Social Media.</li> </ul>
Submissions	The City received 42 submissions.

Submitter	Number of Submissions
Landowners	23
Consultants	10
Government Agencies	8
Town Teams	1
<b>Total</b>	<b>42</b>

**LEGAL/POLICY:**

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Town Planning Scheme No. 1;
- R Codes;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.1 – Mount Hawthorn Precinct;
- Policy No. 7.1.2 – Mount Hawthorn Centre Precinct;
- Policy No. 7.1.3 – Leederville Precinct;
- Policy No. 7.1.4 – Oxford Centre Precinct;
- Policy No. 7.1.5 – Cleaver Precinct;
- Policy No. 7.1.6 – Smith's Lake Precinct;
- Policy No. 7.1.7 – Charles Centre Precinct;
- Policy No. 7.1.8 – North Perth Precinct;
- Policy No. 7.1.9 – North Perth Centre Precinct;
- Policy No. 7.1.10 – Norfolk Precinct;
- Policy No. 7.1.11 – Mount Lawley Centre Precinct;
- Policy No. 7.1.12 – Hyde Park Precinct;
- Policy No. 7.1.13 – Beaufort Precinct;
- Policy No. 7.1.14 – Forrest Precinct;
- Policy No. 7.1.15 – Banks Precinct;
- Policy No. 7.2.1 – Residential Design Elements;
- Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings
- Policy No. 7.5.11 – Exercise of Discretion for Development Variations; and
- Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Development.

**RISK MANAGEMENT IMPLICATIONS:**

Nil.

**STRATEGIC IMPLICATIONS:**

The City of Vincent Corporate Business Plan 2016/17 – 2019/20 states:

*“4.1 Review the local planning policy framework.”*

The City’s Strategic Community Plan 2013-2023, Objective 1.1 states:

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

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost of the notice to advertise the adoption of the policy and rescission of the existing ones will be met through the existing operational budget.

**COMMENTS:**

Many of the City’s current local planning policies relating to development requirements are outdated and due for review. The imminent approval of the City’s draft Town Planning Scheme No. 2 also requires that a new planning document be introduced to better manage corridor and town centre development and protect the residential character of adjoining areas.

The revised draft Built Form Policy will provide a much improved and effective decision making framework for statutory planning and improve development outcomes generally throughout the City.

As part of the review, 19 of the City’s existing planning policies are proposed to be rescinded which includes all of the precinct policies and four development policies. This will streamline the way the City, developers and residents interact with the planning framework and create more consistency in decision making, regardless of the determining authority. The policies proposed to be rescinded include:

- Policy No. 7.1.1 – Mount Hawthorn Precinct;
  - Policy No. 7.1.2 – Mount Hawthorn Centre Precinct;
  - Policy No. 7.1.3 – Leederville Precinct;
  - Policy No. 7.1.4 – Oxford Centre Precinct;
  - Policy No. 7.1.5 – Cleaver Precinct;
  - Policy No. 7.1.6 – Smith’s Lake Precinct;
  - Policy No. 7.1.7 – Charles Centre Precinct;
  - Policy No. 7.1.8 – North Perth Precinct;
  - Policy No. 7.1.9 – North Perth Centre Precinct;
  - Policy No. 7.1.10 – Norfolk Precinct;
  - Policy No. 7.1.11 – Mount Lawley Centre Precinct;
  - Policy No. 7.1.12 – Hyde Park Precinct;
  - Policy No. 7.1.13 – Beaufort Precinct;
  - Policy No. 7.1.14 – Forrest Precinct;
  - Policy No. 7.1.15 – Banks Precinct;
  - Policy No. 7.2.1 – Residential Design Elements;
  - Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings
  - Policy No. 7.5.11 – Exercise of Discretion for Development Variations; and
  - Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Development.
-

The revised draft Built Form Policy proposes new landscaping and setback requirements that depart from the R-Codes. Pursuant to Clause 7.3.2 of the R Codes the City will be forwarding the relevant provisions to the WAPC for approval, following the adoption of those provisions by Council.

Administration recommends that Council:

- Adopts the draft Built Form Policy in its final form; and
  - Rescinds the abovementioned local planning policies.
-

## 9.2 TECHNICAL SERVICES

### 9.2.1 Hardy Street, North Perth - Proposed Parking Restriction

<b>Ward:</b>	North	<b>Date:</b>	24 November 2016
<b>Precinct:</b>	Precinct 6 – Smith Lake	<b>File Ref:</b>	SC816, SC1201
<b>Attachments:</b>	1 - Plan No 3403-PP-01		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Brown, Engineering Technical Officer		
<b>Responsible Officer</b>	R Lotznicker, Director Technical Services		

#### RECOMMENDATION:

##### That Council:

- 1 **APPROVES** the introduction of 3P parking restrictions 8am to 6pm Monday to Sunday, in all of the 90 degree angle parking bays in Hardy Street, North Perth, as shown on attached Plan No 3403-PP-01 (Attachment 1); and
2. **ADVISES** all potentially affected residents and businesses of its decision.

#### PURPOSE OF REPORT:

To consider the proposal to implement parking restrictions in all of the 90 degree angle parking bays in Hardy Street, North Perth, as shown on attached Plan No 3403-PP-01 (Attachment 1).

#### BACKGROUND:

The eastern verge on Hardy Street, at the Scarborough Beach Road end has been used for informal parking for a number of years. The verge was generally unkempt.

In 2015 Council approved the construction of an Eating House/Shop, at No 29 Scarborough Beach Road corner of Hardy Street and, as part of the approval, the applicant was required to implement a number of angle parking bays on the western side of Hardy Street frontage, adjacent the premises.

Since its opening, the Eating House/Shop, has increased the demand for parking in the area in particular in Hardy Street which has a 'Resident Only' parking restriction for most of its length.

To help address the parking demand, Council allocated funds in the 2016/17 budget to construct a number of angle parking bays on the eastern side of Hardy Street opposite the recently opened Eating House/Shop and adjacent to the existing angle parking bays.

#### DETAILS:

Construction of the new angle parking was completed in November 2016 however the parking area comprising all of the angle parking bays is currently unrestricted and there is currently no deterrent for parkers wishing to park there all day.

Therefore to address this and create parking 'churn', Administration is recommending that 3P parking restrictions from 8am to 6pm Monday to Sunday be implemented in all of the angle parking bays on Hardy Street (as shown in Attachment 1).

#### CONSULTATION/ADVERTISING:

All potentially affected residents and businesses will be advised of Council's decision.

**LEGAL/POLICY:**

The City of Vincent Parking and Parking Facilities Local Law 2007 regulates the parking or standing of vehicles in all or specified thoroughfares and reserves under the care, control and management of the City and provides for the management and operation of parking facilities.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** This proposal will improve the level of service and the amenity for residents and businesses alike.

**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.*

*1.1.3 Take action to reduce the City's environmental impact and provide leadership on environmental matters.*

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Description	Budget	% year	% spent
2016/2017 Budget supply and installation of parking signs and street name blades	\$106,500		
Expenditure to date	\$33,945	40%	32%
Estimated cost to install signage in Hardy Street	\$550		

**COMMENTS:**

Hardy Street residents voiced concerns that customers from the newly established Eating House/Shop were using Hardy Street as a convenient parking zone, making it difficult for them and their visitors to find parking in the street during the week.

Additional angle parking has been implemented, better delineation of the Residential Only parking zone along Hardy Street has been undertaken and the City's Rangers have been actively enforcing the current restrictions.

The introduction of 3P parking restrictions 8am to 6pm Monday to Sunday, in all of the angle parking bays in Hardy Street, will ensure there is more churn for customers visiting the Eating House/Shop and will deter all day parkers from parking in the street.

The seven day restriction in Hardy Street, has been recommended to be in line with the adjacent businesses operating hours, however it is noted that at other locations along Scarborough Beach Road, through the town centre, the current restriction is Monday to Saturday.

### 9.3 CORPORATE SERVICES

#### 9.3.1 Investment Report as at 30 November 2016

<b>Ward:</b>	Both	<b>Date:</b>	1 December 2016
<b>Precinct:</b>	All	<b>File Ref:</b>	SC1530
<b>Attachments:</b>	<a href="#">1</a> – Investment Report		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	S Teoh, Accounting Officer G Garside, Manager Financial Services		
<b>Responsible Officer:</b>	J Paton, Director Corporate Services		

#### RECOMMENDATION:

That Council **NOTES** the Investment Report for the month ended 30 November 2016 as detailed in Attachment 1.

#### PURPOSE OF REPORT:

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

#### BACKGROUND:

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

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

#### DETAILS:

Total funds held for the period ended 30 November 2016 including on call in the City's operating account were \$37,034,885 as compared to \$32,694,298 for the period ended 30 November 2015.

Total Investments for the period ended 30 November 2016 were \$35,775,011 as compared to \$34,521,542 for the period ended 31 October 2016 and \$31,206,505 for the period ended 30 November 2015 respectively.

Investment comparison table:

	2015/16		2016/17	
	Total Funds Held	Total Investments	Total Funds Held	Total Investments
July	\$17,885,002	\$14,961,000	\$19,683,412	\$18,420,252
August	\$32,600,029	\$26,961,000	\$26,167,645	\$22,573,297
September	\$33,331,757	\$31,361,000	\$36,754,571	\$34,302,896
October	\$32,212,324	\$30,701,564	\$37,581,885	\$34,521,542
November	\$32,694,298	\$31,206,505	\$37,034,885	\$35,775,011
December	\$29,737,925	\$27,239,542		
January	\$30,282,430	\$29,229,172		
February	\$31,529,914	\$29,221,565		
March	\$28,785,278	\$27,983,289		
April	\$27,011,580	\$26,587,166		
May	\$24,348,546	\$23,486,917		
June	\$23,024,830	\$21,005,952		

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

	Original Budget	Budget YTD	Actual YTD	% of FY Budget
Municipal	\$390,000	\$197,000	\$202,840	52.01%
Reserve	\$206,000	\$72,000	\$80,179	38.92%
Leederville Gardens Inc Surplus Trust*	\$0	\$0	\$55,674	0.00%
Total	\$596,000	\$269,000	\$338,693	56.83%

\*Interest estimates for Leederville Gardens Inc Surplus Trust was not included in 2016-17 City of Vincent's budget; actual interest earned is restricted.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

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

City of Vincent Investment Report Grouping*	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
Group A	AA Category	A1+	30%	28.7%	30%	Nil	90%	43.0%
Group B	A Category	A1	20%	19.6%	30%	Nil	80%	47.2%
Group C	BBB Category	A2	10%	9.8%	n/a	Nil	20%	9.8%

\*As per subtotals on Attachment1

**RISK MANAGEMENT IMPLICATIONS:**

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

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

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

**STRATEGIC IMPLICATIONS:**

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

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

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

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

**SUSTAINABILITY IMPLICATIONS:**

Not Applicable

**FINANCIAL/BUDGET IMPLICATIONS:**

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

**COMMENTS:**

The funds for investment have decreased from the previous period due to excess of payments to creditors and other expenditures over cash receipts.

The City has obtained a weighted average interest rate of 2.78% for current investments including the operating account, and 2.85% excluding the operating account respectively. The Reserve Bank 90 days Accepted Bill rate for November 2016 is 1.76%.

As at 30 November 2016, the City's total investment earnings exceed the year to date budget estimate by \$69,693 (25.91%). However, of this, \$55,674 was earned by the Leederville Gardens Inc Surplus Trust and funds in this trust are restricted. Investment earnings from this trust were excluded from the 2016-17 budget calculations. Excluding this Trust income, the balance of the investment revenue is exceeding year to date budget by 5%

In response to the recent amendment to the City's Investment Policy that provided for preference "to be given to investments with institutions that have been assessed as to have a higher rating of demonstrated social and environmental responsibility, providing that doing so will secure a rate of return that is at least equal to alternatives offered by other institutions", administration has actively sought investment offerings from relevant institutions. As a result, 57.0% of the City's investments were held in non-fossil fuel lending institutions at 30 November 2016.

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

- Investment & Earnings Charts;
- Investment Portfolio;
- Investment Interest Earnings; and
- Investment Current Investment Holding.

*(Administration has been working to improve the attached reports. Any feedback from elected members would be welcomed.)*

---

**9.3.2 Authorisation of Expenditure for the Period 21 October to 23 November 2016**

<b>Ward:</b>	Both	<b>Date:</b>	25 November 2016
<b>Precinct:</b>	All	<b>File Ref:</b>	SC347
<b>Attachments:</b>	<a href="#">1</a> – Creditors Report – Payments by EFT <a href="#">2</a> – Creditors Report – Payments by Cheque <a href="#">3</a> – Credit Card Transactions		
<b>Tabled Items:</b>	-		
<b>Reporting Officers:</b>	O Dedic, Accounts Payable Officer; G Garside, Manager Financial Services		
<b>Responsible Officer:</b>	J Paton, Director Corporate Services		

**RECOMMENDATION:**

That Council **RECEIVES** the list of accounts paid under Delegated Authority for the period 21 October 2016 to 23 November 2016 as detailed in Attachment 1, 2 and 3 as summarised below:

<b>Cheque numbers 80446 - 80600</b>	\$199,398.41
<b>Cancelled Cheques 80486, 80487</b>	-1,097.51
<b>EFT Documents 2002 - 2015</b>	\$4,600,421.04
<b>Payroll</b>	\$1,105,037.02

**Direct Debits**

- **Lease Fees** \$5,832.29
- **Loan Repayment** \$145,740.19
- **Bank Fees and Charges** \$21,142.74
- **Credit Cards** \$7,649.37

**Total Direct Debit** \$180,364.59

**Total Accounts Paid** **\$6,084,123.55**

**PURPOSE OF REPORT:**

To present to Council the expenditure and list of accounts paid for the period 21 October 2016 to 23 November 2016.

**BACKGROUND:**

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

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

**DETAILS:**

The Schedule of Accounts paid, covers the following:

<b>FUND</b>	<b>CHEQUE NUMBERS/ PAY PERIOD</b>	<b>AMOUNT</b>
<b>Municipal Account (Attachment 1 and 2)</b>		
Cheques	80446 - 80600	\$198,300.90
EFT Payments	2002 - 2015	\$4,600,421.04
<b>Sub Total</b>		<b>\$4,798,721.94</b>
<b>Transfer of Payroll by EFT</b>	<b>01/11/16</b>	\$540,504.52
	<b>15/11/16</b>	\$564,532.50
	<b>November 2016</b>	<b>\$1,105,037.02</b>
<b>Corporate Credit Cards (Attachment 3)</b>		<b>\$7,649.37</b>
<b>Bank Charges and Other Direct Debits</b>		
Lease Fees		\$5,832.29
Loan Repayment		\$145,740.19
Bank Charges – CBA		\$21,142.74
<b>Total Bank Charges and Other Direct Debits (Sub Total)</b>		<b>\$172,715.72</b>
<b>Less GST effect on Advance Account</b>		<b>0.00</b>
<b>Total Payments</b>		<b>\$6,084,123.55</b>

**LEGAL/POLICY:**

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

12. *Payments from municipal fund or trust fund, restrictions on making*

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

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

---

13. *Lists of Accounts*

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared -*
- *the payee's name;*
  - *the amount of the payment;*
  - *the date of the payment; and*
  - *sufficient information to identify the transaction.*
- (3) *A list prepared under sub regulation (1) is to be —*
- *presented to Council at the next ordinary meeting of Council after the list is prepared; and*
  - *recorded in the minutes of that meeting.*

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2013-2023:

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

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

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**ADVERTISING/CONSULTATION:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

All Municipal Fund expenditure included in the list of payments is in accordance with Council's adopted Annual Budget.

**COMMENT:**

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

---

### 9.3.3 Financial Statements as at 31 October 2016

<b>Ward:</b>	Both	<b>Date:</b>	25 November 2016
<b>Precinct:</b>	All	<b>File Ref:</b>	SC357
<b>Attachments:</b>	<a href="#">1</a> – Financial Reports		
<b>Reporting Officers:</b>	N Makwana, Accounting Officer G Garside, Manager Financial Services		
<b>Responsible Officer:</b>	J Paton, Director Corporate Services		

#### RECOMMENDATION:

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

#### PURPOSE OF REPORT:

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

#### BACKGROUND:

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

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

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

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

#### DETAILS:

The following documents, included as **Attachment 1** represent the Statement of Financial Activity for the period ending 31 October 2016:

Note	Description	Page
1.	Statement of Financial Activity by Programme Report and Graph	1-3
2.	Statement of Comprehensive Income by Nature and Type Report	4
3.	Net Current Funding Position	5
4.	Summary of Income and Expenditure by Service Areas	6-51
5.	Capital Works Schedule and Funding and Graph	52-63
6.	Cash Backed Reserves	64
7.	Rating Information and Graph	65-66
8.	Receivables	67
9.	Beatty Park Leisure Centre Report – Financial Position	68

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

### Summary of Financial Activity By Programme as at 31 October 2016

	Original Budget 2016/17 \$	YTD Budget 2016/17 \$	YTD Actual 2016/17 \$	Variance 2016/17 \$	Variance 2016/17 %
<b>Operating Revenue</b>	27,515,406	9,451,913	8,484,290	(967,623)	-10%
<b>Operating Expenditure</b>	(56,304,295)	(19,478,342)	(17,145,006)	2,333,336	-12%
Add Deferred Rates Adjustment	0	0	31,120	31,120	0%
Add Back Depreciation	10,087,180	3,362,344	3,207,454	(154,890)	-5%
(Profit)/Loss on Asset Disposals	(1,020,686)	(67,530)	(21,580)	45,950	-68%
	<b>9,066,494</b>	<b>3,294,814</b>	<b>3,216,993</b>	<b>(77,821)</b>	<b>-2%</b>
"Percent for Art" and "Cash in Lieu" Funds Adjustment	1,544,740	0	0	0	0%
<b>NET OPERATING EXCLUDING RATES</b>	<b>(18,177,655)</b>	<b>(6,731,615)</b>	<b>(5,443,723)</b>	<b>1,287,892</b>	<b>-19%</b>
<b>CAPITAL REVENUE</b>					
Proceeds from Disposal of assets	1,450,166	373,500	92,589	(280,911)	-75%
Transfers from Reserves	1,310,020	436,668	82,036	(354,632)	-81%
	<b>2,760,186</b>	<b>810,168</b>	<b>174,625</b>	<b>(635,543)</b>	<b>-78%</b>
Capital Expenditure	(13,761,598)	(4,355,520)	(2,356,810)	1,998,710	-46%
Repayments Loan Capital	(818,840)	(265,347)	(265,347)	0	0%
Transfers to Reserves	(5,337,045)	(960,514)	(931,785)	28,729	-3%
	<b>(19,917,483)</b>	<b>(5,581,381)</b>	<b>(3,553,942)</b>	<b>2,027,439</b>	<b>-36%</b>
<b>NET CAPITAL</b>	<b>(17,157,297)</b>	<b>(4,771,213)</b>	<b>(3,379,317)</b>	<b>1,391,896</b>	<b>-29%</b>
<b>TOTAL NET OPERATING AND CAPITAL</b>	<b>(35,334,952)</b>	<b>(11,502,828)</b>	<b>(8,823,040)</b>	<b>2,679,787</b>	<b>-23%</b>
Rates	31,075,530	30,754,697	31,008,324	253,627	1%
Opening Funding Surplus	4,259,422	4,259,422	4,251,223	(8,198)	0%
<b>CLOSING SURPLUS/(DEFICIT)</b>	<b>0</b>	<b>23,511,291</b>	<b>26,436,507</b>	<b>2,925,216</b>	<b>12%</b>

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

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

#### Operating Revenue

There is a difference in classification in revenue reported by programme or by nature and type. Operating revenue in programme reporting includes 'Non-Operating Grants, Subsidies

and Contributions' and 'Profit on Sale of Assets'. Revenue reporting by nature and type excludes these, but adds 'Rates Revenue'.

Revenue by programme is showing a negative variance of 10% (\$967k). This is due to reduced revenue in Health Services (\$56k), Community Amenity (\$121k), Recreation and Culture (\$365k), Transport (\$392k) and Economic Services (34k).

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

### **Operating Expenditure**

The favourable variance is currently at 12% (\$2.3m). The underspend was mainly due to lower expenditure in building maintenance, ground maintenance. Also, some scheduled programmes and projects have not yet been carried out as planned.

### **Transfer from Reserves**

This is on budget for the month of October 2016. Transfer from Reserves is aligned to the timing of commencement for Capital Works projects that are Reserves funded.

### **Capital Expenditure**

The variance is attributed to the timing of the projects. For further detail, refer to Note 5 on **Attachment 1**.

### **Transfer to Reserves**

Monthly transfer to reserves commenced in July 2016, based on budget phasing. This will be reviewed quarterly and transfers based on actuals will be adjusted after the review.

### **Opening Funding Surplus/(Deficit)**

The surplus Opening Balance brought forward from 2015-16 is \$4,251,223 as compared to adopted budget opening surplus balance of \$4,259,422.

### **Closing Surplus/(Deficit)**

There is currently a surplus of \$26,436,507, compared to year to date budget surplus of \$23,511,291. This is substantially attributed to the positive variance in operating expenditure and the current level of Capital Expenditure.

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

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

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

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

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

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

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

---



Second Instalment	14 November 2016
Third Instalment	16 January 2017
Fourth Instalment	20 March 2017

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)	\$13.00 per instalment
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

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

The Rates debtors balance as at 31 October 2016 is \$11,355,695 (this includes deferred rates of \$122,230). This represents 35.66% of the collectable income compared to 31.43% at the same time last year. It should be noted that the rates notices were issued on 8<sup>th</sup> August 2016, which is three weeks later than the previous year due to the delayed budget adoption.

#### **8. Receivables (Note 8 Page 67)**

Receivables of \$3,135,121 are outstanding at the end of October 2016, of which \$2,570,678 has been outstanding over 90 days. This is comprised of:

\$378,169 (14.7%) relates to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangements for more than one year.

\$226,556 (8.8%) relates to Other Receivables, including recoverable works and property.

\$1,965,953 (76.5%) relates to unpaid infringements (plus costs) over 90 days. Infringements that remain unpaid for more than two months are sent to Fines Enforcement Registry (FER), who then collect the outstanding balance and return the funds to the City for a fee.

Administration has been following up outstanding items which relate to Other Receivables by issuing reminders when they are overdue and formal debt collection when payments remain outstanding.

#### **9. Beatty Park Leisure Centre – Financial Position Report (Note 9 Page 68)**

As at 31 October 2016 the operating deficit for the Centre was \$350,918 in comparison to the year to date budgeted deficit of \$382,705.

The cash position showed a current cash deficit of \$171,521 in comparison to year to date budget estimate of a cash deficit of \$143,213.

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

#### **10. Explanation of Material Variances**

The materiality thresholds used for reporting variances are 10% and \$10,000. This means that variances will be analysed and separately reported when they are more than 10% (+/-) of the YTD budget, where that variance exceeds \$10,000. This threshold was adopted by Council as part of the Budget adoption for 2016-17 and is used in the preparation of the statements of financial activity when highlighting material variance in accordance with *Financial Management Regulation 34(1) (d)*.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

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

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

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

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2013-2023:

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

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

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

**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable.

**COMMENT:**

All expenditure included in the Financial Statements is incurred in accordance with Council's adopted budget or subsequent approval in advance.

The net operating result is reflecting favourably compared to the year to date Budget, however it is anticipated this will progressively come in line with the budget. In respect to capital works, expenditure to 31 October 2016 is ahead of the same period last financial year. Administration is undertaking a review of the 2016/17 Capital Works Schedule, particularly given the potential impact on planned works of the Water Corporation's cast iron water main replacement program.

---

**9.3.4 2015/2016 Carry Forwards Adjustment Report**

<b>Ward:</b>	Both	<b>Date:</b>	28 November 2016
<b>Precinct:</b>	All	<b>File Ref:</b>	SC357
<b>Attachments:</b>	<a href="#">1</a> – 2016/17 Carry-Forward Budget Review <a href="#">2</a> – 2016/17 Budget – Amended Rate Setting Statement		
<b>Reporting Officers:</b>	N Makwana, Accounting Officer G Garside, Manager Financial Services		
<b>Responsible Officer:</b>	J Paton, Director Corporate Services		

**RECOMMENDATION:**

**That Council:**

1. **RECEIVES** the list of reviewed Carry-Forward Budgets for the 2016/17 Capital Budget as detailed in Attachment 1;
2. **APPROVES BY ABSOLUTE MAJORITY** the following adjustments to the 2016/17 Annual Budget:
  - a) a reduction to the Capital Expenditure Budget of \$402,931 to \$13,383,667, as per the individual line-item adjustments listed in Attachment 1;
  - b) a reduction of \$99,213 in Transfer from Reserves;
  - c) a reduction in Capital Grant Revenue of \$143,778; and
  - d) an increase in Transfers to the Asset Sustainability Reserve of \$151,741.

**PURPOSE OF REPORT:**

To consider amendments to the 2016/17 Capital Expenditure Budget, that recognise the final audited balance of expenditure in 2015/16 for carry-forward projects.

**BACKGROUND:**

During the preparation of the Annual Budget for 2016/17, the values of the capital expenditure budget line-items to be carried-forward were based on estimates of the prior-year funds that would be spent by 30 June 2016. As the Annual Financial Report for the 2015/16 financial year and subsequent Audit has been completed, the estimated funds available to be carried-forward can be updated to reflect the actual level of expenditure and consequently the remainder of the budget available to be carried-forward into 2016/17.

The update of the carry-forward figures will need to amend the total 2016/17 budget for the affected line-items.

**DETAILS:**

The 2016/17 Budget includes a capital expenditure program totalling \$13,786,598. Of this \$3,894,600 was funded from Carry-Forwards. A carry-forward refers to a capital expenditure project that spans the previous and new budget year, with some or all of its funding coming from funds that were allocated in the previous budget.

During the budget process the amount required to be carried-forward to the new budget year is calculated by taking the estimated spend up to 30 June in the previous year from that year's available funds. When the end-of-year processes for the previous year are complete the estimate needs to be replaced by the actual spend, so that the true amount that was actually available to be carried-forward is applied.

The \$3,894,600 that was estimated to be carried-forward into the 2016/17 Annual budget was made-up of funding from:

Municipal Funds	\$1,974,498
Reserve Funds	\$731,308
Grant Funds	\$1,049,794
Contribution	\$139,000

In most cases the expenditure to 30 June 2016 on carry-forward projects was underestimated and therefore the budget available in 2016/17 for these projects can be reduced.

The total project cost for *Lord Street (Edward to Windsor)* project in *Road Works* has reduced from the estimate used during the formulation of the 2016/17 budget. Whilst \$405,808 was budgeted to be carried-forward, a greater than expected level of expenditure was undertaken leading-up to the end of June, which resulted in \$356,107 being available to be carried-forward. However, the total cost of this grant funded project has come-in at \$402,693 and only \$72,656 is required for the 2016/17 year. This results in a significant reduction to the municipal funded carry forward projects.

**Attachment 1** (*2016-17 Carry-Forward Budget Review*) lists the projects that need to have their 2016/17 budgets amended.

The net result from these adjustments is:

<b>Source</b>	<b>Original</b>	<b>Adjustment</b>	<b>Amended</b>
Municipal Funds	\$1,974,498	(\$159,940)	\$1,814,558
Reserve Funds	\$731,308	(\$99,213)	\$632,095
Grant Funds	\$1,049,794	(\$143,778)	\$906,016
Contribution	\$139,000	\$0	\$139,000
<b>Total Carry-Forwards</b>	<b>\$3,894,600</b>	<b>(\$402,931)</b>	<b>\$3,491,669</b>

The reduction to municipal-funded carry-forwards will enable a corresponding increase to the transfers to the Asset Sustainability Reserve to maintain a balanced budget.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

Not Applicable

**RISK MANAGEMENT IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2013-2023:

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

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

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

**FINANCIAL/BUDGET IMPLICATIONS:**

The net effect of all adjustments is a \$402,931 reduction to the 2016/17 Capital Works Budget, from \$13,786,598 to \$13,383,667.

**COMMENT:**

With the completion of the year-end processes for the 2015/16 financial year, it is recommended that the carry-forward components of the 2016/17 Capital Expenditure Budget be adjusted to reflect the actual funds available at the end of 2015/16 and any reductions in requirements for 2016/17.

During the development of the 2016/17 Budget, an allocation was provided to be transferred to the Asset Sustainability Reserve to help fund future renewal and replacement of the City's major fixed assets. With the municipal-funded carry-forward adjustments identified above and the change to the actual opening balance an increase in this transfer to reserve of \$151,741 is recommended.

An amended Rate Setting Statement is attached (**Attachment 2**). This details the original budget, the current revised budget, the changes required to recognise the carry-forward adjustments (including the reduced grant income and transfers to and from Reserves) and the resulting proposed amended budget, which maintains the forecast closing balance for 30 June 2017 as \$0.

---

**9.3.5 Proposed Parking Restrictions and Car Parking Licence, Mick Michael Park / Royal Park carpark, 413 Bulwer Street, West Perth (corner Charles Street) – WA Volleyball Inc & Bethanie Group Inc**

<b>Ward:</b>	South	<b>Date:</b>	9/11/2016
<b>Precinct:</b>	Precinct 12 – Hyde Park	<b>File Ref:</b>	SC613
<b>Attachments:</b>	<a href="#">1</a> - Plan of Mick Michael / Royal Park car park – Plan No 3407-PP-01		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	M Bancroft, Property Leasing Officer A Brown, Engineering Technical Officer		
<b>Responsible Officer:</b>	J Paton, Director Corporate Services		

**RECOMMENDATION:**

**That Council:**

1. **APPROVES** the introduction of 3P parking restrictions from 8am to 5.30pm Monday to Friday, in the western bank (15 bays) of the Mick Michael Park / Royal Park carpark, as shown on attached Plan No 3407-PP-01 (Attachment 1);
2. **APPROVES** a car parking licence commencing 1 February 2017 to WA Volleyball Inc over 15 bays in the Mick Michael Park / Royal Park car park (eastern bank), as shown in Attachment 1, on the following key terms:
  - 1.1 **Term:** 2 years and 6 months, commencing 1 February 2017 and expiring 31 July 2019;
  - 1.2 **Permitted Use:** WA Volleyball Inc staff and visitor parking between 8am and 5.30pm Monday to Friday; and
  - 1.3 **Licence fee:** nil.
3. **APPROVES** the issue of 15 parking permits to WA Volleyball Inc in respect to the licenced bays as set out in 2 above;
4. **APPROVES** a car parking licence commencing 1 February 2017 to Bethanie Group Inc over the carpark (including 5 bays and a bus drop off area) in Mick Michael Park / Royal Park, accessible from Violet Street, as shown in Attachment 1, on the following key terms:
  - 1.1 **Term:** 2 years and 5 months, commencing 1 February 2017 and expiring 30 June 2019;
  - 1.2 **Permitted Use:** Bethanie Group Inc staff parking and bus pick up / drop off between 8am and 5.30pm Monday to Friday; and
  - 1.3 **Licence fee:** nil.
5. **APPROVES** the issue of 15 parking permits, at no cost to Without Walls Community Church, a not for profit community church group that hires Royal Park Hall each Wednesday from 8am to 2pm, for the use of the 15 western bays in the car park adjacent to the volleyball courts on each Wednesday; and
6. **Subject to final satisfactory negotiations being carried out by the Chief Executive Officer, AUTHORISES** the Mayor and Director Corporate Services to affix the common seal and execute the licences in 2 and 4 above.

**PURPOSE OF REPORT:**

To consider the implementation of parking restrictions / arrangements for use of the car parks by WA Volleyball Inc and Bethanie Group Inc in Mick Michael Park / Royal Park, accessible from Charles Street and Violet Street, West Perth and located at 413 Bulwer Street, West Perth.

**BACKGROUND:**

**Use of Royal Park**

Mick Michael Park / Royal Park was originally the location of the Royal Park Bowling Club. The Royal Park Bowling Club clubrooms were located in the centre of Royal Park and were surrounded by three bowling greens and a car park. In July 1997 the Royal Park Bowling Club advised the City that it was winding up. At the Ordinary Meeting of Council of 13 October 1997 (Item 11.3.3) Council considered the future use of the Royal Park Bowling Club and resolved:

*“That the Council authorise the Chief Executive Officer to;*

- (i) investigate use of the Royal Park site to include redevelopment of the main hall in the clubrooms for relocation of the Northbridge Day Care, joint use by senior citizens and disabled groups and retention of one (or part) of the bowling greens for use by Centre clients;*
- (ii) negotiate with Volleyball Association of WA regarding a possible lease to meet their needs for accommodation in the mezzanine level of the clubrooms and establishment of a beach volleyball facility on one of the existing bowling greens;*
- (iii) have concept plans developed for the site to provide for (i) and (ii) above as well as removing one bowling green and incorporating this into Mick Michael Park including playground facilities and pathways linking Beatty Park Reserve and Dorrien Gardens; and*
- (iv) obtain estimates of costs involved in the overall redevelopment and identify possible sources of capital and on-going funding including obtaining funds from the Minister for Local Government as an Infrastructure item.”*

At the Ordinary Meeting of Council of 14 December 1998 (Item 11.1.9) Council resolved:

*“That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J Giorgi, Chief Executive Officer on behalf of the landowner, Town of Vincent, for a single storey recreational facility (adult day centre), conversion of existing bowling greens to volleyball courts and associated car parks on Reserve 1651 (No. 413) Bulwer Street, West Perth as shown on plans dated 20 October 1998, subject to:-*

- (i) a landscaping plan of the proposed car parks, the Charles Street setback areas adjacent to the proposed car parks and the Vincent, Bulwer and Violet Streets setback areas adjacent to the proposed day centre (indicating plant species, the provision of 1 shade tree for every 4 car bays and a landscape strip of a minimum width of 1.5 metres along the perimeter of all car parking areas) shall be included in the proposed landscaping for redevelopment of the reserve.*
  - (ii) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and the architectural style shall be amended to compliment the architecture of the area prior to the issue of a Building Licence;*
-

- (iii) *all signage shall be subject to a separate sign licence application being submitted and approved;*
- (iv) *all front fences shall comply with the Council's Policy 3.1.34 relating to Front Fences and Screen Walls, and full details shall be submitted and approved prior to the erection of such fences; and*
- (v) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

*to the satisfaction of the Chief Executive Officer”.*

The above report to Council stated that “...*the proposed number of parking bays will adequately meet demand (in accordance with the Town of Vincent Town Planning Scheme No. 1 Policy Manual (Draft) - the parking requirement of the Volleyball Association of WA and Quilter's Association is 28 car bays and the proposed 5 bays associated with the day care centre is considered adequate.)*”

The construction of the adult day centre, car park, two volleyball courts and refurbishment of the clubrooms (now Royal Park Hall) to include office space for WA Volleyball was undertaken in 1999. These buildings are all owned by the City of Vincent.

At the Ordinary Meeting of Council of 9 August 1999 (Item 10.3.5) Council approved “...*ten year leases with two five year options for premises at Royal Park for the WA Volleyball Association Inc and the Churches of Christ Home and Community Services Inc.*” The Minutes do not include the respective car parks as part of the lease areas.

WA Volleyball's lease is dated 31 March 2000 and commenced on 1 August 1999. The premises is defined as “*mezzanine office, change rooms, storerooms, meeting room and volleyball courts at Royal Park...*” The plan also delineates the lease area and shows that the car park adjacent to Royal Park Hall is not within the lease area. WA Volleyball has exercised both option periods and therefore the lease will expire on 31 July 2019.

The Churches of Christ Home and Community Services Inc entered into a lease with the City on 1 August 1999. The premises is defined as “*adult day care centre at Royal Park...*” and therefore does not appear to include the 5 car parking bays adjacent to the adult day care centre. In 2007 the Churches of Christ Home and Community Services Inc changed its name to Bethanie Group Inc. Bethanie Group Inc has exercised both option periods and therefore the lease will expire on 30 June 2019.

### **Car parks at Royal Park**

Two car parks are located at Royal Park. The car park adjacent to the volleyball courts and Royal Park Hall (access is from Charles Street) has 30 car bays and 2 disabled car bays. It is a public car park and currently has no parking restrictions. It is primarily used by WA Volleyball staff and players and hirers of Royal Park Hall. WA Volleyball is the WA association for volleyball. WA Volleyball have reported to Administration that the car park is often full and therefore WA Volleyball staff members are sometimes unable to find a car parking space.

The adult day care has a separate car park which has been registered by Bethanie Group Inc with the City as a private car park. Its use is monitored by Bethanie Group Inc (therefore only users of the adult day care centre can access this car park). The car park consists of three bays, two disabled bays and a large bus drop off / pick up and bus parking area. Bethanie Group Inc uses the car park for staff parking and client drop-off / pick-up.

Administration has investigated the current use of the public car park adjacent to the volleyball courts and believes that the car park is being used by people catching the bus into the City as free, all day parking. Consequently Administration recommends that it is necessary for parking restrictions to be imposed in this car park to ensure that it is only used by users of Royal Park Hall and WA Volleyball. Administration has also reviewed the use of the car park adjacent to the adult day care centre and recommends that it should continue to be exclusively used by Bethanie Group Inc.

**DETAILS:**

**Restrictions to use of public car park adjacent to volleyball courts**

WA Volleyball has requested Administration to review the current use of the car park adjacent to the volleyball courts and the possibility of including parking restrictions to deter commuters using the car park, and therefore preventing use by users of Royal Park Hall and WA Volleyball.

Administration firstly confirms that WA Volleyball's lease does not provide WA Volleyball staff or players with any exclusive right to use any of the car parking bays or any guarantee that the bays will be available for use at all times. However, the background to the lease, as discussed above, indicates that it was the City's intention that the car park was to be used by WA Volleyball and the other users of Royal Park Hall.

Therefore, it is appropriate that the car park is restricted to use by WA Volleyball staff and players and users of Royal Park Hall. The method to achieve this has two components and is set out below:

1. *3P Parking Restriction for 15 bays in west of car park*

Administration recommends that a 3 hour parking limit between 8am and 5.30pm Monday to Friday for the 15 bays on the western side of the car park adjacent to the volleyball courts should be imposed, as it will prevent commuters from parking in these bays. The 3P restriction will ensure that the bays are available for users of Royal Park Hall. Royal Park Hall is hired to various community and not for profit groups and the weekday hire period is generally 1 – 3 hours. However, Without Walls Community Church hires Royal Park Hall every Wednesday between 8am and 2pm. The 3P restriction would therefore prevent the members from parking in the car park. Given that a number of members are elderly it is proposed that 15 parking permits are granted to Without Walls Community Church for Wednesday 8am to 2pm, so that some of its members can park within the car park. The remaining members can park at the Beatty Park car park and walk to Royal Park Hall. It is proposed that the permits are granted free of charge as the purpose of the car park is to provide parking for users of Royal Park Hall.

2. *Licence for use of 15 bays to WA Volleyball Inc*

WA Volleyball have advised the City that they have 13 staff members who will require parking between 8am and 5.30pm. WA Volleyball will also require parking for visitors and players, however, the 3P restrictions should not impact the use of the car park by visitors and players. For convenience, it is proposed that the City grant a licence to WA Volleyball in respect to the 15 bays in the east of the car park, during the operational hours of WA Volleyball (8am to 5.30pm Monday to Friday). The licence would expire on 31 July 2019, to align with WA Volleyball's current lease of the clubrooms / office space at Royal Park Hall. The City grants a number of car parking licences to lessees to similar community groups. The key terms are summarised below:

---

Lessee	Location	No. of bays	Fee
Forrest Park Croquet Club Inc	Forrest Park, Harold Street, Mt Lawley	25 – whole car park, during operational hours	Nil
Perth Soccer Club Inc	Forrest Park, Harold Street, Mt Lawley	25 – whole car park, during operational hours	Nil
Kidz Galore Pty Ltd	25-29 Sydney Street, North Perth	7 bays	\$353 plus GST per bay
Shalom Dental Clinic	25-29 Sydney Street, North Perth	9 bays	\$353 plus GST per bay

Given the historic use of these bays by WA Volleyball and the City's construction of the car park specifically for users of WA Volleyball and Royal Park Hall, it is recommended that a licence fee for the use of the bays is not payable.

It will be necessary for 15 parking permits stating 'WA Volleyball Inc parking' to be issued to WA Volleyball to enable rangers to ensure compliance with the car park licence. Rangers can therefore issue infringements to anyone parked within the WA Volleyball Inc licensed bays that is not displaying a parking permit, which will prevent the use of these bays by commuters.

#### **Restrictions to use of aged day care car park**

Bethanie Group Inc has historically exclusively used this car park and it appears to have been Council's original intention to construct the car park for use in connection with the aged day care centre. However, the car park is not included in Bethanie Group's lease area and therefore Bethanie Group has no formal right to exclusively use the bays. Consequently, Administration recommends that a licence is granted to Bethanie Group Inc for the use of the car park (5 bays plus the bus drop off / pick up and parking area) during operational hours (8am to 5.30pm Monday to Friday). The licence will commence on 1 February 2017 and expire on 30 June 2019, to align with Bethanie Group's current lease of the aged day care centre. Administration recommends that a licence fee should not be payable given the historic use of the car park by Bethanie Group Inc.

Bethanie Group Inc will need to register the car park as a private car park and pay the associated registration fee to the City. This will enable Rangers to infringe anyone parking within the car park who is reported by Bethanie Group Inc to not be a user of the aged day care centre.

#### **CONSULTATION/ADVERTISING:**

Administration met with representatives of WA Volleyball on 27 October 2016 to discuss the use of the car park.

As WA Volleyball Inc and Bethanie Group Inc have sporting and recreational and charitable and benevolent objectives, respectively, and the members would not receive any pecuniary profit from the licences, it appears that the proposed licenses would meet the requirements of an exempt disposition, in accordance with Section 3.58(5) of the *Local Government Act 1995*. Therefore there would be no requirement for the City to advertise an intention to enter into car parking licences with the groups.

#### **LEGAL/POLICY:**

In accordance with the City of Vincent Parking and Parking Facilities Local Law 2007 which regulates the parking or standing of vehicles in all or specified thoroughfares and reserves under the care, control and management of the City and provides for the management and operation of parking facilities.

*Local Government Act 1995* section 3.58 - Disposing of Property, provides that a local government can only dispose of property (which includes to lease) in accordance with section 3.58(3) unless the disposition falls within the scope of section 3.58(5), which includes:

*“(d) Any other disposition that is excluded by regulations from the application of this section.”*

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

- *A body, whether incorporated or not the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** WA Volleyball and Bethanie Group have historically used the car parks located at Mick Michael / Royal Park without any formal arrangement governing use. Furthermore, the city constructed the car parks for use by these groups, and Royal Park Hall users. Use of the western car park by commuters is inhibiting the appropriate use of the car park and therefore it is appropriate that a 3P restriction and car parking licences are entered into to govern the use.

**STRATEGIC IMPLICATIONS:**

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

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

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost to Council to install restrictions as outlined on Plan No 3407-PP-01 is approximately \$1,000.

**COMMENTS:**

Workers of inner city areas are encouraged to use alternative means of transport by way of Council initiatives such as protected bicycle lanes and also public transport being made readily accessible with the introduction of High Frequency Bus Routes. Parking by commuters in car parks designed for use by sporting and community groups is not encouraged.

Consequently, Administration proposes that the following strategy be adopted at Mick Michael/Royal Park to prevent the continued use of the car parks by commuters:

1. 3P restriction between 8am and 5.30pm Monday to Friday in respect to the western bays (15 bays) in the car park adjacent to the Volleyball Courts;
2. A licence to WA Volleyball Inc in respect to the 15 remaining bays adjacent to the volleyball courts, for use by staff from 8am to 5.30pm (with permits issued to enable enforcement);

3. A licence to Bethanie Group Inc in respect to the 5 bays and bus pick up / drop off area in the eastern car park (access from Violet Street), for use by staff and clients from 8am to 5.30pm (with car park to be registered by Bethanie Group as a private car park); and
4. The issue of 15 parking permits for Wednesday for the Without Walls Community Church, who hire Royal Park Hall each Wednesday and require parking for elderly members.

Administration recommends that no fees are payable in respect to the permits or car parking licences due to the rationale for the construction of the car parks (provide car parking for the users of the aged car center and Royal Park Hall) and the historic use of the car park by the various groups.

Administration also notes that the methods proposed above will be enforceable by Rangers and therefore are the most appropriate methods to ensure the car parks are available for use by the designated users.

---

**9.3.6 Short-term Lease of Litis Stadium – Floreat Athena Soccer Club Inc**

<b>Ward:</b>	North	<b>Date:</b>	02 December 2016
<b>Precinct:</b>	Leederville (3)	<b>File Ref:</b>	SC614
<b>Attachments:</b>	<a href="#">1</a> – Map of proposed lease area <a href="#">2</a> – Lease Extension Request – Planning Solutions 24 November 2016		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	M Bancroft, Property Leasing Officer		
<b>Responsible Officer:</b>	J Paton, Director Corporate Services		

**RECOMMENDATION:**

**That Council:**

1. **NOTES Floreat Athena Soccer Club’s intention to prepare at its cost a Master Plan for Litis Stadium for presentation to Council as the basis for future lease consideration;**
  
2. **APPROVES a short-term lease from 1 January 2017 to Floreat Athena Soccer Club Inc over the soccer stadium located at Britannia Reserve, 41 Britannia Road, Leederville, on the following key terms:**
  - 2.1 **Term:** 12 months;
  - 2.2 **Rent:** \$5,000 plus GST for the Term;
  - 2.3 **Rates & Taxes:** Lessee to pay, defined to expressly include rubbish bin charges and ESL;
  - 2.4 **Outgoings:** Lessee to pay;
  - 2.5 **Repairs & Maintenance:** Lessee responsible for all repairs and maintenance and to keep premises clean and in good condition, this includes repair of damage due to fair wear and tear (components at end of life) and structural maintenance (repair and replacement of roof, load bearing walls).  
Lessor not responsible for any structural repair.
  - 2.6 **Minimum Level of Service:** Lessee to pay for cost of statutory compliance (RCD, smoke alarm, emergency exit and fire hydrant testing) and pest inspections and treatment;
  - 2.7 **Insurance:** Lessee to effect a public liability policy, with cover not less than \$20 million, and pay premium for building insurance policy;
  - 2.8 **Indemnification:** Lessee to indemnify the City against all costs and claims;
  - 2.9 **Permitted Purpose:** As detailed in previous Lease;
  - 2.10 **Shared Use (hire):** Lessee permitted to hire out clubrooms, function rooms and soccer pitch at its discretion, provided that the use is consistent with the Permitted Purpose
  - 2.11 **Alterations:** Not without the prior approval in writing of the Lessor;

- 2.12 **Capital Works:** **Not without the prior approval in writing of the Lessor and subject to the conditions stated; and**
- 2.13 **Lessor's Covenant:** **Lessor will provide Lessee with quiet enjoyment of the premises for the term of the lease.**
3. **Subject to final satisfactory negotiations being carried out by the Chief Executive Officer, AUTHORISES the Mayor and Director Corporate Services to affix the common seal and execute the lease in 1 above;**
4. **ADVISES Floreat Athena Soccer Club that:**
- 4.1 **the granting of the short term lease in 1. above and preparation of a Master Plan should in no way be deemed a warranty or representation that the Council will grant a future lease or allow the Club to remain in occupation of the leased premises beyond 31 October 2017; and**
- 4.2 **Council will not consider any future lease until it has received and considered the Master Plan, appropriately detailing Floreat Athena's proposed facility works and improvements, facility management plan, life cycle cost analysis and community benefit statement, which needs to be received no later than 30 June 2017.**

It is proposed that the short term Lease will be provided subject to Floreat Athena being required to provide a Master Plan for Litis Stadium, including the following information to the satisfaction of the Chief Executive Officer and by the end of June 2017:

- Proposed Facility Works and Improvements;
- Facility Management Plan;
- Life cycle cost analysis;
- Community benefit statement; and
- Financial Plan demonstrating that the Club has the capacity to fund the project.

It is to be noted that the granting of the short term lease and any requirement for Floreat Athena to prepare a Master Plan should in no way be deemed a warranty or representation that the City will grant a future lease or allow the Club to remain in occupation of the leased premises beyond 31 October 2017.

#### **PURPOSE OF REPORT:**

To consider a request for a short-term lease of the soccer stadium at 41 Britannia Road, Leederville (Litis Stadium) as shown in the plan attached (see **Attachment 1**), to Floreat Athena Soccer Club Inc (Floreat Athena).

#### **BACKGROUND:**

##### ***Background to Litis Stadium:***

Litis Stadium is located at Britannia Reserve on lots 31 and 32 on Deposited Plan 687, and being the whole of the land comprised within Certificate of Title Volume 1769 Folio 75. These lots are owned in freehold by the City of Vincent.

The site was originally developed as the lake Monger Velodrome for the 1962 British Empire and Commonwealth Games. Floreat Athena completed construction of their clubrooms in 1986 and the velodrome was redeveloped in 1998, with joint funding from the Club, CSRFF and the City (then Town).

---

Litis Stadium comprises a soccer pitch, grandstand, Clubrooms (social / function rooms and office space), change rooms, toilets and sheds.

***Background to Floreat Athena***

The Athena Club was established in 1951 as a Greek community football club, with its home turf at Wellington Square. In the 1970s the Club relocated to Perry Lakes Stadium (and became known as Floreat Athena). In 1986 Floreat Athena relocated to Litis Stadium, following extensive negotiation with the City of Perth in respect to the construction of clubrooms and the lease.

Floreat Athena competes in the National Premier Leagues Western Australia and membership is currently 622, which comprises 400 players, 85 concession members, 71 family members, 36 general members, 11 honorary members and 19 life members. Floreat Athena has stated that approximately 30 per cent of its junior members reside within the City of Vincent. Floreat Athena has teams in all state age groups and levels, including juniors, amateurs, masters, women's and semi-professionals.

Floreat Athena's financial statements show that in 2014/15 it made a profit of \$16,475, while in 2015/16 the profit was \$22,863. 30% of Floreat Athena's income is derived from trading profit (bar sales), with a similar percentage from sponsorship. Floreat Athena's financials indicate that it is in a stable financial position, although the annual profit is relatively low given the scale of the operation. No information has been provided to date in respect to the financial 'reserves' of the Club.

***Background to the lease:***

Litis Stadium has been leased to Floreat Athena since 1982. The original agreement (licence for use to enable construction of clubrooms), dated 17 September 1982, was in respect to the portion of Litis Stadium on which the clubrooms were to be constructed. The agreement provided that the clubrooms were to be constructed within two years and that a ten year lease with a ten year option would commence upon the completion of the clubrooms. In 1993 the City and Floreat Athena entered into a lease dated 30 September 1993 in respect to the balance of Litis Stadium (soccer pitch and surrounds), for a term of 5 years with no further option.

In late March 1996 the City advised Floreat Athena that the lease of the clubrooms had expired and therefore Floreat Athena occupied the clubrooms as a monthly tenant pursuant to the holding over clause. Floreat Athena disputed the expiry of the lease, claiming that the clubrooms were not completed until October 1986 and therefore the lease did not expire until October 1996.

Following further correspondence with Floreat Athena, at the Ordinary Meeting of Council (OMC) held on 23 September 1996 (Item 12.3.3) Council resolved:

*"That the Council advise Floreat Athena Soccer Club;*

- (i) that it is prepared to offer the Club a Lease for a term of five years over the Lake Monger Velodrome premises commencing on 1st January 1997 and expiring on 31st December 2001 with a five year option to renew subject to:*
    - (a) a formal surrender of the 1993 Lease being entered into;*
    - (b) an annual lease rental of \$3,150 subject to annual CPI adjustments;*
    - (c) terms and conditions of the new Lease to be in accordance with standard Lease conditions adopted by the Council; and*
    - (d) costs involved in preparing the Lease to be met by Floreat Athena Soccer Club."*
-

At this meeting Council also approved (Item 12.3.4) the allocation of funding towards safety and remedial works to be undertaken at Litis Stadium by Floreat Athena. Following lease drafting and negotiations, Council resolved at the OMC dated 11 August 1997 (Item 11.3.5):

*“That the Council advise Floreat Athena Soccer Club;*

- (i) it is prepared to amend the Draft Lease to provide for a Term of 10 years with 2 options each of 5 years;*
- (ii) it is prepared to amend the Draft Lease to provide for an annual rental of \$1,600 in year 1, adjusted by CPI in subsequent years during the Term with rental in year 1 of the first option (ie. 2007) to be based on \$3,150 at 1 January 1997 adjusted by movements in CPI to 31 December 2006;*
- (iii) night games are to conclude by 10.00pm with night games on Sundays only allowed during January, February and March each year;*
- (iv) other requested amendments are either agreed or not approved as detailed in Officer’s comments in the Draft Lease;*
- (v) the Western Carpark is not included in the lease; and*
- (vi) the Council is anxious for this matter to be finalised and request that the Club give earnest consideration to finalising this matter.*

Floreat Athena accepted the terms as approved above and subsequently the 1993 lease of the soccer pitch and surrounds and 1982 agreement were surrendered by a Deed of Surrender dated 18 November 1997. The lease was finalised and signed by Floreat Athena and the City at a formal ceremony at Litis Stadium on 18 November 1997. The key terms of the lease dated 18 November 1997 (Lease) are set out below:

Term:	10 years commencing 1 January 1997;
Further Terms:	5 year option commencing 1 January 2007; 5 year option commencing 1 January 2012;
Rent:	\$1,600 per annum (indexed by CPI);
Rates, Taxes & Outgoings:	Lessee to pay; and
Maintenance:	Lessee responsible to keep in good order and condition, including structural repairs of the club rooms.

Floreat Athena has exercised both options for further terms and therefore the lease will expire on 31 December 2016.

***Agreement in respect to change room alterations:***

At the OMC dated 22 September 2015 two items were considered by Council:

**Item 9.3.4 Litis Stadium – Status of changeroom facility**

This report dealt with the closure of the Litis Stadium changerooms, due to subsidence, with Council resolving:

*“That Council:*

- 1. NOTES it has been necessary for the City to close the existing changeroom facilities at Litis Stadium to ensure the safety of members of the Floreat Athena Soccer Club and visiting teams;*

2. *Subject to 3. Below AUTHORISES the Chief Executive Officer to make the necessary arrangements to provide suitable replacement changeroom facilities at Litis Stadium for the remaining term of the Lease with Floreat Athena Soccer Club, in accordance with 4. below;*
3. *APPROVES BY ABSOLUTE MAJORITY, in accordance with Section 6.8(1) of the Local Government Act 1995 the unbudgeted expenditure associated with the costs in 2 above; and*
4. *NOTES the 2015/16 Budget includes \$150,000 for remedial works on the Grandstand at Litis Stadium, however it is proposed that the works will be restricted to those required to secure, sure-up or make safe the portions of the grandstand that are determined to be in need of such work, with the balance of the funds being freed up to facilitate the following budget reallocation;*

PROJECT/ACCOUNT	CURRENT BUDGET	REALLOCATION
Litis Stadium – Grandstand Remediation Works	\$150,000	(\$60,000)
Litis Stadium - Temporary Changerooms	\$0	\$60,000

The agreement dated 2 March 2016 in respect to the alteration to the toilet/changeroom, provided the following:

*“Recital B: The Club has expressed an intention to extend the Lease and is working on a masterplan addressing ground and support facilities, at its cost. As part of its proposal for the extension of the Lease.”*

*“Clause 10*

- (a) The term of the Lease ends on 31 December 2016.*
- (b) There is no express or implied agreement:
 
  - I. Between the Parties to renew the Lease or extend the term of the Lease beyond 31 December 2016; or*
  - II. By the City to grant a new lease of the leased premises beyond 31 December 2016.**
- (c) The City gives no warranty or representation that it will allow the Club to remain in occupation of the leased premises beyond 31 December 2016.*
- (d) Nothing in this deed is an admission by either Party that it has failed to comply with the terms of the Lease.*
- (e) Notwithstanding any payments made by the Club in connection with the Changeroom Works, title to the Changeroom Works all the improvements therein, shall be vested in the City.”*

**Item 9.4.2 Community Sporting and Recreation Facility Fund – Floreat Athena**

This report sought Council consideration of a CSRFF Forward Planning Grant application from the Floreat Athena Soccer Club and included the following recommendation:

*“That Council:*

1. *SUBMITS the application by Floreat Athena Soccer Club (FASC) included as Confidential Attachment 1 to the Department of Sport and Recreation (DSR) to benefit from the Community Sport and Recreation Facility Fund (CSRFF), with the following classification;*

Ranking	Facility	Project	Assessment	Project Rating	Amount
1 of 1	Floreath Athena Soccer Club	Replacement of south east change rooms and player's race	Unsatisfactory	Category: C Needed by the municipality, more planning required	\$2,175,000 (exclusive of GST)

2. *ADVISES FASC that insufficient detail has been included in its CSRFF grant application to enable Council to seriously consider any funding commitment to the project at this stage and INVITES the Club to provide the following information to the satisfaction of the Chief Executive Officer by the end of October 2015, for a further report to Council in November 2015 to consider Council's future funding commitment:*

- 2.1 *Sustainable Master Plan for Litis Stadium;*
- 2.2 *Facility Management Plan;*
- 2.3 *Life cycle cost analysis; and*
- 2.4 *Financial Plan demonstrating that the Club has the capacity to fund the project.*

Council resolved to defer the Item for further consideration. The report was considered again at the OMC dated 17 November 2015 (Item 9.4.1) and Council resolved as follows:

*"That Council:*

1. *SUBMITS the application by Floreat Athena Soccer Club included as Confidential Attachment 1 to the Department of Sport and Recreation (DSR) to benefit from the Community Sport and Recreation Facility Fund (CSRFF), with the following classification:*

Ranking	Facility	Project	Assessment	Project Rating	Amount
1 of 1	Floreath Athena Soccer Club	Replacement of south east change rooms and player's race	Unsatisfactory	Category: E Idea has merit, more planning work needed	\$962,725 (exclusive of GST)

2. *DOES NOT SUPPORT a funding allocation to the Club's requested CSRFF application on the basis that the application is premature and prejudicial to the City's future negotiations as a landowner; and*
3. *ADVISES the DSR that the City does not support Floreat Athena Soccer Club's CSRFF application for the following reasons:*
- 3.1 *The proposal for change rooms would exceed the term of the existing lease, being until 31 December 2016 and there is no agreed tenure beyond this time;*
  - 3.2 *A master plan has not been developed for the subject site to the satisfaction of the City;*
  - 3.3 *There has been no demonstrated benefit to the Vincent community; and*
  - 3.4 *The financial records provided as part of the application do not demonstrate the financial viability of the Club to support their allocation of funding and ability to fund on-going maintenance and up-keep of the facility to the City's satisfaction."*

## DETAILS:

Administration has met with representatives of Floreat Athena and/or its consultants, Planning Solutions, on a number of occasions to discuss the development of a Master Plan for Litis Stadium and the status of the Lease. Planning Solutions, on behalf of Floreat Athena, made a presentation at the Council Workshop held on 22 November 2016 and followed up on 24 November 2016 with a letter (**Attachment 2**) to request Council to “grant a short term extension to the Club’s lease and provide an overview of the background to the Club’s endeavours to progress a Precinct Masterplan for the Stadium”. The letter included the following statements:

*The Club has made substantial and ongoing investments towards the betterment of the Stadium, including the installation of four training lights on Britannia Reserve (still being used today), construction of club rooms, walkways, walls and grandstand seating, installation of an electronic scoreboard and the upgrade of the changerooms with personalised seating.”*

*The Club continuously seeks to engage with the local and wider community. The Stadium is frequently used by many community groups, a number of which are local, such as Mt Hawthorn primary School, Aranmore Catholic College, aged/seniors groups and multicultural groups. The Club also hosts the annual Community World Cup, organised by the Latin American Association of WA.”*

*“We understand the City has committed to review and prepare a revised Britannia Reserve Master Plan, as part of its business improvement objectives. In accordance with the City’s Corporate Business Plan 2016/17 – 2019/20, the Britannia Reserve Master Plan review and preparation is expected to be commenced in 2018/19, and completed in 2019/20.*

*Given the co-location [of] the Stadium within the wider Britannia Reserve, it will be essential to ensure there is a level of consistency between the Litis Stadium Precinct Masterplan and the Britannia Reserve Master Plan. As such, we request a short-term lease extension for the Floreat Athena Football Club to utilise the Litis Stadium until **30 June 2019**. It is at this point that we expect the Britannia Reserve Master Plan to be sufficiently progressed, providing a level of certainty on the consistency with the Litis Stadium Precinct Masterplan.”*

The current Lease expires on 31 December 2016 and has no further extension terms, however it does include a month to month ‘holding over’ provision. Given the current expiry, Floreat Athena are requesting a two and a half year extension, although technically it will need to be a new short-term lease.

In order to consider the requirements for a new lease, it is important to understand the provisions of the existing lease.

### **The Current Lease**

As noted previously, the current lease commenced on 1 January 1997 and the final option period expires on 31 December 2016. The key terms of the Lease include:

#### Permitted Use:

*“Not to use the Premises for any other purpose than for soccer matches, training and the Lessees associated activities without the consent in writing of the Lessor first had and obtained which consent may be granted or withheld at the Lessor’s absolute discretion without assigning any reason therefore PROVIDED THAT:*

- (i) *If the Lessee wishes to use the Premises for a use other than its Permitted Use the Lessor shall not unreasonably withhold its consent to such use if:*
-

- (A) *A Community consultation ("the Community Consultation") is undertaken by an organiser proposing to conduct a function or event on the Premises which is likely to adversely impact on residents and ratepayers in the immediate vicinity of the Premises ("the Residents") at no cost to Council to the satisfaction of the Chief Executive officer of the Lessor; and*
- (B) *The Council shall after having duly considered the outcome of the Community Consultation forms the view that the approval of variation of use of the Premises is not likely to adversely impact on the Residents."*

Prohibited Use:

*"Not to use the Premises for:*

- (i) Any auctions, business or commercial use excluding social or fundraising functions without the prior consent of the Lessor; or*
- (ii) Any illegal or immoral purpose; or*
- (iii) Any person to sleep or reside in the Premises; or*
- (iv) Any international or national sporting events with the exception of junior level games without prior written consent of the Lessor; or*
- (v) Night soccer games without the approval of the Chief Executive Officer which approval shall include a condition that night games are to be concluded by 9.30pm except where there is a specific need for extra time to be played; or*
- (vi) Night soccer games played on a Sunday except during the months of January, February and March; or*
- (vii) Rock bands or any event including entertainment with amplified music."*

Lessee's Covenants:

- To pay the rent in the manner prescribed. Rent in the first year of the term was \$1,600, with annual increases on the anniversary of the commencement date based on the Consumer Price Index. Rent in the further term was to be increased to \$3,150 (based on the value of the amount with CPI increased since 1997). Therefore the rent in 2007 would have been \$4,143. This was to increase by CPI each subsequent year.
  - To pay all rates and taxes and all outgoings, including telephone, electricity, gas, water/sewerage etc.
  - To *"well and sufficiently and substantially repair, clean, maintain, mend and keep the premises, the appurtenances therein and all additions made thereto in good and substantial repair, order and condition, damage by explosion, earthquake, aircraft, riot, civil commotion, fire, flood, lightning, storm, tempest and reasonable wear and tear and war damage only excepted unless any insurance moneys are irrecoverable through neglect or default of the lessee and in respect of the club room forming part of the premises, attend to the major structural repairs thereto provided that the lessee shall not be required to paint more than once every five years during the term of the lease or any extension thereof."*
  - To pay all costs associated with pest treatment undertaken by the lessor.
  - To ensure that the premises is not used in a manner which becomes a nuisance, disturbance or annoyance to the quiet and comfort of any reasonable occupier or person within the vicinity of the premises and *"use its reasonable endeavours to prevent members and spectators from sounding car horns leaving the area... prevent the playing of bugles and other musical instruments by persons during soccer matches"*.
  - Not to use the premises for any purpose other than soccer matches, training and the lessees associated activities, including *"any international or national sporting events with the exception of junior level games without prior written consent of the lessor; night soccer games without the approval of the Chief Executive Officer which approval shall include a condition that night games are to be concluded by 9.30pm except where there is a specific need for extra time to be played; night soccer games on Sunday except during the months of January, February and March; or rock bands or any event including entertainment with amplified music."*
-

- To submit to the lessor a management plan for the use of the premises and conduct of soccer matches.
- To hold and keep current a public liability insurance policy for an amount not less than \$10,000,000 for any one event, and to pay the building insurance premiums and the excess for each claim made.
- To indemnify the City from all claims of any nature which the Lessor may suffer or incur arising from any occurrence at the premises.
- To keep proper books of accounts and "*within three months of the 30<sup>th</sup> of June each year provide the lessor with the audited profit and loss accounts and trading statements.*"
- Not to make or permit any alteration to the premises or install any partitions without the prior approval of the City.
- Notify the lessor immediately of any damage to or defect in the premises or the water, sewerage, pipes, plant, equipment or electrics.
- Not to assign, sublet or part with the possession of the premises or any part of the premises thereof without the consent in writing of the City.
- Not to place any signs or advertising on any part of the premises without the prior written approval of the lessor.

**CONSULTATION/ADVERTISING:**

As Floreat Athena have recreational and sporting objectives and the members would not receive any pecuniary profit from the lease, a lease would meet the requirements of an exempt disposition, in accordance with Section 3.58(5) of the *Local Government Act 1995*. Therefore there would be no requirement for the City to advertise an intention to enter into a new lease with Floreat Athena.

**LEGAL/POLICY:**

*Local Government Act 1995* section 3.58 - Disposing of Property, provides that a local government can only dispose of property (which includes to lease) in accordance with section 3.58(3) unless the disposition falls within the scope of section 3.58(5), which includes:

- “(d) *Any other disposition that is excluded by regulations from the application of this section.*”

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

- *A body, whether incorporated or not the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*

City of Vincent Policy 1.2.1 Terms of Lease – 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:**

**High** Floreat Athena has occupied Litis Stadium for over 30 years and while they have demonstrated a high level of use of the facility, the building structures are aging and will require significant renewal or upgrade in the near future. It is unclear to what extent Floreat Athena are in a position to fund this liability. It is necessary for the City to develop a long term strategy that addresses the financial implications, beyond the proposed short term lease.

**STRATEGIC IMPLICATIONS:**

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

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

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 1996 Lease provided for a negotiated 'discount' rental of \$1,600 with annual CPI increases for the first 10 years. The rent for the further terms, commencing 1 January 2007 was to increase to \$3,150 plus CPI movements from 1997 to 2006. This would equate to a commencing rent in 2007 of \$4,143. Unfortunately, it appears Administration did not initiate this change and continued to charge annual rent based on the original rent fee of \$1,600 plus CPI throughout the two further terms. The effect of this undercharge is detailed in the following table:

<b>Year</b>	<b>Rent Paid</b>	<b>Actual Rent</b>
2007	2,325.83	4,143.00
2008	2,395.62	4,267.29
2009	2,484.24	4,425.18
2010	2,536.41	4,518.11
2011	2,602.36	4,635.58
2012	2,677.83	4,770.01
2013	2,734.06	4,870.18
2014	2,813.35	5,011.42
2015	2,869.62	5,111.64
2016	2,912.66	5,188.32
<b>TOTAL</b>	<b>26,351.98</b>	<b>46,940.73</b>

Therefore, the City should have received a further \$20,588 in rent over the course of the current lease.

In addition, the City incurred a range of costs on the facility, which (subject to lease interpretation) may have been the Lessee's responsibility. Whilst individual costs have not been reviewed, the fact that they are operating costs and not capital would suggest they would have been within the scope of the Lessee's responsibility. Indicatively, the potential under-recovery for past years was:

2012/13	\$20,850	
2013/14	\$52,404	(may have included some renewal/replacement expenditure)
2014/15	\$8,459	

Lease responsibilities were reviewed in 2015/16 and costs have been incurred or recovered correctly from that point on.

Floreat Athena currently pay a lease fee of \$2,913 (although this is not consistent with the terms of the Lease as discussed above).

**COMMENTS:**

Floreat Athena's current lease will expire on 31 December 2016 and the Club is looking to continue its use of Litis Stadium.

The current lease imposes responsibility for the Lessee to pay rent and outgoings and in respect to maintenance responsibilities, the Lessee is expressly responsible for:

- Clubrooms - substantially repair and maintain, including structural repairs; and
- Other – substantially repair, clean, maintain and keep the Premises in good and substantial repair.

The nature of the Lessee's obligation to "substantially repair" can be interpreted as requiring to undertake a higher standard of maintenance but it does not extend to structural repairs. It is noted that the Lease does not impose an express (or implied) responsibility on the City to undertake structural repairs.

This is supported by the 'No Warranty' provision which states:

*"The Lessee hereby acknowledges that the Lessor has not made or given directly or otherwise any express or implied warranty that the premises are or will remain suitable or adequate for any of the Lessee's purposes and all (if any) warranties as to suitability or adequacy of the premises implied by law or equity are hereby expressly negated."*

Over the duration of the Lease, apart from the redevelopment of the velodrome, there appears to have been very little capital (renewal) expenditure on the various buildings. In view of this, there is a potential backlog and substantial upgrade expenditure likely to be required at some point in the near future.

At the OMC of 17 November 2015 (Item 9.4.1), Council resolved in part as follows:

*"That Council:*

2. *DOES NOT SUPPORT a funding allocation to the Club's requested CSRFF application on the basis that the application is premature and prejudicial to the City's future negotiations as a landowner; and*
  3. *ADVISES the DSR that the City does not support Floreat Athena Soccer Club's CSRFF application for the following reasons:*
    - 3.1 *The proposal for change rooms would exceed the term of the existing lease, being until 31 December 2016 and there is no agreed tenure beyond this time;*
    - 3.2 *A master plan has not been developed for the subject site to the satisfaction of the City;*
    - 3.3 *There has been no demonstrated benefit to the Vincent community; and*
    - 3.4 *The financial records provided as part of the application do not demonstrate the financial viability of the Club to support their allocation of funding and ability to fund on-going maintenance and up-keep of the facility to the City's satisfaction."*
-

Planning Solutions, by correspondence dated 24 November 2016 advised that based on the above resolution and the advice of the City's Administration, Floreat Athena commenced the preparation of a Precinct Masterplan for the Stadium, however *"the need to conduct detailed funding and consultation programmes has resulted in the matter extending into 2017"*.

Whilst Planning Solutions, on behalf of Floreat Athena has requested a short term lease of Litis Stadium until 30 June 2019, in order *"to prepare and implement a well-considered Precinct Masterplan which is consistent with the Britannia Reserve Master Plan"*, Administration initially recommended only granting a 10 month lease on the following grounds:

- The 'implementation' of the Precinct Masterplan will be subject to a subsequent decision of Council;
- The Precinct Masterplan, if endorsed by Council will be considered as part of the review of the Britannia Reserve Master Plan, which is proposed to be commenced by the City in 2018/19;
- Council's decision of 17 November 2015 highlighted the need for a masterplan and the first meeting with consultants was held on 28 April 2016. Therefore it is considered reasonable for the masterplan to be finalised within the next six months; and
- 10 months will provide certainty for the Club's 2017 NPL season.

At the Council Briefing Session on Tuesday 6 December 2016, a representative of Planning Solutions, on behalf of Floreat Athena requested that the short term lease be for a minimum 12 months. They followed up this request by email to provide the following reasons for the request:

- *"Premier League – additional teams are being introduced next season which may result in an extended season running into November (fixtures are yet to be released).*
- *Football Federation Australia (FFA) Cup – this tournament, which the club participates in, runs through to late November / early December (this years final was held on 30 November). Participation in later stages of the tournament is, of course, subject to progressing in early rounds.*
- *The Club has a commitment with the Latin American Association to run the Ethnic World Cup which runs from October to December annually."*

The City recognises that Floreat Athena has a large membership and has leased Litis Stadium from the City since 1982. However, a substantial component of the infrastructure on site dates back to the early 1960's and there are major asset management issues needing to be considered going forward. In determining a long term strategy for the land, it is necessary to balance the needs of the Club together with the interests of the broader community.

Administration has advised Floreat Athena and its consultants that in preparing the Masterplan, it needs to prepare a capital funding model that does not rely on financial contributions or subsidies from the City and recognises potentially limited funding availability from the Department of Sport and recreation.

In view of the circumstances, Administration proposes that a **12** month lease is appropriate on the terms as set out below.

### ***Negotiation of the New Lease***

Administration recommends that a new lease is granted on the expiry of the current lease. Generally the terms will be consistent with the existing Lease, with the following exceptions:

#### ***Premises***

It is proposed to exclude the old changerooms so that the City can actively manage risks as a result of the subsidence issue.

---

**Term**

12 months commencing 1 January 2017 and expiring 31 October 2017, with no extension or holding over provision.

**Rent**

The current rent is \$2913 however it is recognised that has been incorrectly calculated and should actually have been \$5,188. Given the short term nature of the proposed lease it is considered appropriate under the circumstances that the rent for the 12 month Term be brought up to approximate what should have been charged in the final year of the current lease, so \$5,000 is considered reasonable.

**All repairs, maintenance and upgrades to be responsibility of Floreat Athena**

Pursuant to the current Lease Floreat Athena is responsible to substantially repair and maintain the facility, including structural repairs to the Clubrooms. It is proposed that this obligation continues in the new lease and to expressly clarify it includes repairs arising from fair wear and tear.

It is also proposed to expressly state that the City is not responsible for any structural repairs during the Term.

**Shared Use (hire):**

Lessee permitted to hire out clubrooms, function rooms and soccer pitch at its discretion, provided that the use is consistent with the Permitted Purpose

To summarise, the proposed lease will provide the parties with the following obligations:

*The City:*

- will ensure the Lessee has quiet enjoyment of the leased premises;
- does not warrant the premises to be suitable or remain suitable for the purpose used by Floreat Athena and will not undertake any structural repairs during the term;

*Floreat Athena is responsible for:*

- all repair, maintenance and upgrade of Litis Stadium, including those of a capital and structural nature (if undertaken);
- the payment of all services and consumables;
- rates and taxes, including local government rates and Emergency Services Levy (unless exempt);
- compliance with all Statute, regulations or requirements of all authorities;
- the health, wellbeing and safety of persons at/on the leased premises;
- insurance of the premises.

*Floreat Athena will be entitled to:*

- use the leased facility as a sporting facility and ancillary community and recreation purposes.

*Floreat Athena will need to obtain approval from the City to:*

- undertake any upgrade or improvements to the premises;
- use the premises for a purpose outside of the agreed use.

It is proposed that the short term Lease will be provided subject to Floreat Athena being required to provide a sustainable Master Plan for Litis Stadium, including the following information to the satisfaction of the Chief Executive Officer and by the end of June 2017:

- Proposed Facility Works and Improvements;
-

- Facility Management Plan;
- Life cycle cost analysis;
- Community benefit statement; and
- Financial Plan demonstrating that the Club has the capacity to fund the project.

This time frame will enable the City to adequately assess the information, validate where required and determine a long term position in respect to Litis Stadium and any future lease that may be granted to Floreat Athena, prior to the expiry of the proposed short term lease.

It is to be noted that the granting of the short term lease and any requirement for Floreat Athena to prepare a master plan should in no way be deemed a warranty or representation that the City will grant a future lease or allow the Club to remain in occupation of the leased premises beyond 31 December 2017.

**9.3.7 Lease of clubrooms and croquet courts at Forrest Park, No. 66 (Lot 143) Harold Street, Mt Lawley - Forrest Park Croquet Club Inc**

<b>Ward:</b>	South	<b>Date:</b>	26 November 2016
<b>Precinct:</b>	Precinct 14 - Forrest	<b>File Ref:</b>	SC619
<b>Attachments:</b>	<a href="#">1</a> – Map of proposed lease and licensed areas <a href="#">2</a> – Submission by Forrest Park Croquet Club dated 17 Sept 2016		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	M Bancroft, Property Leasing Officer		
<b>Responsible Officer:</b>	J Paton, Director Corporate Services		

**RECOMMENDATION:**

**That Council:**

1. **APPROVES** a lease from 1 January 2017 to Forrest Park Croquet Club Inc over the clubrooms and croquet courts located at Forrest Park, No. 66 Harold Street, Mt Lawley, on the following key terms:
  - 1.1 **Term:** 2 years;
  - 1.2 **Option Term:** 5 years, at the City's sole discretion;
  - 1.3 **Permitted Use:** Sporting Facility, with associated recreational and community use;
  - 1.4 **Rent:** \$1,000 plus GST per annum (indexed by CPI);
  - 1.5 **Minimum Level of Service:** Lessee to pay for cost of statutory compliance (RCD, smoke alarm, emergency exit and fire hydrant testing) and pest inspections and treatment;
  - 1.6 **Rates & Taxes:** to be paid by the Lessee, defined to expressly include rubbish bin charges, rates and ESL;
  - 1.7 **Outgoings:** to be paid by the Lessee;
  - 1.8 **Repair & maintenance:** Lessee responsible to keep the premises clean and to repair and maintain the premises in good repair, including repair of damage due to fair wear and tear and repair / replacement of the split system air-conditioner, but excluding structural maintenance and evaporative air-conditioner;
  - 1.9 **Bore servicing / repair:** Lessor to undertake initial service of bore in winter 2017, Lessee responsible for all subsequent servicing, repairs and replacement;
  - 1.10 **Court Maintenance:** Lessee responsible;
  - 1.11 **Insurance:** Lessee to effect a public liability policy, with cover not less than \$20 million, and pay premium for building insurance policy;
  - 1.12 **Indemnification:** Lessee to indemnify the City against all costs and claims;
  - 1.13 **Shared Use (hire):** Lessee may hire premises and charge a fee, provided the use is consistent with the permitted use;
  - 1.14 **Sub Lease:** Lessee may sub lease portions of the premises provided the use is consistent with the permitted use and subject to the Lessor's consent; and
  - 1.15 **Lessor's Covenants:** to grant the Lessee quiet enjoyment of the premises; and undertake structural repairs unless damage caused by Lessee.

2. **APPROVES a car parking licence from 1 January 2017 to Forrest Park Croquet Club Inc over the car park located at Forrest Park Recreational Facility, No. 66 Harold Street, Mt Lawley, on the following key terms:**
  - 2.1 **Term: 2 years, plus 5 year option (at City's sole discretion);**
  - 2.2 **Permitted Use: access to members, visitors and hirers for parking during operational hours of Club; and**
  - 2.3 **Licence fee: nil; and**
3. **Subject to final satisfactory negotiations being carried out by the Chief Executive Officer, AUTHORISES the Mayor and Director Corporate Services to affix the common seal and execute the lease in 1 above, and the licence in 2 above.**

#### **PURPOSE OF REPORT:**

To consider Forrest Park Croquet Club Inc's (Club's) request to continue leasing the clubrooms and courts located at Forrest Park, 66 Harold Street, Mt Lawley, and to continue using the car parking adjacent to the clubrooms and croquet courts.

#### **BACKGROUND:**

##### **The Property**

The Club is located at Forrest Park, No. 66 Harold Street, Mt Lawley, which is part of Perth Suburban Lot 143 and being part of the land comprised in Certificate of Title Volume 223 Folio 8.

Forrest Park was granted by the Crown to the City of Perth in 1901 and passed to the City of Vincent (City) upon the formation of the Town of Vincent on 1 July 1994. The North Perth Bowling Club leased the premises until 2001, when it relocated to Woodville Reserve. The City subsequently redeveloped Forrest Park including renovating the clubrooms and converting the bowling greens to croquet courts.

Forrest Park comprises an oval, a playgroup (leased by Highgate Forrest Park Playgroup), clubrooms (leased by the Perth Soccer Club), separate clubrooms / function rooms (leased by the Club) and three croquet courts (also leased by the Club), as shown in the plan attached as **Attachment 1**. The clubrooms and croquet courts have a total area of 6,102m<sup>2</sup> and constitute the Premises.

##### **The Lessee**

The Club was established in 2004 when the North Perth Croquet Club relocated from Woodville Reserve to Forrest Park, changing its name to the Forrest Park Croquet Club. The North Perth Croquet Club was established in 1908, making it one of the oldest croquet clubs in Western Australia. The Club is the only croquet club which operates within the City. Both Association and Golf croquet is played.

The Club currently has 61 members, of which 30 reside within the City of Vincent. The Club has advised that its membership is increasing, however information obtained from the Club indicates that membership numbers have remained virtually stagnant over the past four years. Croquet is played all year, with the lights enabling members to play in the evening. Social golf croquet is played on Monday, Wednesday and Saturday mornings and Tuesday and Wednesday evenings, State squad croquet is played Thursday evening and Association croquet is played Saturday afternoon.

---

In early September each year the Club hosts a 10 day National Croquet Tournament, in conjunction with another six clubs in the Perth metropolitan area. This event attracts around 400 participants each year. The Club also holds monthly sundowners on a Friday evening, State and Club tournaments on various weekends and evenings and croquet member parties as well as gardening and cleaning busy bees several times a year.

The Club hires out the clubrooms for community and private functions most evenings during the week for activities including dancing, yoga, Bowen therapy and Holyoake Drumbeat. The Club has used income generated from the hire of the clubrooms to assist in funding the recent upgrade of the croquet courts, which had a total cost of \$43,000. The Club is seeking to upgrade the bathroom and kitchen facilities to improve the amenity for members and also to increase the profitability of hiring out the clubrooms. The Club estimates that it has spent around \$100,000 on renewal and maintenance of its courts over the past 5 years.

The Club also has a long term plan to convert the existing three courts into four courts by moving the accessway to the side of the courts. A croquet club is required to have four courts to host pennants and tournaments and therefore the Club has proposed to undertake this development in order to increase the membership of the Club and the ability for members to compete.

The Club has occupied the clubrooms and courts at Forrest Park since 2004 in conjunction with the WA Croquet Association (Association). The current lease between the City and the Club was for a period of 5 years and expired on 14 January 2016. The Club has been on a monthly tenancy since that date. The Association currently also leases the clubrooms and courts from the City pursuant to a lease dated 4 May 2010 which expired on 31 December 2015.

Consequently both the Club and Association lease the same area from the City. In practice, the Association only uses a small area of the clubrooms for administrative purposes.

The key terms of the previous leases include:

	<b>Forrest Park Croquet Club</b>	<b>WA Croquet Association</b>
Original Lease term	5 years	5 years
Initial term expiry	14/01/2016	31/12/2015
Further lease terms	Nil	Nil
Lease fee (current)	\$3,911.88	\$3,911.88
Sinking fund contribution	Nil	Nil
Outgoings, services, rates, taxes	Lessee to pay	Lessee to pay
Compliance with Statute	Lessee responsibility	Lessee responsibility

In respect to maintenance obligations, both leases included the following clause:

*“The Lessee must:*

- a) Keep the Premises in good, substantial and functional repair, order and condition (damage by fair wear and tear and by any risk insured against to the extent of the money recovered under that insurance cover excepted;*
- b) Repair and make good any damage to the Premises where that damage results from or is attributable to want of care, negligence, misuse or abuse by the Lessee or the Lessee’s employees and visitors or form any breach of any of the Lessee’s Covenants; and*
- c) Carry out the following specific maintenance obligations:*
  - (i) Light fittings, switches and power points – to be maintained in a safe and operable condition. Immediately replace all electric light fittings, light bulbs, globes and fluorescent tubes in the Premises which become damaged, broken or which fail to function and the Lessee agrees upon installation any replacements will become the property of the Lessor.”*

In respect to servicing, maintenance and replacement of the bore, Annexure C to the Lease provides that:

- *The Lessor is responsible for the capital replacement of the bore and pumping unit subject to the Lessee providing proof of regular maintenance of the bore and pumping unit;*
- *The Lessee is responsible for all costs associated with the servicing and maintenance of the bore and pumping unit; and*
- *Maintenance and servicing of the bore and pumping unit is to be taken under the direction of the Lessor (Manager Parks).*

Neither the Club nor the City have regularly serviced the bore or the pumping unit throughout the term of the current lease. Consequently the condition of the bore and pump is unknown.

The Club has provided its financial statements for the last three years to the City, which show that in 2014/15 the Club operated with a surplus of \$7,157, while in 2015/16 the Club had a loss of \$18,303. Whilst the \$18,303 loss can be directly attributed to the major renovation and restoration works completed on the croquet courts during the 2015/16 financial year, Administration has raised some concerns over the fluctuation in available funds and the Clubs ability to be financially sustainable. Records indicate that the Club currently has \$41,874 in an investment account with \$2,500 in the clubs operating account.

**DETAILS:**

The Association and Club's leases expired in December 2016 and January 2016 respectively. The Club contacted the City in 2015 to request that the City grant a new lease. The Club currently occupies the premises as a monthly tenant pursuant to the holding over provision of the current lease. The Association has advised the City that it has no intention to enter into a new lease and will either hire part of the office space from the Club or will remove all items from the premises. In the interim to a new lease being granted to the Club or the Association removing its items from the premises, the Association continues to occupy the premises as a monthly tenant pursuant to the holding over clause of the lease.

The City holds leases with several sporting clubs similar to the Club, including:

- North Perth Bowling and Recreation Club Inc
- North Perth Tennis Club Inc
- Leederville Tennis Club Inc
- Tennis Seniors WA Inc
- Loton Park Tennis Club Inc

Each of these leases cover the full area of the bowling greens / tennis courts and in recognition of the exclusive use, assign broad responsibilities to the Lessee in respect to operational charges and maintenance obligations. This obligations generally include a requirement for the Lessee to repair and maintain the premises, including all lighting and electrical installations, all fences, gates, reticulation, drainage systems and other fixtures and fittings in the premises in good order and condition and keep the premises clean and in a sanitary state at all times.

In addition, the leases also stipulate that the Lessee is to permit other members of the community access to the facility at times when the premises are not required by the Lessee. The Lessee is entitled to the income, which provides an important funding stream for the clubs to supplement membership fees and various fundraising events to meet the Lessee obligations and to fund or contribute to other facility improvements.

---

### **The proposed Lease**

Administration met with representatives from the Club on 18 February, 23 February and 2 November 2016 to discuss the current and future expectations of both the City and the Club in order to put forward a new lease proposal to Council. The Club originally requested a long term lease (5 years with two five year option periods). A copy of the Club's submission dated 17 September 2016 is attached to this report at **Attachment 2**.

Administration does not support a long term lease to the Club at this time due to its limited financial capacity and membership and met with the Club on 2 November 2016 to discuss this in detail.

Administration recommended to the Club that a short term lease would be appropriate as that would enable the Club, with the support and guidance of the City, to build its financial capacity and membership. The City will stipulate benchmarks for membership and financial growth, and provided that the Club can meet these benchmarks at the expiry of the two year term, and show financial independence and future growth, a long term lease may be recommended.

The following key terms have been recommended to and accepted by the Club.

#### **1. Term – 2 years**

A two year term is appropriate as it will give the club time to increase its membership and grow financially (transition towards financial sustainability and independence) and enable the City to better understand the future direction and sustainability of the Club. Administration will provide benchmarks for financial and membership growth. Please note that these benchmarks will act as targets for the club, but will not entail that the club is guaranteed a long term lease if the benchmarks are achieved. The benchmarks will not be specified in the lease, but provided to the Club as a guideline.

#### **2. Option Period – 5 year term at the City's sole discretion**

The City will consider extending the lease for a further five year term and in making its decision, will consider whether the membership and financial benchmarks have been met by the Club, what the community benefit of the Club is and what the community need for the facility is. The five year option period will be at Council's discretion. Contingent on the performance of the Club over the two year term the Administration may recommend to Council that a long term lease is entered into as opposed to a five year option, or conversely, if the City is still unsure of the future viability of the Club, a short term lease may be recommended.

#### **3. Rent - \$1000 pa**

The City acknowledges that the club will be working on building its membership (advertising, promoting, improving the website) and increasing hire over the two year proposed term, however, that does not entail that a peppercorn rent is appropriate. The City does not currently have a policy to govern the rent for leases (there are no set rents for different types of leases - commercial, recreation, not-for-profit, educational, etc). In the interim to the City developing a policy to govern what is an appropriate rent, Administration and Council refer to the rents in similar leases within the City to determine what an appropriate rent is. The rents which similar sporting clubs currently pay are as follows:

Loton Park Tennis Club - \$1,100

Leederville Tennis Club - \$1.00 (Council has approved new lease with rent of \$1000, lease is being finalised)

North Perth Tennis Club - \$980

North Perth Bowling & Recreation Club - \$3,100

Floreat Athena Soccer Club (Litis stadium) - \$2,900

Azzurri Bocce Club - \$5,060

---

The Club and the WACA together pay approximately \$8,000 under the existing lease. This level of rent would pose a significant financial burden on the Club and hinder its ability to increase membership and hire opportunities in the short term. Consequently, and consistent with the rent paid by similar sporting clubs, a rent of \$1,000 appears appropriate.

**4. Maintenance – club responsible to keep clean, repair and maintain**

The City proposes that the short term lease would provide that the Club is responsible to repair and maintain the premises in good repair. Given the short term nature of the lease, the City would not expect the Club to undertake upgrades or capital improvements or replace any items (air conditioners, etc). Therefore, essentially during the short term lease it is expected that the Club would put on hold any major repairs or upgrades, and focus on building the membership and financial capacity of the Club. The City would be responsible for any structural maintenance issues (roof or load bearing wall repairs or replacement) which arise.

**5. Capital Improvements / Upgrades – put on hold**

The City understands that the Club believes an upgrade of the kitchen and bathrooms is required to increase hire opportunities and membership, however, Administration does not recommend these types of upgrades until the future direction of the Club is known. Upgrades of the clubrooms can be considered if a long term lease is proposed. The City will assist in applying for grants if a long term lease is entered into, or at the Club's discretion.

**6. Maintenance of split system air conditioner - club**

The Club would be responsible for servicing and maintaining of the split system air conditioners. The City understands that the Club would like to install a third split system, however, this should only be considered once a long term lease is entered into.

**7. Maintenance / removal of evaporative air conditioner – on hold**

The City is happy for the Club to not use this air conditioner. The City will not be considering the removal of the air conditioner until a long term lease is entered into.

**8. Service and maintenance of bore**

The current lease provided that the Club was responsible for the cost of bore servicing and maintenance, and that it should have been done under the direction of the City (Manager Parks). It appears that both parties were unsure of their responsibilities pursuant to the lease and therefore neither the City nor the Club serviced the bore. Consequently, the City will undertake a one-off service (check-up) of the bore next winter. Following this service and any repairs being undertaken by the City, at the City's cost, it will be the Club's responsibility to organise regular services (servicing should occur once every four years).

**9. Hire of clubrooms**

The City is very supportive of clubs hiring premises to the community as that maximises the community benefit of the facility and generates income for the club. The fees currently set by the Club are in line with the City's Schedule of Fees and Charges and are acceptable to the City. Hire fees do not need to be identical to the City's fees as set out in the Schedule of Fees and Charges, however, they must be consistent. Therefore it is possible for the Club to review and increase its fees, provided the fees remain commensurate with the fees the City would charge for a similar facility.

The Club confirmed on 20 November 2016 that the terms as set out above are acceptable.

To summarise, the proposed lease will provide the parties with the following obligations:

*The City:*

- will ensure the Lessee has quiet enjoyment of the leased premises;
  - will be responsible for any structural repairs that arise during the 2 year term;
  - will undertake a bore service / maintenance check in winter 2017 to ensure the bore is in good working order; and
  - does not warrant the premises to be suitable or remain suitable for the purpose proposed by the Club.
-

*The Club is responsible for:*

- putting in place measures to increase financial sustainability and membership capacity;
- all repairs and maintenance, including repair of damage due to fair wear and tear and damage to the split system air conditioner;
- the payment of all services and consumables;
- rates and taxes, including the ESL and bins charge,
- compliance with all Statute, regulations or requirements of all authorities;
- the health, wellbeing and safety of persons at/on the leased premises;
- insurance of the premises.

*The Club will be entitled to:*

- use the leased facility as a sporting facility and ancillary community and recreation purposes (hire for birthday parties, functions, sports).The lease will impose a positive obligation on the Club to continue to use the leased premises for the agreed purpose throughout the term (failure to will be treated as a default provision).

*The Club will need to obtain approval from the City to:*

- undertake any upgrade or improvements to the premises;
- use the premises for a purpose outside of the agreed use; and
- sub lease.

The Club will be required to increase financial sustainability and membership capacity and the City will periodically review the Club's financials and membership. The Club's financials and membership performance will be taken into account when considering the exercise of the City's option period.

The Club will surrender the premises at the end of the term in good and tenantable condition, consistent with the condition at the commencement of the term (to be defined).

### **Licence**

The Club and Association also have the right to access and use the car park located at Forrest Park pursuant to a licence dated 12 January 2011, which expired on 14 January 2016. The Club is seeking to enter into a new licence for the same term as the new lease. The car parking licence will express clearly that the car park is to be used by members, visitors and hirers of the Club at all times that authorised activities are occurring at the Club. The Association will no longer have a right to access and use the car park, unless it is hiring a portion of the premises.

### **CONSULTATION/ADVERTISING:**

Administration met with representatives of the Club on three separate occasions (18/02/2016, 23/02/2016 and 2/11/2016) to discuss the lease requirements.

As the Club has sporting and recreational objectives and the members would not receive any pecuniary profit from the lease, it appears that the proposed lease would meet the requirements of an exempt disposition, in accordance with Section 3.58(5) of the *Local Government Act 1995*. Therefore there would be no requirement for the City to advertise an intention to enter into a new lease or licence with the Club.

### **LEGAL/POLICY:**

*Local Government Act 1995* section 3.58 - Disposing of Property, provides that a local government can only dispose of property (which includes to lease) in accordance with section 3.58(3) unless the disposition falls within the scope of section 3.58(5), which includes:

*“(d) Any other disposition that is excluded by regulations from the application of this section.”*

---

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

- *A body, whether incorporated or not the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*

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:**

**Medium** The Club and Association, as joint lessees, have demonstrated over a long period their capacity to manage a lease over this facility. Entering into a lease with the Club only has some risks due to the Club's low membership and unstable financials. Consequently, a two year lease is recommended as that will ensure use of the premises is not restricted by an unviable long term arrangement and will enable the City to assess the future direction of the Club and enter into an appropriate long term arrangement in time.

#### **STRATEGIC IMPLICATIONS:**

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

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

*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 Club and the Association each currently pay an annual rent of \$3,911.88, which equates to a total of \$7,823 inc GST. As only the Club will be a party to the new lease, and therefore will have increased outgoing and maintenance costs, as well as focusing on building membership capacity, a rent of \$1,000 inc GST per annum, indexed to CPI, is recommended.

A lease fee of \$1,000 will equate to a reduction in income the City receives from the premises each year. However, this lease is an interim solution to determine the future direction of the Club and best use of the facility. If the City did enter into a long term lease it would be on the condition that the lessee is responsible for all general repairs and maintenance including fair wear and tear, capital replacement of the air conditioners, bore, pump and structural maintenance. Administration will ensure that these repair and maintenance responsibilities are clearly set out in the new lease, and adhered to, which will result in cost savings for the City. Consequently, in the long term, the premises should have a reduced cost for the City.

The table below sets out the profit-loss the City has incurred over the last two financial years in respect to the Forrest Park Croquet Club premises.

<b>Forrest Park Croquet Club Costs (exc GST)</b>				
<b>Description</b>	<b>2015/16 Income</b>	<b>2015/16 Expenditure</b>	<b>2014/15 Income</b>	<b>2014/15 Expenditure</b>
Lease fee (paid by Club & Association)	7,165.8		7,042.82	
Recoups (utilities, insurance & ESL)	10,994.01		8,709.94	
Maintenance - General		110		1,649.48
Maintenance - Lighting & Electrical		1,811		2,813
Maintenance - Plumbing		140		256
Cleaning - Planned		2,918		176
Security		485		0
Specific Maintenance		103.6		0
Utilities		6,284.78		6,278.22
Insurance Expenditure		2,067.59		2,432.5
Other maintenance		293		311
ESL		1,513		1,378
	18,159.81	15,725.97	15,752.76	15,294.2
<b>TOTAL (profit)</b>	<b>2,433.84</b>		<b>458.56</b>	

**COMMENTS:**

The Club has demonstrated a long term commitment to the facility and local community and therefore warrants the security of a lease over the premises. Over the last few years the Club has worked hard to improve the quality of the Club's courts and to promote the hire of the Premises to the public for community events and functions. The Club proposes to (pursuant to a long term lease if granted) refurbish the outdated kitchen and toilets. A refurbished kitchen and bathroom are not essential, but will enable the Club to continue to grow and increase the potential for the Club to be hired out for functions and other community events. The Club is also interested in redeveloping the courts to create four courts. However, the Club has received reduced income over the last few years and operated at a loss in 2015/16. Based on this, Administration has requested the Club to put these long term projects on hold and focus on building membership, promoting hire of the premises and therefore increasing financial sustainability.

The current membership and financial capacity of the Club poses some risks for the City in respect to the Club's capacity to meet lease obligations of a long term lease. Consequently, a short term lease has been recommended. The two year term will provide the Club with an opportunity to increase its membership and build its financial capacity. Administration can provide guidance on membership building, promotion, advertising, signage, website exposure and hire opportunities. The City will also provide benchmarks to the Club so that the Club has a target for membership and financial growth.

Administration proposes that the lease will include a five year option, at the City's sole discretion. This demonstrates that the City will consider granting a further term, and therefore provides an incentive for the Club to meet the membership and financial targets. To enable the Club to focus on building membership and promoting hire of the premises, the City will be responsible for structural maintenance.

A new lease and licence to the Club is therefore recommended on the terms set out above.

## 9.4 COMMUNITY ENGAGEMENT

### 9.4.1 Review of Local Law Provisions Relating to Storage of Items on Verge

<b>Ward:</b>	Both	<b>Date:</b>	25 November 2016
<b>Precinct:</b>	All	<b>File Ref:</b>	SC1991
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer(s):</b>	S Butler, Manager Community Safety		
<b>Responsible Officer:</b>	M Quirk, Director Community Engagement		

#### RECOMMENDATION:

That Council RECEIVES Administration's report that considers introducing discretion in respect of clauses 4.8(c) and 4.11(1)(b) of the City of Vincent Parking and Parking Facilities Local Law 2007 and NOTES the current discretion allowable under the City of Vincent Local Government Property Local Law.

#### PURPOSE OF REPORT:

To consider a report in response to a Notice of Motion to consider introducing discretion in respect of clauses 4.8(c) and 4.11(1)(b) of the City of Vincent's Parking and Parking Facilities Local Law 2007.

#### BACKGROUND:

The objective of the Parking and Parking Facilities Local Law 2007 (Local Law) is to regulate the parking or standing of vehicles in all or specified thoroughfares and reserves under the care, control and management of the City of Vincent. The Local Law was originally adopted in July 2008 and last reviewed in November 2012.

The Local Law currently prohibits the parking of a commercial vehicle, a bus, trailer or caravan on any part of a thoroughfare when unattached to a motor vehicle.

At the Ordinary Meeting of Council held on 8 March 2016 at Item 10.1, a Notice of Motion was resolved to request the Chief Executive Officer to provide a report to Council by October 2016 to consider introducing discretion in respect of clauses 4.8(c) and 4.11(1)(b) of the City of Vincent Parking and Parking Facilities Local Law 2007, for the following reason:

*'Clause 4.8(c) of the City's Parking and Parking Facilities Local Law prohibits the parking of a trailer or caravan in a thoroughfare when unattached to a motor vehicle, while clause 4.11(1)(b) prohibits the parking of a commercial vehicle or bus, or a trailer or caravan on a verge, when unattached to a motor vehicle.'*

*It is considered reasonable to allow a trailer or caravan to be parked in a thoroughfare or on a verge without having to be hitched to a vehicle, in some circumstances and subject to certain conditions and limitations. These circumstances might include when moving house, unloading soil, mulch or other materials, during approved construction activities, or when friends and family come to visit. Conditions might include restrictions on size, prevention of obstruction to pedestrians and other vehicles and the duration of parking.'*

This report was presented to the Ordinary Meeting of Council on 18 October 2016 and was subsequently deferred. Additional details have now been included within the report to provide greater clarity on relevant provisions within the Parking and Parking Facilities and Local Government Property Local Laws.

#### DETAILS:

Administration first reviewed the City's Local Law to confirm that no discretion currently exists to allow a trailer or caravan to be parked in a thoroughfare or verge when unattached to a motor vehicle within the City of Vincent, which is the case. Before looking at whether or not

the City's Local Law should be amended to introduce discretion, Administration has considered three public interest elements that are likely to influence the decision whether or not to amend the Local Law, being:

1. The impact on public safety and the risk it would expose to the City;
2. The impact this may have on the streetscape and amenity of the locality; and
3. The appropriate circumstances that could apply.

### **Public Safety and Risk**

Administration sought legal advice to determine whether there was a public liability risk to the City if a trailer, caravan, boat and other vehicle were to park on a road verge and were to cause personal injury or damage to property. Further advice was sought on whether the same would apply to a trampoline.

A copy of the legal advice provided by the City's solicitors has been attached. The legal advice has been provided as confidential to maintain legal professional privilege.

The legal advice identifies that there is a foreseeable risk to allow caravans and trailers to park on the verge since the verge is required to be open to the general public to access, albeit that it is considered low. The risk is consistent with owner/occupiers who park their personal motor vehicles on the verge adjacent to their premises which is currently permitted under the Local Law. Consideration of the width of the verge, and maintaining lines of sight and avoiding any obstruction would further reduce the risk to public safety and the City's public liability.

### **Streetscape and Amenity**

The City's "Greening Plan" has a primary objective to increase tree canopy cover across the municipality. Administration endeavours to ensure that every street verge has a tree and that the overall condition of street trees is improved. To allow items such as trailers and caravans to be stored on the verge may encourage residents to pave verge areas for this purpose, which will result in less urban greening.

In addition, the parking and storage of any vehicle on a verge where there is already a street tree causes added soil compaction. This reduces the ability of a soil to breathe and for water to move through it, particularly in winter where water moving through the soil provides valuable oxygen to the roots. Even in Perth's sandy conditions, compacted soils become hard, reduce root growth which in turns effects the overall health and growth of any tree. Therefore the long-term effects will ultimately be detrimental to the overall health of street trees where parking or storage of equipment on verges is permitted.

### **Appropriate Circumstances**

Administration has considered the instances where the storage of an unattached trailer or caravan may be appropriate. The Notice of Motion identifies circumstances, conditions and limitations including moving house, unloading soil/mulch/materials, during approved construction activities or when friends and family visit.

In all of the circumstances listed, the length of stay is temporary. Upon review of the history of parking of trailers and caravans, it was revealed that temporary parking of unattached trailers has not been a matter of complaint. Rather, the matters of complaint have been about the long term nature of storage of some trailers, boats and caravans on verges. Long term storage of trailers and caravans is not considered by Administration to be an appropriate use of public space, and is not mentioned in any of the circumstances in the Notice of Motion.

Therefore the only change worth exploring would be whether or not to allow short term parking of an unattached trailer or caravan. Short term would mean whilst the trailer was being unloaded or loaded and in use. Caravans are more complex as they are a portable habitation vehicle, Administration considers it would be inappropriate to promote the ability for

---

caravans to be parked which could enable squatting and transient style accommodation which would negatively impact on the amenity of local streets.

### **Local Government Property Local Law 2008**

Importantly, the Local Government Property Law identifies that a person shall not without a permit place anything on a verge except for removal by the local government under a bulk rubbish collection, and then only during the period of time advertised in connection with that collection. On this basis, Administration already has the ability to grant a permit for an item to be placed or stored on a verge subject to consideration of relevant matters. This includes the desirability of the proposed activity, the location of the proposed activity, and other such matters that may be regarded as relevant. The three previously mentioned public interest elements as well as the legal advice provided by the City's solicitors gives direction on these 'other such matters' and provides the basis for assessing whether a permit should be granted, and if so, what conditions should apply.

Administration has commenced preparation of permit assessment criteria and applicable conditions for such a verge permit given Council's previous support of this Notice of Motion. In addition to public safety and risk, and streetscape and amenity considerations, this assessment criteria will also have due regard to relevant aspects of *Policy 2.1.1 – Street Trees*, *Policy 2.2.4 – Verge Treatments, Plantings and Beautification*, *Parking and Parking Facilities Local Law 2007* and the *Road Traffic Code 2000*.

In accordance with the Local Government Property Local Law the types of conditions likely to be imposed would include (but not be limited to) the payment of fees and charges, compliance with standards or assessment criteria adopted by the local government, the specific duration and commencement of the permit, and possible requirement for the applicant to obtain adequate public liability insurance indemnifying the City.

It should be noted that any permit granted under this Local Law would not allow any item placed on the verge to adversely impact trees and vegetation given Council's commitment to the Vincent Greening Plan. Any permit would be applicable for verges only and would not be granted for any item to be placed on or within a roadway, and any caravan with a permit would strictly not be approved for habitation while stored or parked on a verge.

### **CONSULTATION/ADVERTISING:**

There has not been any community consultation and there is no requirement for consultation or notice of this report given that no amendments to a Local Law is proposed. Any amendment to a Local Law would be conducted in accordance with Policy No. 4.1.5 – Community Consultation and the *Local Government Act 1995*.

### **LEGAL/POLICY:**

The following Codes, Local Laws and Policies are relevant considerations:

- Road Traffic Code 2000
- Parking and Parking Facilities Local Law 2007
- Local Government Property Local Law 2008
- Policy No. 2.1.2 – Street Trees
- Policy No. 2.2.4 – Verge Treatments, Plantings and Beautification

It should also be noted that during the recent 'Proposed Review of Local Laws Public Comment Period (5 October to 22 November 2016) there were two submissions received on the Local Government Property Local Law and one submission received on the Parking and Parking Facilities Local Law. Only one of the submissions in relation to the Local Government Property Law bears direct relevance to this Notice of Motion whereby the submitter notes the usefulness and importance of specific measures to protect the community from possible negative consequences of the inappropriate use of Council property (i.e. negative impacts on resident amenity). The submitter identifies that such measures within the

---

Local Law are invaluable and they would be very concerned if these measures were removed or amended in any way.

**RISK MANAGEMENT IMPLICATIONS:**

**Medium:** The City of Vincent is the responsible authority for the local road reserves within the municipality. If discretion was to be introduced into the Local Law to park and store unattached trailers and caravans on road reserves there would be an increased exposure to public liability risk. Legal advice has been received providing direction on these risks can be mitigated and/or minimised.

**STRATEGIC IMPLICATIONS:**

In keeping with the City of Vincent *Strategic Community Plan 2013-2023*, the following Objective states:

*'Natural and Built Environment*

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

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

Administration has considered the implications of introducing discretion into the Parking and Parking Facilities Local Law to allow unattached trailers and caravans to be parked or stored on a thoroughfare, verge or roadway. It is not deemed appropriate or necessary to amend this Local Law to enable the long term parking of trailers and caravans in the City of Vincent as it represents an unacceptable streetscape and amenity impact. It is anticipated that the demand for on-street parking will continue to grow, particularly where residential density is planned to increase. Increased demand for on-street car parking in close proximity to mixed-use developments, grouped and multiple dwellings, mixed-use developments and Town Centres is also expected to grow. To allow unattached trailers and caravans to park and be stored on street will add to this growing pressure.

It is considered that there is also limited merit in amending the Parking and Parking Facilities Local Law to enable trailers to be unhitched from a vehicle for a short period while unloading materials or moving house. There are no examples where the City's Rangers have enforced the Local Law in such circumstances in recognition that the time period is short and temporary.

However, the Local Government Property Local Law does provide the ability for Administration to issue a permit for items to be placed on a verge which may include trailers and caravans. It would remain necessary for any such permit application to meet a range of assessment criteria and the permit would be subject to conditions on a case-by-case basis. Public safety and risk as well as streetscape and amenity considerations will be vitally important as will due regard to relevant Council Policies, Local Laws and Legislation.

It should be noted that the increased issuing of permits for items to be placed on verges may have an adverse impact on residential and streetscape amenity. To maintain and improve the amenity of Vincent the City's Greening Plan specifies that verges be well maintained and vegetated. With some verges likely to be approved to place or store items there may be negative impacts on Council's amenity and greening aspirations. While Administration will apply robust assessment criteria to the permit process such streetscape and amenity considerations will always remain somewhat subjective.

---

As there is a sufficient process in place, and with the above-mentioned matters considered, it is not recommended to amend the City of Vincent Parking and Parking Facilities Local Law to introduce discretion to park unattached trailers and caravans in the road reserves. Administration will proceed with the issuing of permits that enable residents to place items on a verge subject to assessment criteria and specific conditions under the Local Government Property Local Law.

### 9.4.2 Community Development Initiative for Isolated Seniors

<b>Ward:</b>	Both	<b>Date:</b>	25 November 2016
<b>Precinct:</b>	All	<b>File Ref:</b>	SC1978
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer(s):</b>	S-J Hansen, Community Development Officer C Mooney, A/ Manager Community Partnerships		
<b>Responsible Officer:</b>	M Quirk, Director Community Engagement		

#### RECOMMENDATION:

That Council;

1. **SUPPORTS** discussions with Silver Chain regarding the implementation of a pilot program within the City of Vincent in 2017 for seniors who are currently receiving low-level care and are at risk of or are currently experiencing social isolation;
2. **APPROVES** the City of Vincent Neighbour Day event on 26 March 2017 to build better relationships and social connections amongst the broader community'
3. **NOTES** the other specific actions being undertaken to address social isolation amongst residents within the City of Vincent:
  - 3.1 The establishment of a 'Seniors Social Connection' activity as part of the 2017 Well & Wise Calendar to determine its effectiveness in achieving participation by socially isolated seniors;
  - 3.2 The City of Vincent will remain a referral agent on the Australian Government 'My Aged Care' portal to support existing service delivery organisations and connect residents with essential support services; and
  - 3.3 Key findings from the City of Vincent Age Friendly Action Plan will be reported to Council by July 2017.

#### PURPOSE OF REPORT:

To consider a report in response to a Notice of Motion to investigate the establishment of a community development initiative that facilitates connections between isolated seniors in our community.

#### BACKGROUND:

At the Ordinary Meeting of Council held on 23 August 2016 a Notice of Motion was approved that requested the Chief Executive Officer:

- “1. Investigate the potential establishment of a community development initiative that facilitates connections between isolated seniors in our community and nearby residents, including the creation of a contact register and funded police checks, to enable such meetings and activities to occur; and
2. Report back to Council with recommendations relating to this community development initiative for isolated seniors no later than December 2016.”

For the purpose of this report, a 'senior' is regarded as a resident aged 65 years and above with approximately 10.5% or 3,300 people in Vincent within this age bracket. Population projections identify that this is expected to remain fairly static over the next 20 years with

11.6% or 6,295 people to be aged 65 years and over by 2036. While this identified the proportion of seniors relative to the overall local population will only increase slightly the number of seniors living in Vincent will increase by nearly 3,000 over the next 20 years.

It must be acknowledged that social isolation whereby an individual has minimal contact and interaction with others and overall low level of involvement in community life is a complex issue. Research throughout Australia indicates that social isolation increases with age and then a range of factors such as the quality of relationships and social contact, life events and diminishing social roles, poor physical and mental health, and limited mobility may compound the risk of isolation and loneliness.

The Western Australian Council on the Ageing has identified a range of proposed policy and program responses for socially isolated seniors some of which are relevant for the Local Government and City of Vincent context:

- Encouraging libraries to provide seniors with a single access point for information relevant to them in a range of formats
- Fostering community connections between neighbourhoods and within neighbourhoods through initiatives such as Neighbour Day
- Linking the many seniors who are active participants in society with others who are less successful to enable them to grow and maintain social connections
- Making options for volunteering more prevalent amongst seniors to enable them to continue to make a positive contribution to community life

Similarly, the Commissioner for Senior Victorians recently completed a comprehensive report on isolation and loneliness among seniors in January 2016. A number of key focus areas were identified to deliver a comprehensive response to social isolation with several of these also regarded as particularly relevant to the Local Government context:

- Increasing opportunities for seniors to join, attend and participate in existing clubs, groups, organisations or activities, both seniors-specific and generic
- Focussing on socially excluded seniors, including the special needs of seniors who are carers, and the importance of life transition or trigger points
- Increasing older people's knowledge of the importance of maintaining and strengthening their levels of social participation and promote what is available through streamlined information and community education
- Developing place-based initiatives working with local government, funded services and community organisations to strengthen service responses to socially isolated and lonely older people
- Increasing the age-friendliness of local clubs, groups and organisations and assisting local seniors organisations to maintain their viability
- Addressing the digital divide that threatens to increasingly leave seniors disconnected from access to information and services through support for seniors to navigate the growing online environment
- Providing quality neighbourhood locations such as parks, cafes, shops and community facilities as well as the transitory zones people pass through have a significant influence on social participation and general life engagement

Responsiveness to social isolation amongst seniors is a whole-of-community issue with the delivery of initiatives such as those identified above relying upon involvement by a wide range of government, community and service delivery organisations.

**DETAILS:**

Prior to considering the potential establishment of a new community development initiative to facilitate connections between isolated seniors in our community and nearby residents it is important for Council to note some of the programs and services already in place.

---

## **Existing Non City of Vincent Support Services**

### My Aged Care Portal

The Australian Government website [www.myagedcare.gov.au](http://www.myagedcare.gov.au) provides a portal for older people wanting to link with services in their local area, and many of these services are available within Vincent. These services are often Home and Community Care (HACC) funded and require a HACC assessment prior to people accessing the services. Social support is available including home visits, shopping assistance, and connections with support groups and recreational activities. The City currently acts as an informal referral service for HACC through the 'My Aged Care' portal.

### Community Visitors Scheme

The Community Visitor Scheme is an Australian Government funded scheme, delivered through auspice bodies, where volunteers make regular visits to socially isolated recipients of subsidised aged care services. The Scheme is delivered by selected HACC providers to recipients of the Home Care Packages to residents in their own homes, and those in government funded nursing homes. This provides seniors with social interaction and support outside of normal health care services such as reading, writing, craft and technology.

The Scheme operates throughout Australia and is currently offered to Vincent residents through a number of organisations including Australian Red Cross, Claremont Baptist Church and People Who Care. These organisations have Coordinators that match seniors with a volunteer companion taking into account their interests, hobbies, personality and background.

While a limited number of Local Government Authorities throughout Australia directly deliver the Scheme it is evident from discussions with Mosman Council in New South Wales that such direct involvement necessitates a significant commitment of funding and resources. Given that a number of organisations already operate within Vincent and provide access to the Scheme it is not considered necessary to the City to play such a direct role.

### Silver Chain

Silver Chain is a not-for-profit organisation that delivers community health and cares services across Australia, including social support for isolated seniors through Community Connections services. This includes companionship for daily activities such as shopping and banking, interaction that social activities and/or conversation through regular telephone contact. Options and eligibility for Government subsidisation for such support varies depending on each person's circumstances.

At the recent Well & Wise Seniors Week event in November 2016, Silver Chain advised a large number of senior residents that they provide a free service to guide them through the HACC assessment process. Further information sessions will be delivered within future Well & Wise programs and have previously been delivered at Leederville Gardens.

## **Existing City of Vincent Support Services**

### Well and Wise

The City of Vincent has offered a seniors activities program for an extended period of time, however in 2016 it was identified that the program should focus on building connections between senior residents and local facilities services, facilities, clubs and organisations. The resultant Well & Wise Calendar now includes programs, events and workshops at locations such as Vincent Library & Local History Centre, Beatty Park Leisure Centre, Vincent Men's Shed, and Loftus Community Centre. These localised activities provide seniors with regular interaction with groups of likeminded people and therefore providing opportunities for ongoing relationships to be established.

---

The Well & Wise Calendar provides increased accessibility to the many services available at Vincent Library, increases the age-friendliness of local community groups, assists local community groups such as the Vincent Men's Shed to maintain their viability, and provides senior residents with the option to join or volunteer with local groups and organisations. The inclusion of place-based initiatives strengthens our local community's ability to respond to socially isolated seniors.

#### Vincent Library Housebound Readers Service

The Vincent Library provides a Housebound Readers Service to those residents with physical or social constraints (either temporarily or permanently) as well as live-in carers. This personalised delivery service visits every third week with items delivered based on the individual's reading profile or specific title requests. Recipients also receive a monthly newsletter with current Library news including the latest additions to the catalogue.

While the key focus is delivering books the City staff involved take the time to build relationships and have conversations with the resident's given that they are often socially isolated due to physical or other mobility constraints.

#### Neighbourhood Map

Administration has recently developed the 'Vincent Neighbourhood Map' which for the first time provides a comprehensive map of community networks, spaces and places throughout our local area. This interactive map available through the City's website allows the viewer to see details of numerous community organisations including their location, overview of the organisation, and how to contact them if you require further information. While this Neighbourhood Map is not solely or specifically designed for socially isolated seniors it is an important tool to promote what activities and services are available through streamlined information.

The Neighbourhood Map can be used by socially isolated seniors as a tool to locate services within close proximity, and can therefore be further promoted as a mechanism to develop better social connections.

#### **Proposed Support Services**

Administration has investigated a number of options in response to the Notice of Motion with the following initiatives recommended as being most effective:

#### Well and Wise – 'Seniors Social Connection'

The new approach to the Well & Wise Calendar is regarded as the most appropriate way to establish and develop localised connections amongst senior residents, however it is likely that current participants are not those who would be regarded as socially isolated.

Administration's intended approach is to include a 'Seniors Social Connection' activity within the 2017 Well & Wise Calendar with a concerted focus on targeting attendance by those socially isolated residents within our community. This would be achieved through direct marketing to ratepayers that receive rebates on their rates through a Seniors Card or Commonwealth Seniors Health Card, direct conversations with residents through the Library Housebound Readers Service, and dialogue with Community Visitors Scheme providers to identify residents who may have sought social connections but were ineligible due to HACC assessment outcomes.

Given that the initiative would still form part of the Well & Wise Calendar it would provide the opportunity to link the many seniors who are active participants in our community with others who are far less active, and therefore enable them to grow and maintain social connections with fellow residents. As with all activities within the Well & Wise Calendar the outcomes of the 'Seniors Social Connection' activity will be reviewed to determine whether it is a suitable

---

response, whether it should be modified to improve success or whether an alternative initiative should be considered in response to social isolation amongst seniors.

#### Companion Program Partnership

Administration acknowledges that there are a wide variety of service delivery organisations active within the Vincent community that have greater expertise in responding to key community issues such as social isolation amongst seniors. Strong working relationships have been established with many of these organisations including Silver Chain. Through recent discussions a potential partnership has been identified that focusses on addressing social isolation amongst seniors. Silver Chain are currently developing a pilot program for roll-out in selected areas throughout the Perth Metropolitan Area which will target those seniors receiving a lower level of HACC and therefore not able to access the current Community Visitors Scheme. This initiative is being developed in conjunction with Curtin University who are undertaking research to identify the impact of a social outcome focused volunteer visitor on the levels of social isolation experienced by seniors. The outcomes of this research is especially important as Administration moves towards an evidence-based approach to its programs and services.

This initiative is aimed at those who are ageing well and have low-care needs but are socially isolated due to factors outside of health. It will involve matching these seniors with a community volunteer who will spend time with them.

Administration has already requested that the City of Vincent be a location for the pilot when it is rolled-out in 2017, however formal Council approval will enable these discussions with Silver Chain to be advanced with more detailed identification of resourcing, financial and/or advocacy support that may be required. Given that Silver Chain already provide a wide range of services for socially isolated seniors, and are a highly regarded service delivery organisation, this would be the most effective response to the Notice of Motion.

#### Neighbour Day

Neighbour Day is Australia's annual celebration of community where people are encouraged to connect with those who live within their local neighbourhood. Importantly, the principal aim of this initiative is to build better relationships especially seniors and other vulnerable people on the basis that social connection helps prevent loneliness, isolation and depression. Relationships Australia, a community-based not-for-profit organisation, has assumed responsibility for Neighbourhood Day in January 2014.

The City of Vincent previously hosted a Neighbour Day event at Oxford Reserve in March 2015 in partnerships with local community organisation, and was fundamentally about bringing the community together to form new connections. Such an initiative recognises that socially isolation can occur amongst many people within our community, including but not limited to seniors. The Western Australia Council on the Ageing has specifically identified Neighbour Day as a positive response for socially isolated seniors.

In 2017, Neighbour Day falls on Sunday 26 March and represents another good opportunity for Council to play a supporting role in responding to the prevalence of social isolation within our community. This can be achieved through delivery by the City or through local community organisations with financial support from Town Team Grants or Community Support Grants.

#### Age Friendly Vincent

Administration has recently reviewed its approach to community development and is now progressing towards a more strategic approach to service delivery with a focus on properly understanding the local community's needs, making decisions based on evidence based research and consultation, and delivering programs and services through community partnerships.

---

In accordance with this approach, Administration is currently developing an Age Friendly Action Plan through recent funding from the Department of Local Government and Communities. The Plan aims to identify the age-friendly features, barriers and opportunities for improvements against each of the eight domains/ essential features of an age-friendly community as identified by the World Health Organisation. These include outdoor space and buildings, transportation, housing, respect and inclusion, social inclusion, communication and information, civic participation and employment, and community support and health services.

It is important to note the interconnectedness of these eight essential features of an age-friendly community on the overall well-being of the individual with social wellbeing only one aspect of the holistic approach to addressing the needs of older residents. Social isolation requires a multi-faceted response, and therefore the development of this Action Plan will be an important response to this issue.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** The proposed initiative/s in response to this Notice of Motion are aligned with existing strategies and programs within the Community Engagement Directorate, and will be undertaken in partnership with established service providers and community organisations.

**STRATEGIC IMPLICATIONS:**

This report relates to the following areas of the City's *Strategic Community Plan 2013-2023*:

- '3.1 *Enhance and promote community development and wellbeing*
- 3.1.3 *Promote health and wellbeing in the community*
  - (b) *Develop and implement programmes to assist with addressing the social isolation of Seniors*
- 3.1.5 *Promote and provide a range of community events to bring people together and to foster a community way of life.*
- 3.1.6 *Build capacity within the community for individuals and groups to meet their needs and the needs of the broader community.'*

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/ BUDGET IMPLICATIONS:**

The proposed initiatives in response to this Notice of Motion will be delivered within the \$25,000 already allocated for seniors programs within the 2016/17 operating budget.

**COMMENTS:**

Upon investigating effective strategies to address social isolation amongst seniors it is again evident that service delivery organisations with greater expertise than the City of Vincent are better placed to respond to such specific social issues. Discussions with Silver Chain regarding a pilot project that specifically targets those seniors receiving a lower level of HACC funding and therefore not currently accessing the wide range of existing companionship programs. On this basis, the establishment of a community development initiative in

---

partnership with Silver Chain is deemed to be the most effective response to social isolation amongst seniors in our community. Through further investigations the City of Vincent may still play a vitally important role through community awareness, advocacy, resource support and possibly funding support.

Administration will also continue to identify and foster relationships with other existing service providers to ensure delivery of support services that aim to reduce social isolation for seniors within Vincent.

Other supporting strategies have also been identified by Administration including the establishment of a 'Seniors Social Connection' activity within the 2017 Well & Wise Calendar with a concerted focus on targeting attendance by those socially isolated residents within our community. This initiative has been identified as an alternative to the proposed contact register and Police checks given the practicalities of maintaining an up-to-date register, ensuring all checks remain current, and managing how people actually connect. Such a static approach will likely have limited social impact.

Importantly, Administration has identified that social isolation is impacting many people within our community and not just seniors although they certainly remain a high-risk group. The re-establishment of a Neighbour Day event in partnership with Town Teams or other local community organisations is an effective strategy to build better relationships and social connections amongst local residents including but not limited to seniors and other vulnerable people. The next Neighbour Day in March 2017 provides another good opportunity for Council to play a supporting role in responding to the prevalence of social isolation within our community.

The Age Friendly Action Plan is currently being progressed and will be presented to Council for consideration by July 2017 and this will include a range of other evidence based responses to the well-being of our seniors. Across these initiatives the City will play both a direct and/or a supporting role to ensure our local community continues to be both connected and inclusive.

---

**9.4.3 Review of Policy No. 3.10.9 – Public Murals**

<b>Ward:</b>	All	<b>Date:</b>	25 November 2016
<b>Precinct:</b>	All	<b>File Ref:</b>	SC1450
<b>Attachments:</b>	<a href="#">1</a> – Policy No 3.10.9 – Public Murals <a href="#">2</a> – Draft Revised Policy No. 3.10.9 – Public Murals <a href="#">3</a> – Public Mural Guidelines		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Curtin, A/Coordinator Arts & Creativity C Mooney, A/Manager Community Development		
<b>Responsible Officer:</b>	M Quirk, Director Community Engagement		

**RECOMMENDATION:**

**That Council:**

- AUTHORISES the Chief Executive Officer to advertise the draft revised Policy No. 3.10.9 – Public Murals for public comment for a period of 21 days inviting written submissions in accordance with the City’s Policy No. 4.1.5 – Community Consultation; and**
- NOTES that a further report will be submitted to Council at the conclusion of the public comment period in regard to any written submissions being received.**

**PURPOSE OF REPORT:**

To consider authorising the draft revised Policy No. 3.10.9 – Public Murals for public comment and subsequent adoption having regard to any written submissions received during this consultation period.

**BACKGROUND:**

The current Public Murals Policy (**Attachment 1**) was adopted by Council on 13 September 2011 and since that time has provided the basis for the approval and funding of murals throughout Vincent. For the purposes of this Policy a public mural is defined as artworks that are painted either directly on to a wall or attached to a wall and are visible to the public. Under the Policy these murals may be placed on a City owned property or a privately owned building.

Through this Policy, and Council’s longstanding commitment to mural art and public art more generally, there are approximately 90 murals that have been funded and/or supported through the Public Murals Program. This has been achieved through the direct commissioning of works on City owned property, collaborations with arts organisations with associated co-funding, and collaborations with private property owners with associated co-funding. It is evident that these public murals continue to beautify and activate public spaces within our Town Centres and other key activity areas throughout Vincent. Strong community interest in these murals led to the recent development of a ‘Mural Map’ that enables both residents and visitors the opportunity to wander through Vincent’s Town Centres and streets to view these artworks.

**DETAILS:**

Given the significant number of public mural art projects over the last five years and the key role they are now playing in activating our public places it was considered relevant to undertake a review of the existing Policy. The key purpose of this review was to identify and address any areas for improvement and to ensure that the Policy remains both contemporary and aligned with Council and community expectations.

This review identified a number of key areas for improvement:

- There are limited definitions within the Policy particularly in relation to the different types of Public Murals and what project types are excluded from consideration.
- The current approval process refers to review by an internal working group with only artwork perceived to have a significant visual impact on the public or contentious will be referred to the Arts and Culture Advisory Group (now Arts Advisory Group), and then decision making by Council.
- The current approval process does not include any reference to the criteria that will be utilised by the City or the Arts Advisory Group to assess mural projects and allocate funding.
- The current Policy simply states that a private property owner will enter into an Agreement with the City to maintain the artwork, however specific responsibilities relating to ongoing graffiti removal and maintenance are not addressed.
- Whilst it is noted that Public Murals are ephemeral in nature the Policy does not provide any clarity or direction on dealing with such artwork should it be considered beyond repair.
- The administrative process for funding and approving Public Murals utilising funds allocated by Council through the annual operating budget is not outlined in the current Policy or Guidelines.
- The administrative practice of co-funding public mural projects on privately owned property up to a maximum of 50% has worked well with some notable collaborations (i.e. Luna Cinema and the Oxford Hotel), however there is no discretion to capitalise on high profile walls particularly in Town Centres when Lessees or Property Owners may not wish to, or do not have the financial means, to contribute 50% towards associated costs.
- It is not clear within the current Policy whether a resident requires City approval to progress a mural on their private property.

The extent of the Policy content and formatting changes have resulted in a substantially revised Policy No. 3.10.9 – Public Murals (**Attachment 2**). This draft revised Policy now directly responds to these areas for improvement and includes the following key information:

- Clear definitions including Public Murals, ephemeral works, City owned property and privately owned building. This includes clarity on a residential property whereby approval under this Policy is only required where the proposed mural is within a laneway or right of way.
  - Clear information on the three different types of Public Murals as well as reference to the ability for the City to contribute more than 50% towards a project in a prominent location with significant benefit to the surrounding public place.
  - Extensive information on mural project exclusions and what the City will not fund.
  - More transparent information regarding the artwork assessment and approval process including a defined role for the Arts Advisory Group.
  - Improved clarity and obligations relating to ongoing public mural maintenance including graffiti and vandalism. The City can assist with the removal of graffiti in accordance with Council Policy No. 2.1.3 – Graffiti - Control and Removal; however, only where the artwork will not be negatively impacted. Where the mural cannot be satisfactorily repaired or restored it may be removed.
-

- A requirement to maintain detailed records of all Public Mural projects for management, maintenance and promotional purposes.
- A specific cover-all clause enabling the City at its sole discretion to not approve or fund a Public Mural where it is considered offensive or inappropriate.
- Inclusion of a specific clause has been included within the Policy noting that murals reflecting Aboriginal and Torres Strait Islander people and culture, and more specifically Whadjuk Nyoongar people and culture, will be strongly encouraged and supported. This ensures consistency with key actions identified in the City's first Reconciliation Action Plan (draft) that is currently being developed.

Importantly, Council's Arts Advisory Group have been provided with an opportunity to review and comment on the draft revised Policy given their wide ranging arts experience and proposed direct involvement in the assessment of mural art projects. Given the importance of mural art within Vincent the Advisory Group has recently opted to establish a sub-group focussing specially on this art form. This will include the proactive identification of key public and private locations for mural projects.

It was also considered necessary for the draft revised Policy to be supplemented by detailed Guidelines (**Attachment 3**) that provide more information on administrative and approval processes. These Guidelines also include a standardised application form and budget template to enable both Administration and the Arts Advisory Group to easily assess proposed projects and make recommendations. The standard Agreement template between the City and Private Property Owner (relevant for specific project types on privately owned buildings) has also been updated to reflect the draft revised Policy. This Agreement enables Administration to require a minimum timeframe for the Public Mural to be retained generally between two and five years.

Note that Administration will package the Policy and Guidelines in a user-friendly manner to ensure that the perception of approvals and red-tape do not inhibit the progression of great murals within our community.

#### **CONSULTATION/ADVERTISING:**

Consultation will be undertaken in accordance with Council Policy No. 4.1.5 – Community Consultation which requires any new and significant Policy amendments to be advertised through a public notice for a 21 day period as well as letters to be sent to relevant community organisations and local businesses.

Any written submissions received during the public comment period and subsequent changes to the draft revised Policy (where relevant) will be reviewed by the Arts Advisory Group and then presented to Council for consideration.

#### **LEGAL/POLICY:**

Policy No. 4.1.5 – Community Consultation – *“1.1 The City of Vincent will undertake formal community consultation when: (i) a decision is likely to have significant impact on a particular individual or group in the community.”*

#### **RISK MANAGEMENT IMPLICATIONS:**

**Low:** A range of amendments are proposed within the draft revised Policy to better manage key areas of risk associated with Public Murals. This includes more clearly defined mural types, a more transparent approval process through the Arts Advisory Group, establishment of a standardised agreement with private property owners, and improved delineation of expectations and responsibilities regarding mural maintenance.

---

**STRATEGIC IMPLICATIONS:**

The revised Public Murals Policy relates to the City's *Strategic Community Plan 2013-2023* which states:

*"3.1.1 Celebrate, acknowledge and promote the City's cultural and social diversity".*

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

While this Policy review does not have any direct financial implementations it should be noted that an amount of \$35,000 has been included within the 2016/17 budget for the City's Murals Program.

**COMMENTS:**

Public Murals have become a key feature within Town Centres and other public places throughout Vincent in recent years and a comprehensive review of Council's Public Murals Policy was necessary to ensure that these artworks remain contemporary and aligned with community expectations. It was also necessary to provide greater clarity and transparency particularly regarding the assessment, funding and approval processes.

The draft revised Policy and associated Guidelines provides Council, Administration and the Arts Advisory Group with a much improved basis for supporting and delivering Public Mural projects. Importantly the revised Policy and Guidelines will also provide greater clarity for artists, businesses and residents seeking to deliver Public Mural projects. This will ensure that highly creative and diverse artworks continued to emerge within public spaces throughout the Vincent.

---

## 9.5 CHIEF EXECUTIVE OFFICER

### 9.5.1 Council Recess Period 2016-2017 Allowing Delegated Authority to the Chief Executive Officer

<b>Ward:</b>	-	<b>Date:</b>	25 November 2016
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0018
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	Tim Evans, Manager Governance and Risk		
<b>Responsible Officer:</b>	Len Kosova, Chief Executive Officer		

#### RECOMMENDATION:

That Council:

1. **DELEGATES BY ABSOLUTE MAJORITY**, pursuant to section 5.42 of the *Local Government Act 1995*, to the Chief Executive Officer, the power to deal with any items of business that may arise from 14 December 2016 to 31 January 2017, and which are not otherwise the subject of delegated authority already granted by Council, subject to:
  - a. Reports being issued to all Council Members for a period of three business days prior to the delegated decision being made and no requests for 'call-in' of the matter being received from Council Members;
  - b. Reports being displayed on the City's website for a period of three business days prior to the delegated decision being made;
  - c. A report summarising the items of business dealt with under delegated authority being submitted for information to Council at its Ordinary meeting to be held on 7 February 2017; and
  - d. A Register of Items Approved under this Delegated Authority being kept and made available for public inspection on the City's website during the period that the delegation applies; and
2. **DETERMINES** to amend condition 1 on delegation 1.20 so that the Chief Executive Officer can accept tenders up to a maximum of \$500,000 for the period 14 December 2016 to 31 January 2017 subject to conditions a-d in resolution 1.

#### PURPOSE OF REPORT:

To obtain the Council's approval for Delegated Authority to deal with matters during the Council recess period 2016-2017.

#### BACKGROUND:

The Council will be in recess from 14 December 2016 to 31 January 2017. Therefore, it will be necessary to make arrangements to enable items of business that may arise during that period to be dealt with.

#### CONSULTATION/ADVERTISING:

Whilst there is no statutory requirement to do so, items being processed under delegated authority will be referred to Council Members for comment and 'call-in' for a period of three days prior to the delegated decision being made.

#### LEGAL/POLICY:

Under Section 5.42 of the *Local Government Act 1995*, Council may, by absolute majority, delegate to the Chief Executive Officer (CEO) the exercise of any of its powers or the discharge of any of its duties under this Act, other than those referred to in section 5.43.

Section 5.43(b) of the Local Government Act 1995 states:

**5.43 Limits on delegations to CEO**

*A local government cannot delegate to a CEO any of the following powers or duties*

- a) ....
- b) *accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- c) ....
- d) ....

**RISK MANAGEMENT IMPLICATIONS:**

**Medium:** If the Council does not approve of the Delegated Authority for the festive season and January, it would likely result in the delay of issuing approvals to some development applications, thereby disadvantaging these applicants.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's Strategic Plan 2013-2017 - Objective 4 – *“Leadership, Governance & Management and 4.1.2 – Manage the organisation in a responsible, efficient and accountable manner”*.

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

Council is in recess from 14 December 2016 to 31 January 2017. A Council resolution is required to allow the CEO to make a decision on matters which may arise during this period for which no delegated authority already exists. It should be noted that matters which require an Absolute Majority decision are not able to be delegated.

Reports relating to decisions proposed to be made using the delegations made for the recess period will be issued to all Council Members for review and comment for a period of three business days. This will allow Council Members to either comment on the proposed decision, and for those comments to be considered prior to any decision being made, or to 'call-in' the matter, thereby preventing the delegation being exercised. If a matter is called in then it would be referred to the 7 February 2017 Ordinary Council Meeting.

Administration is expecting to be in a position to award the following 4 tenders over the recess period, which are have the potential to exceed the CEO's upper limit on accepting tenders:

<b>Tender No.</b>	<b>Title</b>
523-16	Supply and Delivery of One Road Sweeper
524-16	Supply And Delivery Of One 22/23m <sup>3</sup> Side Loading Automatic Bin Lifter Refuse Truck
531-16	Hire of Trucks and Miscellaneous Plant

Consequently, in order for the City to be in a position to approve these tenders under delegated authority during the Council recess period, there is a need to increase the CEO's tender acceptance limit in addition to providing the additional delegations. Administration believe that a limit of \$500,000 will be sufficient to enable the CEO to deal with these tenders.

**9.5.2 Annual Report 2015-2016 – Adoption and Annual General Meeting of Electors 2016**

<b>Ward:</b>	Both	<b>Date:</b>	25 November 2016
<b>Precinct:</b>	All	<b>File Ref:</b>	SC165
<b>Attachments:</b>	1 – Draft Annual Report 2015/16		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	R Ellis, Manager Marketing and Communications		
<b>Responsible Officer:</b>	Len Kosova, Chief Executive Officer		

**RECOMMENDATION:**

**That Council:**

1. Pursuant to Section 5.54(1) of the *Local Government Act 1995*, **ACCEPTS BY AN ABSOLUTE MAJORITY** the City of Vincent Annual Report for the 2015/2016 Financial Year, included as Attachment 1 and **NOTES** that the report will be subject to further formatting and styling to be determined by the Chief Executive Officer, prior to publication;
2. Pursuant to Section 5.27 of the *Local Government Act 1995*, **CONVENES** a General Meeting of Electors of the City of Vincent to be held on Tuesday 31 January 2017 at 6.00pm in the City’s Council Chambers, to present the City of Vincent Annual Report for the 2015/2016 Financial Year;
3. **NOTES** that in accordance with Sections 5.29 and 5.55 of the *Local Government Act 1995*, the Chief Executive Officer will give local public notice of the General Meeting of Electors to be held on Tuesday 31 January 2017 and of the availability of the City of Vincent Annual Report for the 2015/2016 Financial Year, as soon as practicable after the report has been accepted by Council; and
4. Pursuant to Regulation 51 of the *Local Government (Financial Management) Regulations 1996*, **PROVIDES** the Director General of the Department of Local Government and Communities with a copy of the City of Vincent Annual Report for the 2015/2016 Financial Year, inclusive of the Annual Financial Report for the same period and the Auditor’s Report on that Financial Report, as included in Attachment 1.

**PURPOSE OF REPORT:**

The purpose of this report is to accept the 2015/2016 Annual Report and set a date for the annual General Meeting of Electors.

**DETAILS:**

The Annual Report is an important document through which the City communicates with its stakeholders, providing a summary of the City’s activities throughout 2015/2016 outlining the progress made towards the strategic objectives set out in the City’s Strategic Community Plan.

The *Local Government Act 1995* (the Act) requires every local government to prepare an Annual Report and hold an annual General Meeting (AGM) of Electors. The Annual Report must, in addition to other requirements, incorporate the Financial Report and the Auditor’s Report on the Financial Report. The Annual Report for 2015/2016 included as Attachment 1 satisfies these requirements.

Section 5.27 of the Act requires the AGM to be held on a day selected by the local government, but not more than 56 days after the report is accepted by the local government (i.e. 56 days from 13 December 2016, being no later than Tuesday 7 February 2017).

It should be noted that the copy of the Draft Annual Report included as Attachment 1 is only a draft document’ version and does not necessarily reflect the appearance of the final published

document. The attached version of the Annual Report will be subject to further formatting and styling changes to be determined by the CEO prior to publication. However, no further changes will be made to the report's content, following its acceptance by Council. This approach ensures that any changes required by Council can be readily incorporated in the document with minimal delay and without major re-formatting of a 'non-Word document'.

**PROCESS:**

The process and timetable for drafting the Annual report and arranging the AGM is largely influenced by the availability of the City's Auditor and receipt of the Auditor's Report.

Council, at its meeting on 20 September 2016, adopted the Council Meeting schedule for 2017 which included a proposed date for the AGM of 31 January 2017. This date will ensure that there is sufficient time to finalise the publishing of the Annual Report. The meeting will be advertised via local public notice as required by section 5.29 of the Act. to advertise the AGM. It is proposed that the meeting will commence at 6.00pm, prior to the Council Briefing on that night.

**CONSULTATION/ADVERTISING:**

There is no legislative requirement to consult on the Annual Report, but the the Act requires an annual General Meeting of Electors to be held and the Annual Report to be made publicly available in advance of that meeting.

It is intended to make the Annual Report available in electronic formats and on the City's website, with only limited printed, bound colour copies being produced for viewing at the Library and Local History Centre and the City's Customer Service Centre.

**LEGAL/POLICY:**

The *Local Government Act 1995*, Section 5.53 requires every Local Government to prepare an Annual Report. Section 5.54 states that the Annual Report is to be accepted by the Local Government no later than 31 December after that financial year.

Section 5.53 of the *Local Government Act 1995* states:

**5.53 Annual Reports**

- (1) *The Local Government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain:*
  - a) *a report from the mayor or president;*
  - b) *a report from the CEO;*
  - e. *an overview of the plan for the future of the district made in accordance with Section 5.56 including major activities that are proposed to commence or to continue in the next financial year;*
  - f) *the financial report for the financial year;*
  - g. *such information as may be prescribed in relation to the payments made to employees;*
  - h. *the auditor's report for the financial year;*
  - ha. *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and*
  - i) *such other information as may be prescribed. Section 5.54 of the Local Government Act states:*

**5.54 Acceptance of Annual Reports**

- (1) *Subject to subsection (2) the annual report for a financial year is to be accepted\* by the Local Government no later than 31 December after that financial year.*

*\* Absolute majority required*

---

- (2) *If the Auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the Local Government no later than 2 months after the Auditor's report becomes available.*

Section 5.55 of the *Local Government Act 1995* states:

**5.55 Notice of annual reports**

*The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the Local Government.*

Section 5.27 states:

**5.27 Electors' general meetings**

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the Local Government but not more than 56 days after the Local Government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

Regulation 51(2) of the *Local Government (Financial Management) Regulations 1996* requires every local government to provide a copy of its Annual Financial Report to the Director General of the Department of Local Government and Communities within 30 days of the local government's CEO receiving the Auditor's Report on that Financial Report. The Auditor's report was received on 29 November 2016. Given that the Annual Financial Report and Auditor's Report form part of the City's Annual Report for the 2015/2016 Financial Year, it is appropriate to submit a copy of the complete Annual Report to the Department as occurred last year.

**RISK MANAGEMENT IMPLICATIONS:**

**Low/Medium:** The risk associated with not adopting the 2015/2016 Annual Report and failure to set a date for the 2016 annual General Meeting of Electors will result in non-compliance with the requirements of the *Local Government Act 1995*.

**STRATEGIC IMPLICATIONS:**

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

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

**SUSTAINABILITY IMPLICATIONS:**

Not Applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The Annual Report is prepared by the City's Administration, and as such these costs are absorbed by the City's Operating Budget.

**COMMENTS:**

In order for the City to meet its legislative requirements, it is recommended that Council accepts the Annual Report for 2015/2016 and convenes the Annual General Meeting of Electors on Tuesday 31 January 2017 at 6:00pm.

---

**9.5.3 Audit Committee Minutes and Annual Financial Report 2015/2016**

<b>Ward:</b>		<b>Date:</b>	25 November 2016
<b>Precinct:</b>		<b>File Ref:</b>	SC243
<b>Attachments:</b>	<a href="#">1</a> - Unconfirmed Minutes Audit Committee 29 November 2016 <a href="#">2</a> – Annual Financial Report Year Ended 30 June 2016		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	John Paton, Director Corporate Services		
<b>Responsible Officer:</b>	Len Kosova, Chief Executive Officer		

**RECOMMENDATION:**

**That Council:**

- 1. RECEIVES the unconfirmed Minutes of the Audit Committee Meeting held on 29 November 2016, as shown in Attachment 1; and**
- 2. BY ABSOLUTE MAJORITY ACCEPTS the Annual Financial Report of the City of Vincent for the financial year ended 30 June 2016 and associated Auditor’s Report, as shown in Attachment 2.**

**PURPOSE OF REPORT:**

To receive the unconfirmed Minutes of the Audit Committee Meeting held on 29 November 2016 and consider the Audit Committee’s recommendation to Council to adopt the City’s Annual Financial Report (the Report) for the year ended 30 June 2016.

**BACKGROUND:**

The *Local Government Act 1995* (the Act) requires local governments to prepare an Annual Financial Report on its operations for the preceding financial year by 30 September and submit the Report to its Auditor.

The City submitted the draft Report to its Auditor, Macri Partners prior to 30 September 2016, although adjustments were required following that date and in consultation with the Auditor. Following finalisation of the annual audit by the Auditor, a meeting of the City’s Audit Committee was held on 29 November 2016, where the Report was considered. A copy of the Unconfirmed Minutes of the Audit Committee meeting is included as **Attachment 1**.

Before the Independent Auditor’s Report was to be signed and issued to Council, the Auditors required the following matters to be attended to:

- Completion of audit procedures relating to Auditing Standard ASA 560 Subsequent Events to be performed up to the date of signing the Independent Auditor’s Report.
- Receipt of signed management representation letter.

Administration has confirmed that no material event had occurred or arisen subsequent to the audit requiring reporting. As a result, the management representation letter was signed by the Chief Executive Officer and forwarded to the Auditor.

**DETAILS:**

**Annual Financial Statement for the Year Ended 30 June 2016:**

Item 5.1 on the Audit Committee agenda dealt with the Audit of the 2015/2016 Annual Financial Statements.

In accordance with Section 6.4 of the *Local Government Act 1995* (the Act), the 2015/2016 Annual Financial Report has been prepared and the annual accounts audited by the City's external Auditor, Macri Partners. The Audit Committee considered the Annual Financial Report for the year ended 30 June 2016 and Audit Completion Report and resolved as follows:

*"That the Audit Committee:*

1. *RECEIVES the City Auditor's Report on the Interim Audit Visit for the year ending 30 June 2016 as detailed in Attachment 1; NOTES the City's Management Comments included and NOTES the outstanding items will be listed on an Audit Log and reported to subsequent Audit Committee Meetings for review and monitoring;*
2. *RECEIVES the Audit Completion Report for the year ended 30 June 2016 from the City's Auditor, as detailed in Attachment 2, NOTING the recommendations included in section 5; and*
3. *RECEIVES the Annual Financial Report for the year ending 30 June 2016 as shown in Attachment 3 and RECOMMENDS to Council its adoption."*

A copy of the Annual Financial Report for the year ended 30 June 2016, as presented to the Audit Committee is included as **Attachment 2**.

The Annual Financial Report needs to be considered and accepted by Council and incorporated into the Annual Report in order to hold an Annual General Meeting of Electors, at which the City's Annual Report containing the financial report will be considered.

Once accepted by Council, a copy of the Annual Financial Report must also be submitted to the Director General of the Department of Local Government and Communities.

The Audit Completion Report provided by Macri Partners, included the following statement in respect to the Audit Opinion:

*"We have completed the audit of the City of Vincent's accounts in line with current Australian Auditing Standards and will give an **Unqualified Opinion** [subject to subsequent events procedures] that the financial report of the City of Vincent:*

- a) *Gives a true and fair view of the financial position of the City of Vincent as at 30 June 2016 and of its financial performance for the year ended on that date; and*
- b) *Complies with the Local Government Act 1995 (as amended), the Local Government (Financial Management) Regulations 1996 (as amended) and the Australian Accounting Standards (including Australian Accounting Interpretations)."*

#### **CONSULTATION/ADVERTISING:**

There is no legislative requirement to consult on the preparation of the Annual Financial Report. The Act requires an Annual General Meeting of Electors to be held and the City's Annual Report incorporating the financial report (or at a minimum, the abridged version) to be made available publicly. The full Annual Financial Report will also be publicly available.

As in previous years, it is intended to make the Annual Financial Report available on the City's website, with only a limited number of printed, bound colour copies being made available for viewing at the Library and Local History Centre and the City's Customer Service Centre.

#### **LEGAL/POLICY:**

*Local Government (Financial Management) Regulation 51(2) states:*

---

*“A copy of the annual financial report of a local government is to be submitted to the Executive Director within 30 days of the receipt by the CEO of the Auditor’s Report on that financial report.”*

Section 5.53 of the *Local Government Act 1995* states:

**“5.53 Annual Reports**

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain:*
  - (f). *the financial report for the financial year;”*

Section 6.4 of the *Local Government Act 1995* states:

**“6.4 Financial Report**

- (1) *A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.*
- (2) *The financial report is to –*
  - (a) *Be prepared and presented in the manner and form prescribed; and*
  - (b) *Contain the prescribed information.*
- (3) *By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its Auditor –*
  - (a) *The accounts of the local government, balanced up to the last day of the preceding financial year; and*
  - (b) *The annual financial report of the local government for the preceding financial year.”*

**RISK MANAGEMENT IMPLICATIONS:**

**High:** Not adopting the 2015/2016 Annual Financial Report would result in non-compliance with the *Local Government Act 1995*.

**STRATEGIC IMPLICATIONS:**

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

*“4.1.2 Manage the organisation in a responsible, efficient and accountable manner.”*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The Annual Financial Report identifies a final end of year surplus position of \$4,251,223 compared to a surplus of \$1,007,891 the previous year. The actual surplus is a minor reduction of \$8,199 on the opening balance forecast in the 2016/2017 Adopted Budget (\$4,259,422), however it includes recognition of an accrued debt of \$643,945, which was identified after the budget adoption. Importantly, the closing balance fully funds the municipal funding for projects carried forward into 2016/2017 (\$1,974,498).

---

**COMMENTS:**

The Annual Financial Report, as noted by the City Auditor has been prepared in accordance with applicable legislation and accounting standards and gives a true and fair view of the financial position of the City. The alignment of the actual closing balance to the forecast opening balance included in the 2016/17 Adopted Budget reflects the improved budget practices employed at the City.

In order for the City to meet its legislative requirements, it is recommended that Council accepts the Annual Financial Report for the financial year ending 30 June 2016 as detailed in **Attachment 2**.

---

**9.5.4 Report on Audit Committee Best Practice and Proposed changes to the Audit Committee Terms of Reference**

<b>Ward:</b>	-	<b>Date:</b>	25 November 2016
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0018
<b>Attachments:</b>	Nil		
<b>Tabled Items:</b>	<a href="#">1</a> – Report on Audit Committee Best Practice <a href="#">2</a> – Proposed Audit Committee Terms of Reference <a href="#">3</a> – Marked Up Audit Committee Terms of Reference		
<b>Reporting Officer:</b>	Tim Evans, Manager Governance and Risk		
<b>Responsible Officer:</b>	John Paton, Director Corporate Services		

**RECOMMENDATION:**

**That Council:**

1. **RECEIVES** the report on Audit Committee best practice included as Attachment 1;
2. **ADOPTS** the revised Terms of Reference for the Audit Committee included as Attachment 2;
3. **NOTES** that Administration will advertise for suitably qualified City of Vincent residents or property owners to nominate for external independent membership of the Audit Committee, and that a further report dealing with membership of the Audit Committee will be presented to Council in February 2017;
4. **DECIDES**, pursuant to section 5.100 of the *Local Government Act 1995*, that any person who is a committee member but who is not a council member will be entitled to be reimbursed reasonable expenses related to their attendance at committee meetings, including training and professional development expenses approved in accordance with the Terms of Reference of that committee;
5. **DETERMINES**, pursuant to section 5.98(3)(b) of the *Local Government Act 1995*, that the maximum amount for reimbursement of expenses described in resolution 4 will be \$5,000 per member, per annum; and
6. **DIRECTS** the Chief Executive Officer to write to the Minister for Local Government requesting that amendments to the *Local Government Act 1995* be considered to allow for payments to be made to external members of audit committees in order for local governments to attract and retain high calibre independent members.

**PURPOSE OF REPORT:**

To receive a report on Audit Committee best practice and consider the recommendations arising from that report.

**BACKGROUND:**

Council resolved at the 20 September 2016 Ordinary Meeting:

*“That Council:*

1. *SUPPORTS* a review by Administration of the Audit Committee Terms of Reference to examine opportunities for introducing greater independence, accountability and transparency to the Committee’s operation through measures such as:

- *Publishing Committee Meeting Agendas and Minutes;*
  - *Holding open Committee Meetings;*
  - *Appointing external persons as Committee Members, including the possibility for those persons to be appointed as Chairperson of the Committee; and*
2. *RECEIVES a report back from Administration on the review referred to in 1 above, by December 2016."*

This report is intended to meet the requirements of that Council Resolution.

**DETAIL:**

Administration has prepared a discussion paper on best practice for Audit Committees which has been included as **Attachment 1**.

The report highlights a number of themes that have consistently arisen through the research that has been conducted including:

- External / Independent Membership
- Reimbursement of Expenses for External Members
- Position of Chair
- Number of members
- Rotation of membership
- Performance Auditing
- Strategic Planning process
- Relationship between the City's auditors and the Audit Committee
- Level of skills and member training
- Public Attendance at Meetings
- Reporting of Audit Committee attendance

Further to the research undertaken, the discussion provided in **Attachment 1** and incorporating feedback provided from discussions with Council Members, Administration is proposing the following changes to the Audit Committee:

- 1) That one or two external / independent members be included on the Audit Committee.

The practice of having external membership of the Audit Committee is almost universally encouraged in order to complement the skills of existing Audit Committee members with high-level, professional finance and governance skills and for providing a fresh perspective to the organisation.

- 2) That external members be reimbursed expenses only, but that those expenses may include relevant training and professional development.

While it is normal practice for Audit Committee members to be appropriately paid for the time they spend working for an Audit Committee, Section 5.100(1) of the *Local Government Act 1995* ("the Act") is quite clear in that it does not allow external members to be paid a fee for their membership on a committee and that only reimbursements are allowed to be made. Administration recommends that reimbursement of expenses incurred that relate to relevant training and professional development may help to attract and retain candidates of a good calibre. In order to allow for this type of expense to be reimbursed, Council must determine this maximum amount for the purposes of section 5.98(3)(b) of the Act and Administration considers that a maximum limit on expenses at \$5000 per member per year would be appropriate. This amount should be sufficient to cover three to five days of professional development along with other peripheral expenses.

---

3) That a member, other than the mayor be chairperson of the Audit Committee.

In the majority of other states (i.e. NSW, VIC, NT, and TAS), it is recommended that the Mayor should not chair the Audit Committee due to the nature of the unique relationship the Mayor has with the CEO and, by extension, the organisational process of the Local Government. Administration therefore recommends that the City follows this approach and, instead, elects another member of the Audit Committee to be chair.

4) That the membership of the Audit Committee be reduced to a maximum of 6 members.

There is universal agreement within the literature that Administration has reviewed that the minimum number of members on an Audit Committee should be three. In relation to maximum number of members, the most common advice is that it should be determined by the size, nature and maturity of the organisation. However, Tasmania, NSW and Victoria all recommend a maximum of five members. A five person maximum was also not uncommon in other information sources.

5) That increased training and professional development be made available to Audit Committee members.

Audit Committee members must be suitably skilled and trained in audit related activities. Given that the majority of current members do not work in a finance or governance profession, it is appropriate for them to be given access to appropriate training and professional development.

6) That attendance at Audit Committee meeting is made available on the City's website.

Given the City's focus on transparency and accountability, it is recommended that the City adopt the practice of reporting Audit Committee attendance on the City's Accountability and Transparency portal. It is not considered necessary to update the Terms of Reference to reflect this.

As a result of these recommendations, Administration is proposing a number of amendments to the existing Audit Committee Terms of Reference with the changes included as **Attachment 2**.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

Division 7.1A of the *Local Government Act 1995* sets out the requirement for Local Governments to establish an Audit Committee and sets out a range of requirements applicable to Audit Committees.

The *Local Government (Audit) Regulations 1996* further prescribe the functions of an Audit Committee.

The City of Vincent's *Audit Committee Terms of Reference* sets out in detail how the City's Audit Committee will function.

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** It is Administration's view that there is little risk associated with reviewing the Audit Committee's Terms of Reference, albeit that an effective Audit Committee has a role in addressing risk at the City.

---

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's Strategic Plan 2013-2023 - Objective 4:

*"Leadership, Governance & Management and 4.1.2 – Manage the organisation in a responsible, efficient and accountable manner".*

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Should Council adopt the recommendation to incorporate external members on to the City's Audit Committee then an appropriate budget should be provided to cater for the reimbursement of expenses of those external members. Similarly, should Council adopt the recommendation to increase the level of training and professional development of Audit Committee members then an appropriate budget will need to be set for this.

In both cases, it is expected that costs incurred in 2016/2017 can be accommodated within existing operational funds, while an appropriate amount for 2017/2018 and beyond can be set through the budgeting process.

**COMMENTS:**

A detailed discussion on the recommendations in this report is provided in **Attachment 1**.

Of particular note is that the research undertaken by Administration revealed that it appears to be a universal principle that audit committees should contain external independent members who can bring a high level of financial and/or governance skills to the committee in addition to an independent perspective. It is also of note that audit committee members across all sectors are invariably paid for their time commensurate with the skills and experience they bring, however the *Local Government Act 1995* prevents Local Governments in Western Australia from paying committee members. It is Administration's view that this restriction is likely have an impact on the number and quality of suitable nominations that will be received for external membership of the Audit Committee and therefore it is proposed that the City write to the Minister for Local Government to request that he consider reviewing this restriction.

In respect to the appointment of external independent members, Administration will undertake a similar process to that followed for its Advisory Groups. As such, a public advertisement will be placed calling for nominations, those nominations will be assessed by Administration and a report will be provided to Council who will then appoint the members to the group. This will occur at the ordinary Council meeting scheduled for 7 February 2017. In assessing the nominations, it is proposed that the following criteria will be applied:

- A demonstrated high level of expertise and knowledge in financial management, reporting, governance and audit;
- Relevant skills and experience in providing independent expert advice; and
- They must be a resident or property owner within the City of Vincent.

In relation to the number of members, the City's Audit Committee currently has a membership of nine which is somewhat higher than is generally recommended, with most recommendations stating that a membership that is too large has a tendency to be less efficient and less able to focus on the necessary technical issues. Administration is therefore recommending a membership of six members, which will include up to two external independent members.

It was also noted that in some states, a Mayor is not allowed to chair the audit committee due to the nature of a Mayor's other responsibilities in relation to local government operations. Administration has therefore suggested that the City apply this approach and instead elect a chair from among the members of the Audit Committee, which could include external independent members.

---

### 9.5.5 Information Bulletin

<b>Ward:</b>	-	<b>Date:</b>	30 November 2016
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	-		
<b>Tabled Items:</b>	-		
<b>Reporting Officer:</b>	L Hood, A/Governance & Council Support Officer		
<b>Responsible Officer:</b>	L Kosova, Chief Executive Officer		

#### RECOMMENDATION:

That Council **RECEIVES** the Information Bulletin dated 30 November 2016 as distributed with the Agenda.

#### DETAILS:

ITEM	DESCRIPTION
<a href="#">IB01</a>	Unconfirmed Minutes of the Environmental Advisory Group Meeting held on 24 October 2016
<a href="#">IB02</a>	Unconfirmed Minutes of the Pedestrian and Cycling Advisory Group Meeting held on 7 November 2016
<a href="#">IB03</a>	Vincent Greening Plan – Progress Report No 6 – December 2016
<a href="#">IB04</a>	Register of Legal Action ( <b>Confidential – Council Members Only</b> ) – Monthly Report as at 23 November 2016
<a href="#">IB05</a>	Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 23 November 2016.
<a href="#">IB06</a>	Register of Applications Referred to the MetroWest Development Assessment Panel – Current
<a href="#">IB07</a>	Register of Petitions – Progress Report – December 2016
<a href="#">IB08</a>	Register of Notices of Motion – Progress Report – December 2016
<a href="#">IB09</a>	Register of Reports to be Actioned – Progress Report – December 2016
<a href="#">IB10</a>	Minutes of Mindarie Regional Council Meeting held on 1 December 2016

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

### 10.1 NOTICE OF MOTION: Councillor Susan Gontaszewski, Cr Emma Cole and Cr Dan Loden – Development of a City of Vincent Public Open Space Strategy

That Council REQUESTS the Chief Executive Officer to:

1. Investigate the requirement for a City of Vincent Public Open Space Strategy by completing the following no later than April 2017:
  - Compilation of Public Open Space inventory including the number, size, function and use of all parks
  - Classification of these Public Open Spaces using the Department of Sport and Recreation Classification Framework for Public Space
  - Identification of benchmarks for Public Open Space provision based on current standards and best practice
  - Completion of a preliminary Public Open Space gaps analysis based on the abovementioned inventory and benchmarks
2. Prepare a Public Open Space Strategy Project Plan identifying financial and resource implications for consideration during preparation of the 2017/18 Budget and Corporate Business Plan 2017/18 to 2020/21
3. Prepare cost estimates for priority Public Open Space projects for consideration within Council's 2017/18 Capital Works Budget that will ensure the ongoing improvement of open space amenity and provision while awaiting completion of the proposed City of Vincent Public Open Space Strategy.

#### REASON:

The provision of public open space is associated with a variety of positive health, social, environmental and economic outcomes for our communities.

WAPC Policy DC 2.3 (May, 2002) addresses open space in residential areas. The open space calculations in this Policy are based on those established in the Stephenson-Hepburn Plan from 1955. This report states that 10% of land from subdivision should be given to open space. This has been translated to 3.36 hectares per 1,000 population.

City of Vincent has an estimate 2015 population of 37,461 and land area of 1140 hectares (2015, profile ID). A general estimate area allocated to open space for the City of Vincent is 8.17% (benchmark: 10%) and number of hectares open space per 1,000 population is 2.49 (benchmark 3.36) using the Public Open Space Tool. Access to open space is likely to be unequally distributed across the City although no data is available on proximity to open space for Vincent residents.

Current deficiencies in open space allocation will be amplified with projected increases in population. City of Vincent population is expected to grow to more than 50,000 in the next 20 years, an increase of almost 40% ([forecast.id.com.au/Vincent](http://forecast.id.com.au/Vincent)).

In the Draft Liveable Neighbourhoods (WAPC, 2015) Report the WAPC identifies that public open space strategies "are a crucial tool for local governments to guide delivery of the most appropriate POS for the community".

A number of WA local governments have established open space strategies including the City of Stirling (2008), City of Belmont (2008), City of Gosnells (2014) and City of Cockburn

(2014). The City of Melbourne has an open space strategy and associated contributions framework.

It is envisaged that the community engagement process for the development of an open space strategy could dovetail into the community consultation process for the development of the Strategic Community Plan during 2017.

With the rezoning of the City of Vincent under TPS2 and the City's (draft) Built Form Policy, the City has unlocked significant value for land development along transit and activity corridors, and in town centres. It is important to ensure that open space provision is strategically managed and it is reasonable to establish a mechanism that ensures future developments will contribute to ongoing access to public open space for our community rather than the relative reduction in public open space over time as population increases.

Novel solutions will be required to ensure adequate access to open space throughout Vincent in future years. Small segments of low usage roads may provide a relatively low cost, low impact method of land acquisition for repurposing towards open space. Working with the community to identify locations across our city that can be create public open space by closing off redundant roads is a short term solution to create open space at relatively low cost.

#### **ADMINISTRATION COMMENTS:**

Public open space is a key component of Vincent's urban environment as it complements the built form, contributes to the identity and sense of place, and provides settings for a range of recreational opportunities. As an inner-City local government area facing the challenges of increasing residential density and with limited opportunities to increase the proportion of public open space it is considered that a strategic approach to public open space provision is required.

Administration supports the development of a City of Vincent Public Open Space Strategy to provide a comprehensive, strategic framework to guide the development and management of our open spaces in order to meet both current and future community needs. Such a Strategy is a significant body of work and will likely be undertaken in a several phases which will be investigated and further refined within the requested Project Plan.

Amongst other matters it is considered that the Strategy would provide direction on financial models to support the delivery of public open space initiatives, strategic land acquisition, repurposing of existing land holdings, improving the usefulness and functionality of existing open spaces, and innovative solutions to create open spaces within our neighbourhoods.

Administration will complete preliminary, desktop investigations to inform Council decision making regarding a Public Open Space Strategy and also prepare a Project Plan by April 2017 to enable consideration by Council during preparation of the 2017/18 Budget and Corporate Business Plan 2017/18 to 2020/21. It should be noted that the development of such a Strategy is an important yet significant undertaking and therefore its completion will need to be balanced against other priorities through the budget and corporate business planning process.

---

**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**

---