



CITY OF VINCENT

ORDINARY COUNCIL MEETING

28 June 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, 28 June 2016** at 6:00pm.

Len Kosova
CHIEF EXECUTIVE OFFICER

24 June 2016

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

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

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

RECORDING OF COUNCIL MEETINGS

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

ORDER OF BUSINESS

1. (a) **Declaration of Opening**
(b) **Acknowledgement of Country Statement**
"Today we meet on the lands of the Nyoongar people and we honour them as the traditional custodians of this land".
 2. **Apologies/Members on Approved Leave of Absence**
Nil.
 3. (a) **Public Question Time and Receiving of Public Statements**
(b) **Response to Previous Public Questions Taken On Notice**
 4. **Applications for Leave of Absence**
 5. **The Receiving of Petitions, Deputations and Presentations**
 - 5.1 Petition received from Ms M McHenry of Albert Street, North Perth, along with 674 signatures, opposing the proposed development of the Early Child Care Centre at No. 81 Angove Street, North Perth, because *'it is a serious safety risk for children, parents and grandparents and it destroys the amenity of the local precinct, including the local foot traffic in the ROW [right-of-way], View and Albert Street traffic and parking.'*
 - 5.2 Petition received from Ms M McHenry of Albert Street, North Perth, along with 503 signatures, opposing the removal of the 100 year old 'Peppercorn Tree' at No. 81 Angove Street, North Perth, as per the current development proposal for the above address.
 - 5.3 Deputation:

Item 14.1 – Request has been received for deputation in relation to this item.
 6. **Confirmation of Minutes**
 - 6.1 Ordinary Meeting of Council held on 31 May 2016.

That the Minutes of the Ordinary Meeting of Council held on 31 May 2016 be confirmed as a true and correct record of that meeting, subject to the Minutes being amended on Pages 47 and 49 regarding Item 9.4.1 (Festivals and Events Program Sponsorship 2016/2017) with respect to the Proposed Amendment 1 by deleting the figure \$280,830 in the text of Recommendation 1, relating to the total budget allocation and replacing it with \$270,830 to reflect the total value of sponsorship approved by Council and shown in the table beneath Recommendation 1.
 - 6.2 Special Meeting of Council held on 14 June 2016.
 - 6.3 Special Meeting of Council held on 21 June 2016.
 7. **Announcements by the Presiding Member (Without Discussion)**
 8. **Declarations of Interest**
 9. **Reports**

As listed in the Index.
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- 10. Motions of which Previous Notice has been given**
 - 10.1 NOTICE OF MOTION: Mayor John Carey – Review of the City’s Art Collection by the Arts Advisory Group
 - 11. Questions by Members of which Due Notice has been given (Without Discussion)**

Nil.
 - 12. Representation on Committees and Public Bodies**
 - 13. Urgent Business**
 - 14. Confidential Items/Matters for which the Meeting May be Closed (“Behind Closed Doors”)**
 - 14.1 CONFIDENTIAL REPORT: Lease of Dorrien Gardens, 3 Lawley Street, West Perth – Perth Soccer Club Inc – Lease Fee
 - 15. Closure**
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9.1 DEVELOPMENT SERVICES

9.1.1 FURTHER REPORT: No. 92 (Lot: 58; D/P: 18024) Sydney Street, North Perth – Retrospective Amendment to Previous Approval: Construction of Single House

Ward:	North	Date:	10 June 2016
Precinct:	Precinct 8 – North Perth	File Ref:	PR17028; 5.2015.584.1
Attachments:	<u>1</u> – Consultation Map <u>2</u> – Development Application Plan <u>3</u> – Site Survey detail provided by the Applicant <u>4</u> – Independent Site Survey <u>5</u> – Original Site Plan <u>6</u> – Levels Comparison Tables <u>7</u> – Additional Information in Response to Queries		
Tabled Items:	Nil		
Reporting Officer:	C Sullivan, Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

RECOMMENDATION:

That Council, in accordance with Schedule 2, Part 9, Clause 77(4)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVES the retrospective application for an amendment to wall height for a two storey Single House at No. 92 (Lot: 58; D/P: 18024) Sydney Street, North Perth in accordance with plans date stamped 17 December 2015, as shown on Attachment 2, subject to the following conditions:

1. Limitation of Approval

This approval relates only to the amendments denoted on the approved plans;

2. External Fixtures

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

3. On an ongoing basis prior to occupation of the development, the following shall be completed to the satisfaction of the City:

3.1 Stormwater

All storm water collected on the subject land shall be retained onsite, by suitable means to the satisfaction of the City; and

4. Within 28 days of the issue date of this ‘Approval to Commence Development’, the owners or the applicant on behalf of the owners shall comply with the following requirements:

4.1 Building Approval Certificate

A Building Approval Certificate application along with structural details certified by a Practising Structural Engineer, including plans and specifications of the subject unauthorised development, shall be submitted to and approved by the City of Vincent Building Services as required under Sections 51, 52 & 54 of the *Building Act 2011*, and Regulation 4 of the *Building Regulations 2012*.

ADVICE NOTES:

1. **With reference to Condition 3.1, no further consideration shall be given to the disposal of stormwater 'offsite' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'offsite' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings.**

FURTHER REPORT:

The application for a Retrospective Amendment to Previous Approval for the Construction of a Single House was presented to Council on 31 May 2016 where Council resolved:

"That the item be deferred in order to obtain further information in relation soil levels, the impact of the approval on lot 200 and commentary on the discrepancy between the results of the site surveys."

Issues were raised by a concerned resident between the Briefing Session and Council Meeting. Additional information and clarification to address these concerns is provided in **Attachment 7** to be read in conjunction with this report.

As the remainder of the proposal is unchanged the following report and recommended conditions are unchanged from the report considered in May.

PURPOSE OF REPORT:

To consider a retrospective amendment to the previously approved construction of a two storey single house.

BACKGROUND:

Previous approvals for two storey single dwelling were issued for the property on 25 November 2014 (planning application 5.2014.420.1) and 11 May 2015 (building permit 6.2015.243.1). The development, which uses the precast panel method of construction, is currently under construction, and it has become apparent that the height of the building is not constructed in accordance with the approved plans.

Following an investigation, the City invited that a retrospective application is submitted to gain approval for the non-complying aspect of the development. The City invites retrospective applications where there is the view that the extent of the modifications could be considered.

Following the completion of this report additional information has come to light which has revealed that a 360mm wide privately owned portion of land known as Lot 200 exists between the northern boundary of No. 92 Sydney Street and the properties along the southern side of Gill Street. (**Attachment 4**).

The existing dividing fence along the northern boundary of No. 92 Sydney Street at Sydney Street is 0.083 metres below the southern boundary of Lot 200, but encroaches up to a maximum of 0.209 metres into Lot 200 towards the rear of the lot.

The Gill Street properties have encroached between 151 – 443mm into the southern properties, being Lot 200 and there is also some encroachment into No. 92 Sydney Street.

History:

The following is a list of the applications for the subject property which the City has previously determined:

Date	Comment
24 November 2014	Planning Approval was granted under delegated authority for demolition of existing dwelling and construction of two storey single house.

DETAILS:

Application Details:

Landowner:	J & Y Marvelli
Applicant:	J & Y Marvelli
Date of Application:	21 December 2015

Principal Statutory Provisions

Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R20 Draft Town Planning Scheme No. 2 (TPS2): Residential R20
Existing Land Use:	Single House Under Construction
Use Class:	Single House
Use Classification:	"P"
Lot Area:	1,020 square metres
Right of Way (ROW):	Not applicable
Heritage List:	No

The application seeks retrospective approval for an increase in the overall wall height of the northern wall of the dwelling and resultant lot boundary setback variations from the original approval.

The site has a dwelling with an approved wall height of 6.45 metres (75 brick courses) measured from the finish level of the garage which is located 629mm below natural ground level. From natural ground level the wall height is 5.821 metres. (**Attachment 3**).

The constructed wall height is 6.966 metres (81 brick courses) which is 6.337 metres above the lowest natural ground level in this location. The precast concrete panel wall was manufactured offsite and is higher than was approved. (**Attachment 2**).

The application to amend an aspect of the development approved can be considered in accordance with Schedule 2, Part 9, Clause 77(1)(c) 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.

Additional information was sought on several occasions as follows:

Date	Comment
26 February 2016	Updated Site Survey submitted by applicant.
27 April 2016	The City commissioned an independent Site Survey and an As Constructed levels plan (Attachment 4).

The matter is being presented to Council due to complaints received from adjoining landowners.

ASSESSMENT:

Summary Assessment

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

The table reflects the elements where discretion has already been exercised as part of the previous approval, and the elements where discretion is required as a result of the request for retrospective approval.

Planning Element	Use Permissibility/ Deemed-to-Comply	Previously approved	Requires further Discretion
Density/Plot Ratio	✓		
Street Setback		✓	
Front Fence	N/A		
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 assessment is as follows:

Building Setbacks/Boundary Wall		
Requirement	Proposal	Variation
Residential Design Codes Clause 5.1.3 – Lot Boundary Setback <u>Northern Boundary</u> Walls less than 9metres long: 1.2 metres Wall greater than 9 metres long: 2.3 metres Previous requirement 2.2 metres	Ranging from 1.159 metres to 1.179 metres 2.175 metres	0.021 – 0.041 metres Previous Approval: 0.021 – 0.041metres 0.125 metres Previous Approval: 0.025 metres

The assessment against the principles is as follows:

Building Setbacks/Boundary Wall
Applicable Principles
Residential Design Codes Clause 5.1.3
<p>P3.1 Buildings set back from lot boundaries so as to:</p> <ul style="list-style-type: none"> • reduce impacts of building bulk on adjoining properties; • provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • minimise the extent of overlooking and resultant loss of privacy on adjoining properties.
Applicant's Justification
None provided.
Officer Technical Comment
<p>The previous approval already granted minor setback variations. The additional height requires a further setback from the northern boundary of 100mm.</p> <p>The extent of the additional variation to the northern boundary of No. 92 Sydney Street is minimal, and the additional 0.360 metre wide portion of land between the northern boundary of No. 92 Sydney Street and the southern boundary of the properties in Gill Street mitigates the impact of the setback variation at No. 92 Sydney Street on the properties in Gill Street.</p> <p>Taking Lot 200 into account, the northern wall at No. 92 Sydney Street is located between 1.519 – 1.539 metres from the true southern boundary of the properties in Gill Street for the walls that are less than 9 metres long and 2.535 metres for the portion of the wall that is greater than 9 metres, but this is not easily noticeable due to location of the existing fence which has resulted in the encroachment of the Gill Street properties onto their southern neighbours.</p> <p>The setback as proposed will not have any impact on bulk or overshadowing of adjoining properties, and the visual privacy remains compliant.</p> <p>The setback is acceptable.</p>

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	23 March 2016 – 9 April 2016		
Comments Received:	Two objections and two lists of signatures objecting to the proposal.		

A total of 20 letters were sent to owners and occupiers surrounding the property subject of this application. Given the two objections received the response rate is 10%.

The two lists of signatures objecting to the proposal were received on 19 January 2016 (107 signatures) and 13 April 2016 (90 signatures).

The tables below summarise the comments received during the advertising period of the proposal, together with the City's response to each comment.

Comments Received in Objection:	Officer Technical Comment:
<p><u>Height/Bulk</u></p> <p>The proposed height will have a detrimental impact to the lifestyle, privacy and value of adjoining properties.</p> <p>There is concern that the ground level of the site has been raised, plus an increase in the overall height of the dwelling which increases in the impact on adjoining properties.</p>	<p>Additional evidence derived from an independent survey indicates the difference between the approved and as constructed height and levels is minor. Even with the additional height, the proposal complies with the maximum permitted building height, does not result in increased overshadowing to adjoining properties or has any privacy implications for adjoining properties.</p> <p>Property values are not a valid planning consideration.</p> <p>The survey plans indicate that the level changes along the northern boundary of No. 92 Sydney Street pre demolition and post construction are minimal and well below the permitted 500mm level change of the Residential Design Codes. (Refer Attachment 4, 5 and 6).</p>

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

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;
- Residential Design Codes;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.8 – North Perth Precinct; and
- Policy No. 7.2.1 – Residential Design Elements.

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

RISK MANAGEMENT IMPLICATIONS:

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL
Nil.

SOCIAL
Nil.

ECONOMIC
Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The costs of the independent survey obtained by the City was paid from the Operating Budget.

COMMENTS:

The independent survey indicates that the finished floor levels of the dwelling have been constructed to either align with or be marginally lower than the approved plans. (Refer **Attachment 6**).

The finished levels between the dwelling and the northern boundary are between 50 - 250mm higher than the original levels, which is well within the permitted 500mm levels increase allowed under the Residential Design Codes without planning approval. It should be noted that the maximum external ground level at No. 92 Sydney Street does not exceed the height of the existing retaining walls along the rear boundaries of the properties on Gill Street.

Although the height of the northern wall at No. 92 Sydney Street has increased by 516mm, its overall height from natural ground level at its highest point is 6.337 metres which is within the maximum permitted wall height for a concealed roof design of 7 metres under the Residential Design Codes.

The additional wall height requires a setback marginally greater than what was previously required. As a result further discretion for the setback to the northern boundary is required. The setbacks already approved are between 1.159 – 2.175 metres resulting in variation ranging between 21 – 41mm.

The only setback that has increased as a result of the higher wall, is in relation to the portion of the wall that is longer than 9 metres. The additional setback requirement, due to the additional wall height, increases the overall variation from the deemed to comply provision from 25mm to 125mm, which will not have a negative impact on the locality and is acceptable.

Had the increased wall height been part of the original application it would have been approved as part of the original approval.

CONCLUSION:

It is recommended that Council approves this proposal.

9.1.2 No. 374 (Lot: 801; D/P: 29435) Newcastle Street, Corner of Fitzgerald Street, Perth – Extension of the Term of Approval: Billboard Signage and Associated Landscaping (Unlisted Use)

Ward:	South	Date:	10 June 2016
Precinct:	Precinct 13, Beaufort	File Ref:	PR24084; 5.2016.112.1
Attachments:	<u>1</u> – Consultation Map <u>2</u> – Development Application Plans <u>3</u> – Copy of Original Planning Approval and Plans granted on 14 June 2011		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

RECOMMENDATION:

That Council, in accordance with Schedule 2, Part 9, Clause 77(4)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVES BY ABSOLUTE MAJORITY the application for an extension of the term of the existing planning approval granted on 14 June 2011 numbered 5.2011.185.1 for an Existing Billboard and Associated Landscaping (Unlisted Use) at No. 374 (Lot: 801; D/P: 29435) Newcastle Street, Corner of Fitzgerald Street, Perth in accordance with plans date stamped 29 March 2016 as shown on Attachment 2, subject to the following conditions:

1. Compliance with the conditions as detailed on the previous approval dated 14 June 2011 numbered 5.2011.185.1 with the exception of Conditions (i) and (x).

ADVICE NOTES:

1. The signage is to have due regard to the Main Roads *“Policy and Application Guidelines for Advertising Signs”*.

PURPOSE OF REPORT

To consider an application to extend the validity of a current approval for a further five years.

BACKGROUND:

An application for two billboard signs and associated landscaping was approved by the City of Vincent in July 2011 as an unlisted use.

The previous approval included a condition of planning approval restricting its use for a period of 5 years only.

The approval was granted by Council by a unanimous decision which satisfied the Scheme requirements for an absolute majority decision of Council (Clause 39(2)(b) of the Town Planning Scheme No. 1).

Council’s Policy framework, which has remained unchanged, states that billboards are not permitted in the City, but this proposal was considered on merit, given that this site is unique due to its locational constraints. The site has a small lot area of 262 square metres, is located on the corner of two district distributor roads and has limited vehicle access options. The proposed use of the site for billboards was considered acceptable in this context.

On the corner of Newcastle and Loftus Street there is also another similar example of billboard signage has been approved as an unlisted use within the City due to similar site constraints.

The circumstances surrounding the site and the proposal remain unchanged.

History:

The following is a list of applications for the subject property which the City has previously determined:

Date	Comment
14 June 2011	Council resolved to approve an application for a Signage Addition (Billboard) and Associated Landscaping

Previous Reports to Council:

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

DETAILS:

Application Details:

Landowner:	S & K Robinson
Applicant:	S & K Investments t/as WA Billboards
Date of Application:	29 March 2016

Principal Statutory Provisions

Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Commercial Draft Town Planning Scheme No. 2 (TPS2): Commercial
Existing Land Use:	Signage
Use Class:	Signage
Use Classification:	"Unlisted"
Lot Area:	262 square metres
Right of Way (ROW):	Not Applicable
Heritage List:	No

The current approval will expire on 14 June 2016.

The signage incorporates two billboards. The billboards are placed at right angles to the street and are south and west facing. The remainder of the site includes extensive landscaping, seating and a water fountain.

The applicant has provided the following statement for the request to extend the validity period:

"The original planning approval No. PRO0776 issued on the 22 June 2011 required us (the owners) to reapply after 5 years to renew the use rights. Please find attached our application for a further period of 5 years."

The application to extend the validity of approval and delete conditions can be considered in accordance with Schedule 2, Part 9, Clause 77(1)(a) and (b) 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.

ASSESSMENT:

The proposal is unchanged from the original approval and no further discretion is sought.

There have been no changes to the planning framework that applies to this application, Policy No. 7.5.1 – Signs and Advertising.

CONSULTATION/ADVERTISING:

Required by Legislation:	No	Required by City of Vincent Policy:	Yes
Consultation Period:	15 April 2016 – 29 April 2016		
Comments Received:	One comment received supporting the application but did not make a comment.		

A total of 25 letters were sent to owners and occupiers property subject of this application.

Community Consultation resulted in a response rate of 4%.

Consultation with other Agencies

Main Roads of WA

The City referred the application to Main Roads WA as the site abuts Fitzgerald and Newcastle Streets, both being District Distributor Roads. Main Roads indicated that whilst the site was not within a state road reserve, it is still visible from the road and the proposal should have due regard to the MRWA's *Policy and Application Guidelines for Advertising Signs*.

Main Roads WA Policy document "*Policy and Application Guidelines for Advertising signs within and Beyond State Road Reserves*" provides for the management and control of signage which abut major roads. Items such as colour, luminance, text height, location to existing traffic devices are parts of this policy which are to have consideration by determining authorities. The subject billboard advertising is static, not illuminated and contains visual material which is not of a major interest and is consistent with this policy.

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. 7.1.13 – Beaufort Precinct; and
- Policy No. 7.5.2 – Signs and Advertising.

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

RISK MANAGEMENT IMPLICATIONS:

It is Administration's view that there are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a planning 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;*
 - 1.1.2 *Enhance and maintain the character and heritage of the City."*

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Encourage, empower and support the City's community to live in an environmentally sustainable manner."

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

ENVIRONMENTAL
The existing landscaping provides a pleasing aspect and positive contribution to the streetscape.

SOCIAL
The area provides a social meeting place for workers and residents of the locality.

ECONOMIC
The billboards provide advertising opportunities for economic activity state wide.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Although the City's policy framework in relation to signage is not to support billboards, Council has made exceptions where the constraints of a site prevents it from being able to be used effectively for any other purpose.

The billboard signage has existed on the subject site for a period of five years and the City has received no complaints. The site is neatly landscaped and the billboards are well maintained.

The site conditions and the proposal remain unchanged. The extension to the validity period of the billboard signage is therefore acceptable for a further period of five years. It is recommended that the proposal is supported subject to the same conditions as were previously imposed, with the exception of Condition (i) and (x), and the relevant advice note from Main Road WA.

The reasons for excluding Condition (i) and (x) are as follows:

- a) Condition (i) is a justification for the previous approval and not a valid planning condition; and
- b) Condition (x) relates to a contribution to public art which has already been paid.

The City supports that the proposal aligns with the requirements for signage from Mains Roads WA.

CONCLUSION:

It is recommended that Council approves this proposal.

9.1.3 No. 62 (Lot: 26 D/P: 450) (part of) Frame Court Car Park, Leederville – Amendment to Previous Approval: Proposed Farmers’ Market (Unlisted Use)

Ward:	South	Date:	10 June 2016
Precinct:	Precinct 4 – Oxford Centre	File Ref:	PR52592; 5.2016.220.1
Attachments:	1 – Locality Plan 2 – Indicative Market Layout Plan 3 – Copy of Planning Approval granted on 25 August 2015 4 – Summary of Previous Community Consultation Comments		
Tabled Items:	Nil		
Reporting Officer:	S Laming, Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

RECOMMENDATION:

That Council in accordance with Schedule 2, Part 9 Clause 77(4)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* APPROVES BY ABSOLUTE MAJORITY the application for an amendment to the existing planning approval granted on 25 August 2015 numbered 5.2015.206.1 and issued on 28 August 2015 for the Farmers’ Market (Unlisted Use) at No. 62 (Lot: 26 D/P: 450) (part of) Frame Court Car Park, Leederville in accordance with plans as shown on Attachment 2, subject to the following conditions:

1. Compliance with the conditions as detailed on the previous approval dated 28 August 2015 numbered 5.2015.206.1 with the exception of Conditions 2.2 and 3 and Advice Note 2.

PURPOSE OF REPORT:

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

BACKGROUND:

History:

The following is a list of applications for the subject property which the City has previously determined:

Date	Comment
17 December 2013	Council at its Ordinary Meeting resolved to approve a proposed outdoor market (unlisted use) at No. 663 Newcastle Street, Leederville with a condition limiting the operation of the use to a period of 1 year.
16 December 2014	Council at its Ordinary Meeting resolved to approve a proposed renewal of approval for the existing outdoor market (unlisted use) at No. 663 Newcastle Street, Leederville with a condition limiting the operation of the use to a period of 5 years.
28 July 2015	Council at its Ordinary Meeting considered a request from Farmers’ Market (WA) Pty Ltd T/A Leederville Farmers’ Markets to commence trading on the site with a licence agreement between the applicant and the City for an 18 month period. Council made this decision in its capacity as the owner of the land.
25 August 2015	Council at its Ordinary Meeting resolved to approve a planning application for a proposed Farmers’ Market (unlisted use) at No. 62 (part of) Frame Court Car Park, Leederville with a condition limiting the operation of the use to a period of 18 months.

The August 2015 decision was in response to an application received from a private operator who subsequently declined to enact the approval.

The City has since finalised an Expression of Interest (EOI) document to attract a qualified and experienced market operator to run a Farmers' Market on the same portion of the Frame Court Car Park, as previously approved.

To facilitate this, the City as landowner and applicant has made this application for Planning Approval. The City will invite response to the EOI once the DA is approved.

Previous Reports to Council

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

DETAILS:

Application Details:

Landowner:	City of Vincent
Applicant:	City of Vincent
Date of Application:	13 May 2016

Principal Statutory Provisions

Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): District Centre Draft Town Planning Scheme No. 2 (TPS2): Regional Centre
Existing Land Use:	Car Park
Use Class:	Farmers' Market
Use Classification:	Unlisted Use
Lot Area:	Approximately 1,490 square metres (proposed market area as per location plan)
Right of Way (ROW):	Not applicable
Heritage List:	No

The Farmers' Market proposes to occupy 60 fee paying parking bays every Sunday between the hours of 6:30am and 12:30pm.

The Market is expected to operate in a similar manner as the proposal approved in August 2015, and accordingly the same conditions can be applied except for Conditions 2.2 and 3. Condition 2.2 refers specifically to the market operating in accordance with the operational guidelines and market rules provided by the previous operator and Condition 3 imposes an 18 months approval period limit.

All matters associated with the use of Council land are addressed as part of a future agreement that will be entered into between the City and the preferred Market Operator following an EOI process.

The application to amend an aspect of the development approved can be considered in accordance with Schedule 2, Part 9, Clause 77(1)(c) 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.

ASSESSMENT:

Farmers' Market is not defined by TPS1 and is classified as an "Unlisted Use".

The proposed operation of the Market is unchanged from the original planning approval dated 25 August 2015 serial number 5.2015.206.1.

There have been no changes to the planning framework that applies to this application (TPS1 and Policy No. 7.1.4 – Oxford Centre Precinct).

CONSULTATION/ADVERTISING:

Required by Legislation:	No	Required by City of Vincent Policy:	No
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The application was originally advertised to landowners and occupiers in a radius of 150m for a period of 14 days from 11 May 2015 to 24 May 2015.

In relation to readvertising, Clause 8.3 of the City's Policy No. 4.1.5 – Community Consultation specifies that:

*"Development applications for **development which were previously advertised within the past 12 months** and subsequently approved by the City, and are not significantly different or do not involve further variation to the development requirements to the previous application, do not require notification or consultation."*

As this proposal is very similar to the previous proposal, but seeks to delete two conditions and a relevant Advice Note to the previous approval, this proposal was not advertised.

27 submissions were received during the initial advertising period of which 25 indicated support for a Farmers' Market. The concerns raised from the two submissions objecting to the proposal and the City's response are included as **Attachment 4** of this report.

Additional advertising will occur as part of the Expression of Interest process.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

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

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.4 – Oxford Centre Precinct;
- Policy No. 7.7.1 – Parking and Access; and
- Leederville Masterplan Built Form Guidelines Appendix No. 19.

RISK MANAGEMENT IMPLICATIONS:

The risk of not supporting a Farmers' Market at Frame Court Car Park is that the City will lose an opportunity for an anchor event on a Sunday morning, which is typically a quieter time in the Leederville Town Centre. The agreement between the City and the preferred operator will cover the risks associated with the Market operating in the Frame Court Car Park, including damage to Council property and the expectations of the City and the consequences if the expectations are not met.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Community Development and Wellbeing

3.1 *Enhance and promote community development and wellbeing;*

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

Leadership, Governance and Management

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

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

4.1.4 *Plan effectively for the future."*

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

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

SOCIAL
The Farmers' Market at the Frame Court Car Park will provide a good experience for patrons and space for social interaction.

ECONOMIC
The Farmers' Market will continue to attract patrons to the Leederville Town Centre and provide a wider clientele base for local businesses.

FINANCIAL/BUDGET IMPLICATIONS:

Council has already determined the financial implications of this proposal which will require the preferred operator to pay an annual fee for the use of the car park.

COMMENTS:

The Farmers' Market previously operated for 18 months at the nearby 'Leederville Village' car park and demonstrated its popularity by drawing people from the wider Perth community to the local precinct.

A Farmers' Market at the Frame Court Car Park site will be more appealing and provide a better user experience for patrons.

As the proposed markets operate on a Sunday morning when the demand for car parking in Leederville is low, the proposed markets will not have a negative impact on car parking availability within the local precinct and will continue to make a positive contribution to the Leederville Town Centre. The conditions previously imposed, which, together with the requirements flowing from the EOI, will ensure that the market does not impact negatively on the amenity of the area.

It is therefore recommended that this proposal is supported subject to the same conditions previously imposed, with the exception of conditions 2.2 and 3.

Condition 2.2 refers specifically to the market operating in accordance with operational guidelines and market rules provided by the previous operator, which is no longer valid.

Condition 3 and corresponding Advice Note 2 currently limits the validity of the approval to 18 months. This time limitation is no longer considered necessary since Council will be entering into an agreement with a preferred Market Operator and will be able to address time limitations as part of this process.

CONCLUSION:

It is recommended that Council approves this proposal.

9.1.4 No. 58 (Lot: 61; D/P: 6049) Milton Street, Mount Hawthorn – Proposed Extension of the Term of Approval: Demolition of Existing Single House and Construction of Five Multiple Dwellings

Ward:	North	Date:	10 June 2016
Precinct:	Precinct 1 – Mount Hawthorn	File Ref:	PR50008; 5.2016.149.1
Attachments:	<u>1</u> – Consultation Map <u>2</u> – Development Application Plans <u>3</u> – Copy of Planning Approval granted on 22 July 2014 and Plans		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

RECOMMENDATION:

That Council, in accordance with Schedule 2, Part 9, Clause 77(4)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVES the application for an extension of the term of the existing planning approval granted on 22 July 2014 numbered 5.2014.116.1 for a Demolition of the Existing Dwelling and Construction of Two Storey Multiple Dwelling Development Comprising Five Multiple Dwellings and Associated Car Parking at No. 58 (Lot: 12; D/P: 6049) Milton Street, Mount Hawthorn in accordance with plans date stamped 27 April 2016, as shown on Attachment 2, subject to the following conditions:

1. All conditions, requirements and advice notes detailed on the previous approval dated 22 July 2014 numbered 5.2014.116.1.

PURPOSE OF REPORT:

To consider an application to extend the validity of the current approval by a further two years for the subject development.

BACKGROUND:

The development is for the construction of five multiple dwellings and associated car parking. Each multiple dwellings has a single garage and living areas on the ground floors and two bedrooms each on the upper floor.

History

The following is a list of applications for the subject property which the City has previously determined:

Date	Comment
22 July 2014	Council resolved to approve an application for the Demolition of the Existing Dwelling and Construction of a Two Storey Multiple Dwelling development comprising of Five Multiple Dwellings.

Previous Reports to Council:

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

DETAILS:

Application Details:

Landowner:	R Pretl
Applicant:	As Above
Date of Application:	27 April 2016

Principal Statutory Provisions

Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R60 Draft Town Planning Scheme No. 2 (TPS2): Residential R60
Existing Land Use:	Single House
Use Class:	"P"
Use Classification:	Multiple Dwelling
Lot Area:	756 square metres
Right of Way (ROW):	Not Applicable
Heritage List:	No

The application is for an extension of the validity of the existing planning approval granted on 22 July 2014 numbered 5.2014.116.1 for a further period of two years. The current approval lapses on 22 July 2016 and there is no substantial commencement on site.

The applicant has provided the following statement for the request to extend the validity period:

"We request an extension of 2 additional years to begin substantial commencement on site. No other changes to the current Development Approval are requested."

Date	Comment
27 April 2016	Initial application received.
4 May 2016 – 17 May 2016	Plans advertised for community consultation.

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.

ASSESSMENT:

The proposal is unchanged from the original approval and no further discretion is sought.

While this proposal has not changed since it was granted approval in 2014, the planning framework has changed in regards to demolition and car parking requirements.

The number of car bays provided complies with the number of bays required.

CONSULTATION/ADVERTISING:

Required by Legislation:	No	Required by City of Vincent Policy:	No
Consultation Period:	4 May 2016 – 17 May 2016		
Comments Received:	Nil		

A total of 43 letters were sent to owners and occupiers in the locality of the site subject under consideration.

Community Consultation resulted in a response rate of 0%.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

The current proposal for extension of the term of approval was not referred to DAC although the original application that was approved in 2014 was considered by the City's DAC on one occasion on 22 January 2014.

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.1 – Mount Hawthorn Precinct;
- Policy No. 7.2.1 – Residential Design Elements; and
- Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings.

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

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;*

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL
The development will assist in offsetting urban sprawl and associated negative impacts.
SOCIAL
The proposal provides for an increase in housing diversity and provides housing for smaller households within the City.
ECONOMIC
The construction will provide short term employment.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

While this proposal has not changed since it was granted approval in 2014, the planning framework has changed in regards to demolition and car parking requirements.

The existing single house is not on the City's Heritage List and does not require planning approval from the City for demolition give the exemption provisions in the Deemed Provisions of the Regulations.

The original proposal provides for seven car bays which was an oversupply of 1.25 car bays at the time, but now meets the current requirements for car parking.

The development for multiple dwellings is capable of being approved under TPS1 and TPS2.

Given the above and that the proposal is unchanged from the initial approval, the request to extend the validity of the planning approval for a further two years is supported subject to the existing conditions, detailed on the previous Council approval of 22 July 2014 numbered 5.2014.116.1.

CONCLUSION:

It is recommended that Council approves this proposal.

9.1.5 No. 73 (Lot: 58; D/P 1823) Angove Street, North Perth – Amendment to Previous Approval: Proposed Expansion of Existing Shop/Office (Pharmaceutical) Use and Associated Preparation Rooms and Construction of Multiple Dwelling Development

Ward:	North	Date:	10 June 2016
Precinct:	Precinct 6 – Smith Lake Precinct 9 – North Perth Centre	File Ref:	PR10160; 5.2016.78.1
Attachments:	<u>1</u> – Consultation Map <u>2</u> – Development Application Plans <u>3</u> – Copy of Previous Planning Approval and Plans granted 17 November 2015 <u>4</u> – Car Parking and Bicycle Tables		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

RECOMMENDATION:

That Council, in accordance with Schedule 2, Part 9, Clause 77(4)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVES the application for an amendment to an existing planning approval granted on 17 November 2015 numbered 5.2015.315.1 for the Proposed Expansion of Existing Shop/Office (Pharmaceutical) Use and Associated Preparation Rooms and Construction of Multiple Dwelling Development at No. 73 (Lot: 58; D/P: 1823) Angove Street, North Perth in accordance with revised plans date stamped 9 May 2016, as shown on Attachment 2, subject to the following conditions:

1. All remaining conditions, requirements and advice notes detailed on the previous approval number 5.2015.315.1 dated 17 November 2015 shall apply; and

2. **Boundary Wall**

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 6 Albert Street in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork to the satisfaction of the City.

PURPOSE OF REPORT:

To consider amendments to the previous approval for the construction of a three storey development comprising one multiple dwelling and commercial Pharmaceutical Use.

BACKGROUND:

The application is for an amendment to a previous approval (planning application 5.2015.315.1 granted on 17 November 2015).

Two planning approvals were previously granted in 2009. The first approval was granted in April 2009 for additions and alterations to the existing toy library use and shop front. The second approval was granted in June 2009 for a change of use from toy library to Shop/Office (pharmaceutical use). This approval included an extension to the building to accommodate preparation rooms where medicines are compounded. Both approvals were granted under delegated authority.

An approval was issued by Council on 17 November 2015, for the proposed Expansion of Existing Shop/Office (Pharmaceutical) Use and Associated Preparation Rooms and Construction of Multiple Dwelling Development.

History:

The following is a list of applications for the subject property which the City has previously determined:

Date	Comment
17 November 2015	Council resolved to approve an application for the Proposed expansion of the existing Shop/Office (Pharmaceutical) Use and associated preparation rooms and an upper floor extension to include the development of a Multiple Dwelling above the commercial component.

Previous Reports to Council:

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

DETAILS:

Application Details:

Landowner:	A & R Accordino
Applicant:	Peter Hobbs Architect
Date of Application:	1 March 2016

Principal Statutory Provisions

Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Commercial Draft Town Planning Scheme No. 2 (TPS2): Residential/Commercial R60
Existing Land Use:	Shop/Office
Use Class:	Shop/Office and Multiple Dwelling
Use Classification:	"P, "P" & "AA"
Lot Area:	508 square metres
Right of Way (ROW):	Not Applicable
Heritage List:	No

The proposal seeks to amend the previously approved three storey multiple dwelling and commercial (Pharmaceutical Use) development.

The proposed amendments to the existing approved plans include the following:

Ground Floor:

- Reconfiguration of internal space within the ground floor for the preparation rooms and preparation space;
- Relocated end of trip facility to the western side of the building;
- Extension of the length of the building by 2.9 metres;
- Addition of an awning to entrance on the eastern side of the building; and
- Inclusion of roofing to the northern outdoor space of the new building.

First Floor:

- Increase in the length of the building floor by 0.3 metres.

Second Floor:

- Increase in the length of the building floor by 0.3 metres.

Elevations:

Southern:

- Relocation of two windows to most eastern part of the building.

Northern:

- Reconfiguration of windows to first floor from two windows to one window.

Eastern:

- Addition of Stairway window on first floor.

Western:

- Addition of ground floor parapet wall;
- Addition of additional bedroom window to first floor; and
- Addition of bedroom 2 and WC window to second floor.

The existing approval for the redevelopment of the site was approved at the Ordinary Meeting of Council on 17 November 2015. The proposed variation to the development is to the ground floor parapet on the western side of the property which incorporates two boundary walls on the site but will have no impact on the adjoining property. The three storey height, previously approved as part of the Planning Application is unchanged.

Date	Comment
1 March 2016	Initial application received.
4 May 2016	Amended Plans received from applicant addressing parking configuration.
23 March 2016 – 9 April 2016	Plans sent out for Community Consultation
4 May 2016	Amended Plans received from applicant addressing the parking configuration.
9 May 2016	Further amended plans received from applicant addressing the parking configuration.

The application to amend an aspect of the development approved can be considered in accordance with Schedule 2, Part 9, Clause 77(1)(c) 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.

ASSESSMENT:

Summary Assessment

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

The table reflects the elements where discretion has already been exercised as part of the previous approval, and the elements where further discretion is required as a result of this application.

Planning Element	Use Permissibility/ Deemed-to-Comply	Previously Approved	Requires further Discretion
Land Use	✓		
Density/Plot Ratio	✓		

Planning Element	Use Permissibility/ Deemed-to-Comply	Previously Approved	Requires further Discretion
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 assessment is as follows:

Building Setbacks/Boundary Wall		
Requirement	Proposal	Variation
Residential Design Codes Clause 6.1.4 C4.3 One Boundary Wall	Two Boundary Walls (Existing Eastern Boundary Wall and Proposed Western Boundary Wall)	One Boundary Wall

The assessment against the principles is as follows:

Building Setbacks/Boundary Wall
Applicable Principles
Residential Design Codes Clause 6.1.4 P4.1 Buildings set back from boundaries or adjacent buildings so as to: <ul style="list-style-type: none"> ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; moderate the visual impact of building bulk on a neighbouring property; ensure access to daylight and direct sun for adjoining properties; and assist with the protection of privacy between adjoining properties. P4.2 In mixed use development, in addition to the above: <ul style="list-style-type: none"> Side boundary setbacks to retail/commercial component of the development is in accordance with the existing street context, subject to relevant scheme provisions. Retail/commercial development adjoining residential is designed to minimise the potential impacts between the two uses.
Applicant's Justification
None Provided.

Building Setbacks/Boundary Wall

Officer Technical Comment

There is an existing boundary wall on the site, located on the eastern boundary of the commercial building fronting Angove Street. The proposed boundary wall is located on the western boundary of the new building.

The wall is 6.83 metres in length, is a maximum of 3.5 metres in height and 3.0 metres in average height.

The section of wall abuts an existing open back yard area of the adjoining property to the west.

There are no habitable spaces located within close proximity on the adjoining property to the proposed portion of wall. On this basis there will be no impact to the retention of sunlight and ventilation, privacy or bulk to this property.

On this basis the additional parapet wall on the western side of the building is supported.

CONSULTATION/ADVERTISING:

Required by Legislation:	No	Required by City of Vincent Policy:	Yes
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Consultation Period:	23 March 2016 – 9 April 2016
Comments Received:	One submission received noting concern with no specific comments provided

A total of 31 letters were sent to owners and occupiers within a 50 metre radius of the property subject of this application.

Community Consultation resulted in a response rate of 3%.

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;
- Residential Design Codes;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.6 – Smith’s Lake Precinct;
- Policy No. 7.1.9 – North Perth Centre Precinct;
- Policy No. 7.2.1 – Residential Design Elements; and
- Policy No. 7.7.1 – Parking and Access.

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

RISK MANAGEMENT IMPLICATIONS:

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL
The proposed development is an efficient use of an existing site which enables the reuse of an existing building.

SOCIAL
The proposal provides for access to a wider range of services to the local community. The development and use of the site will improve the amenity of the local area.

ECONOMIC
The development will provide increased employment opportunities.

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

This unique site falls within two separate precincts under both of which three storeys can be achieved. The commercial use is permitted.

The expansion of the existing use is compatible with the future mixed used character of the area.

The proposed amendments to the existing building both with this application and the one previously granted in November 2015, not impact the adjoining property, whilst it will provide for efficient use of the site. The proposed boundary parapet wall on the western side of the building abuts an open rear yard area of this property and will have no impact. The proposed amendment is therefore supported.

CONCLUSION:

It is recommended that Council approves this proposal.

9.1.6 No. 16/193-195 (Lot: 16; STR: 44402) Oxford Street, Leederville – Amendment to Previous Approval: Change of Use from Office to Consulting Room (Non-Medical)

Ward:	South	Date:	10 June 2016
Precinct:	Precinct 4 – Oxford Centre	File Ref:	PR28125; 5.2015.546.1
Attachments:	<u>1</u> – Consultation Map <u>2</u> – Development Application Plan <u>3</u> – Copy of Planning Approval granted on 2 December 2014		
Tabled Items:	Nil		
Reporting Officer:	A Groom, Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

RECOMMENDATION:

That Council, in accordance with Schedule 2, Part 9, Clause 77(4)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVES the application for an amendment to the existing planning approval granted on 2 December 2014 numbered 5.2014.477.1 for Change of Use from Office to Consulting Room (Non-Medical) at No. 16/193 – 195 (Lot: 16; STR: 44402) Oxford Street, Leederville in accordance with plans date stamped 2 December 2015, as shown on Attachment 2, subject to the following conditions:

1. All conditions of the previous approval dated 2 December 2014 numbered 5.2014.477.1, excluding conditions 1.1 and 3; and
2. Within 28 days of the issue date of this approval, the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:
 - 2.1 The windows and doors facing Oxford Street shall comply with the City’s Policy No. 7.5.2 – Signs and Advertising and provide and active and interactive frontage to the street.

PURPOSE OF REPORT:

To consider an application to extend the validity of the current approval for consulting room (non-medical).

BACKGROUND:

A change of use from Office to Consulting Room (Non-Medical) was approved by Council on 2 December 2014. Condition 1.1 of the approval (5.2014.477.1) restricts the approval for a period of 12 months only which is a policy requirement.

The application for the continuation of the use for an additional three years was received prior to the expiry of the original application, but the application was incomplete.

The City’s has received no comments/complaints since the use commenced operation in December 2014.

Condition 3 of the original approval required the payment of a \$2,912 cash-in-lieu contribution for the equivalent value of 0.56 car parking spaces. A payment for \$2,912 was made in March 2015.

History:

The following is a list of applications for the subject property which the City has previously determined:

Date	Comment
2 December 2014	Council resolved to approve the proposed Change of Use from Office to Consulting Room (Non-Medical).

Previous Reports to Council:

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

DETAILS:**Application Details:**

Landowner:	N E Kamil
Applicant:	Y-C Lai
Date of Application:	2 December 2015

Principal Statutory Provisions

Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): RC80 Draft Town Planning Scheme No. 2 (TPS2): RC/RC80
Existing Land Use:	Consulting Room (Non-Medical)
Use Class:	Consulting Room (Non-Medical)
Use Classification:	"SA" use
Lot Area:	1728 square metres
Right of Way (ROW):	Not Applicable
Heritage List:	No

The proposal is for the continuation of the Consulting Room (Non-Medical) and is unchanged from the previous approval but currently includes non-compliant signage on the windows fronting Oxford Street.

Date	Comment
2 December 2015	Initial application received.
28 March 2016	Outstanding information received.
11 April 2016 – 24 April 2016	Plans advertised for community consultation.

The application to extend the validity of 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.

ASSESSMENT:**Summary Assessment**

The proposal is unchanged from the original approval and no further discretion is sought.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	11 April 2016 to 24 April 2016		
Comments Received:	No submissions were received during the community consultation period		

A total of 23 letters were sent to owners and occupiers. A sign was also placed onsite and a notice placed in the local newspaper.

Community Consultation resulted in a response rate of 0%.

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. 7.1.4 – Oxford Centre Precinct;
- Policy No. 7.5.2 – Signs and Advertising;
- Policy No 7.5.22 – Consulting Rooms; and
- Policy No. 7.7.1 – Parking and Access.

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

RISK MANAGEMENT IMPLICATIONS:

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

The City’s Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL
Use of existing infrastructure and services.
SOCIAL
The use will provide a service for the area.

ECONOMIC

The development will increase activity that promotes local economy.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The non-medical consulting room (Massage-Therapy) commenced operating in December 2014.

The City's Policy No. 7.5.22 – Consulting Rooms restricts approval for non-medical consulting rooms to an initial period of 12 months only to ensure that the consulting room is of a legitimate nature.

Since operations commenced, the City has not received any comments or complaints relating to the use.

The proposal is unchanged from the previous approval.

While the applicant has applied for an additional three years, the operation has demonstrated its legitimacy and it is recommended that approval is granted without a time limit restriction.

It is recommended that the proposal is supported subject to the same conditions as were previously imposed, with the exception of Condition 1.1 and 3 and one further new Condition.

The reasons for excluding Condition 1.1 and 3 are as follows:

- a) Condition 1.1 restricts the approval period to 12 months only and would no longer be appropriate; and
- b) Condition 3 relates to the cash-in-lieu requirement which has already been paid.

As the existing signage does not comply with the City's Policy No. 7.5.2 – Signs and Advertising, a new condition requiring compliance within 28 days of this approval is recommended.

CONCLUSION:

It is recommended that Council approves this proposal.

9.1.7 Nos. 17-39 (Lot: 40; D/P 613) Robinson Avenue, Perth – Amendment to Existing Approval: Alterations and Additions to Existing Hotel

Ward:	South	Date:	10 June 2016
Precinct:	Precinct 13 – Beaufort	File Ref:	PR25159; 5.2016.86.1
Attachments:	<ul style="list-style-type: none"> 1 – Consultation Map 2 – Development Application Plans 3 – Management Plan 4 – Applicant’s Response 5 – Car Parking and Bicycle Tables 6 – Copy of Original Planning Approval and Plans granted on 20 November 2001 		
Tabled Items:	Nil		
Reporting Officer:	R Narroo, Senior Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

RECOMMENDATION:

That Council, in accordance with Schedule 2, Part 9, Clause 77(4)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, APPROVES the application to amend the existing planning approval granted on 20 November 2001 numbered 00/33/0727 for proposed alterations and additions to existing hotel at Nos. 17-39 (Lot: 40; D/P: 613) Robinson Avenue, Perth in accordance with plans date stamped 8 June 2016, as shown on Attachment 2, subject to the following conditions:

1. **Management Plan**

The hotel shall operate in accordance with the approved Management Plan submitted with this application, dated 8 June 2016;

2. **External Fixtures**

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

3. **Interactive Front**

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

4. **Verge Trees**

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

5. **Within 28 days of the issue date of this approval, the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:**

5.1 **Percent for Public Art**

Advise the City how the proposed development will comply with the City’s Policy No. 7.5.13 – Public Art. A value of \$18,000 being the equivalent value of 1% of the estimated total cost of the development (\$1,800,000), is to be allocated towards the public art;

6. The following is to form part of the application for a Building Permit and shall be approved by the City prior to commencement of the development:

6.1 **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. Construction on and management of the site shall thereafter comply with the approved Construction Management Plan;

6.2 **Waste Management**

6.2.1 A Waste Management Plan prepared to the satisfaction of the City detailing:

- (a) that waste collection is taken from the Monger Street at the rear of the property; and
- (b) an increase of the number of bins to accommodate the City's specified bin requirement; and

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

7. Prior to occupancy or use of the development, the following shall be completed to the satisfaction of the City:

7.1 **Stormwater**

All storm water collected on the subject land shall be retained onsite, by suitable means to the satisfaction of the City; and

7.2 **Installation of Public Art**

With reference to Condition 5.1, the approved public art work shall be installed and thereafter maintained by the owner/occupiers. All costs associated with this condition shall be borne by the applicant/owners; and

8. 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.

ADVICE NOTES:

- 1. All pedestrian access and vehicle driveway/crossover levels shall match into the existing verge, footpath and road levels to the satisfaction of the City;
 - 2. A Road and Verge security bond for the sum of \$3,000 shall be lodged with the City by the applicant, prior to the issue of a building permit, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the security bond shall be made in writing. The bond is non-transferable;
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3. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5 metres) shall be maintained for all users at all times during construction works. If the safety of the path is compromised resulting from either construction damage or as a result of a temporary obstruction appropriate warning signs (in accordance with AS1742.3) shall be erected. Should a continuous path not be able to be maintained, an 'approved' temporary pedestrian facility suitable for all path users shall be put in place. If there is a request to erect scaffolding, site fencing etc. or if building materials are required to be stored within the road reserve, once a formal request has been received, the matter will be assessed by the City and if considered appropriate a permit shall be issued by the City. No permit will be issued if the proposed encroachment into the road reserve is deemed to be inappropriate;
4. With reference to Condition 7.1, no further consideration shall be given to the disposal of stormwater 'offsite' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'offsite' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings;
5. With reference to Condition 5.1 relating to Public Art the applicant has the following options:
 - 5.1 Option 1

Prior to the issue of a Building Permit for the development, obtain approval for the Public Art Project and associated Artist; or
 - 5.2 Option 2

Provide cash-in-lieu of an art project. This option allows for a 15% reduction in the required payment. The payment must be made prior to the submission of a Building Permit for the development or a date agreed with the City;
6. A demolition permit shall be obtained from the City prior to commencement of any demolition works onsite;
7. All signage that does not comply with the City's Policy No. 7.5.2 – Signs and Advertising shall be subject to a separate Planning Application and all signage shall be subject to a separate Planning Application, and all signage shall be subject to a separate Building Permit application, being submitted and approved prior to the erection of the signage; and
8. An Occupancy Permit is required prior to the occupation of the building.

PURPOSE OF REPORT:

To consider an amendment to a previous planning approval to allow additional hotel rooms.

BACKGROUND:

History:

The following is a list of applications for the subject property which the City has previously determined:

Date	Comment
9 May 2001	Council resolved to approve a change of use from an approved lodging house to hotel (94 suites), two single bedroom dwellings and associated car parking deck.
20 November 2001	Council resolved to approve alterations and additions to the existing hotel.
28 December 2006	Planning approval was granted under delegated authority for alterations and additions to signage to the existing hotel.
20 September 2010	Planning approval was granted under delegated authority for four signage additions to the existing hotel.

DETAILS:

Application Details:

Landowner:	GPR Hotels Pty Ltd
Applicant:	Michael Dryka Architects
Date of Application:	9 March 2016

Principal Statutory Provisions

Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential/Commercial R80 Draft Town Planning Scheme No. 2 (TPS2): Residential/Commercial R80
Existing Land Use:	Hotel
Use Class:	Hotel
Use Classification:	"SA"
Lot Area:	3640 square metres
Right of Way (ROW):	Not Applicable
Heritage List:	No

The existing hotel is approved for 94 rooms and this proposal is an amendment to the previously approval and seeks to increase the number of rooms by 27 resulting in a total of 121 rooms.

Although there is an increase in the number of rooms there are no changes to the footprint and height of the existing building, and only the eastern elevation on the second floor will change slightly to accommodate two additional windows.

The proposal involves the following:

Internal Works:

- On the ground floor the function centre is being converted into 14 additional rooms and new dining, entry and lounge is being proposed;
- On the first floor the business centre is being converted into 9 additional rooms; and
- On the second floor an existing room and an unused space is being converted into 4 additional rooms.

External Works:

- Two additional new windows are proposed to the second floor eastern elevation.

The applicant has provided the following comments:

“The proprietors of the Great Southern Hotel on Robinson Avenue, Northbridge are actively seeking to upgrade the existing premises.

Hotel management have proposed the conversion and renovation of redundant areas of the existing hotel, namely convention rooms & Business Centre that are no longer viable into new rooms.

This newer accommodations will not only seek to provide architecturally innovative and sophisticated accommodations as, available to the wider community but also provide a much needed interior face lift with benefits for all of their patrons.[sic]

Significant design time and philosophies have been implemented to maximise the existing footprint with regards to occupant comfort and amenities.”

The proposal was revised on several occasions as follows:

Date	Comment
9 March 2016	Initial application received.
7 April 2016	Plans advertised for community consultation includes a proposal to replace two existing windows on the ground floor elevation facing Robinson Avenue with two smaller windows.
28 April 2016	Amended plans received showing additional detail on the existing exit.
10 May 2016	Management Plan received.
27 May 2016	Amended Management Plan received.
8 June 2016	Amended Plans showing reinstatement of original windows and revised Management Plan received.

The application to amend an aspect of the development approved can be considered in accordance with Schedule 2, Part 9, Clause 77(1)(c) 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.

ASSESSMENT:

Summary Assessment

The proposal fully complies with all the relevant planning elements.

CONSULTATION/ADVERTISING:

Required by Legislation:	No	Required by City of Vincent Policy:	Yes
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Consultation Period:	7 April 2016 to 20 April 2016
Comments Received:	One objection and one submission with concerns

A total of 153 letters were sent to the surrounding owners and occupiers. A sign was also placed on site and a notice placed in the local newspaper (the Guardian).

Community Consultation resulted in a response rate of 1.3%.

The tables below summarise the comments received during the advertising period of the proposal, together with the City's response to each comment.

Comments Received in Objection:	Officer Technical Comment:
<p><u>Noise</u></p> <p>There are two bus coaches which park regularly in front of the hotel and start early in the morning, which generates loud noise and has an impact on the surrounding neighbours.</p>	<p>The Management Plan states that coach parking must be in designated bus parking bays only and coaches will not be permitted to have their motors idling prior to 7:00am daily.</p>
<p><u>Parking</u></p> <p>Two bus coaches illegally park in one bus bay.</p>	<p>The Management Plan states that the Duty Manager will ensure that tour buses are parked legally and comply with the parking time restrictions that apply within Robinson Avenue. Bus and coach arrival times will be staggered to minimise street congestion.</p>
<p><u>Linen Deliveries</u></p> <p>The linen truck deliveries along Robinson Street cause noise and also negatively impact on traffic movement for vehicles exiting from nearby properties.</p>	<p>The Management Plan states that all service deliveries to the hotel (including the linen truck) will be from Monger Street. Only short term (30 minutes) commercial deliveries are expected from Robinson Avenue e.g. couriers.</p>
<p><u>Guests</u></p> <p>The guests of the hotel will sit in front of adjoining commercial properties and smoke which has a negative impact on the surrounding area.</p>	<p>This is not a valid planning consideration.</p>
<p><u>Front Entrance and New Balcony</u></p> <p>From the plans it appears there will be a second front entrance and a new balcony.</p>	<p>No second front entrance is proposed. Currently there are two existing doors along the Robinson Avenue elevation one being the existing entrance to the hotel and the other the entrance to the function centre. As part of this proposal the current entrance will continue to be used as the only entrance to the hotel and the existing entrance to the function centre will become a fire exit only. All guests will be required to use the existing entrance for entering/exiting the hotel. No balcony is proposed as part of this application.</p>
<p><u>Roller Door</u></p> <p>The opening and closing of the roller door associated with the car park emanate noise which impacts on the adjoining properties.</p>	<p>The Management Plan states that the plant and equipment will be maintained at all times to minimise any noise impact.</p>

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

The applicant has provided a response to the submissions (**Attachment 4**).

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. 7.1.13 – Beaufort Precinct;
- Policy No. 7.5.13 – Percent for Public Art; and
- Policy No. 7.7.1 – Parking and Access.

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

RISK MANAGEMENT IMPLICATIONS:

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL
The internal changes to the existing building has a lower environmental impact compared to the construction of a new building.

SOCIAL
The development contributes positively to the social sustainability of the area by increasing the tourist accommodation options within the local area.

ECONOMIC
Supports locally owned businesses and the tourism industry.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

As the proposal is for internal changes to an existing approved use of the site as a hotel this proposal is dealt with as an amendment to an earlier approval, but is proposed to be subject to a range of new conditions as the conditions of the previous approval have either been met or are no longer applicable given the changes to the planning framework.

The proposal will result in additional rooms within the existing built form of the hotel. It does not include any changes to the height of the building and only a minor change to the elevation on the top floor facing Robinson Avenue.

The initial proposal also included changes to the ground floor elevations facing Robinson Avenue, but was amended during the assessment process at the City's request as the proposed amendments impacted negatively on the architecture of the building.

The proposal complies with the car parking requirements.

The proposal is supported by a Management Plan which addresses the concerns raised during the public consultation period in regard to noise, bus parking and deliveries, and it is recommended that a condition is imposed that requires the hotel to operate in accordance with this plan.

Given the cost of the alterations the City requires a contribution for public art in accordance with its Policy No. 7.5.13 – Percent for Public Art.

Overall it is considered that the proposal will not have any impact on the surrounding area and will contribute to the supply of tourist accommodation within Perth.

CONCLUSION:

It is recommended that Council approves this proposal.

9.1.8 Nos. 103-105 (Lot: 38; D/P: 28) Summers Street, Perth – Proposed Change of Use from Grouped Dwelling to Community Use (Day Care Centre)

Ward:	South	Date:	10 June 2016
Precinct:	EPRA Precinct 15 – Claisebrook Road North	File Ref:	PR50539; 5.2015.586.1
Attachments:	<u>1</u> – Consultation Map <u>2</u> – Development Application Plans <u>3</u> – KCTT Traffic Impact Assessment <u>4</u> – DVC Independent Traffic Review <u>5</u> – Acoustic Report		
Tabled Items:	Nil		
Reporting Officer:	C Sullivan, Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

RECOMMENDATION:

That Council, pursuant to its powers under the Local Government (Change of District Boundaries) Order 2007 and the *Local Government (Constitution) Regulations 1998*, Regulation 5(4)(c), allowing the City of Vincent to, in effect, administer the City of Perth Town Planning Scheme as if it were its own Scheme, and in accordance with the provisions of the Metropolitan Region Scheme, the Council **REFUSES** the application for Change of Use from Grouped Dwelling to Community Use (Day Care Centre) at Nos. 103-105 (Lot: 38; D/P: 28) Summers Street, Perth in accordance with plans date stamped 14 April 2016, as shown on Attachment 2, for the following reasons:

1. The proposal is contrary to the orderly and proper planning of the area for the following reasons:
 - 1.1 The scale and intensity of the proposed use is not compatible with the surrounding residential land uses; and
 - 1.2 The volume of traffic generated will adversely impact the amenity of the residents on Summers Street by virtue of noise and on street parking.

PURPOSE OF REPORT:

To consider an application for a proposed change of use to a Day Care Centre.

BACKGROUND:

The existing building on the site is a duplex development. It is located adjacent to Norwood Park on the southern side of Summers Street. The surrounding properties are primarily residential.

The site was within the East Perth Redevelopment Authority (EPRA) area which was normalised in 2002 and transferred to the City of Vincent in 2007.

The State Government's Perth Parking Policy applies to this location. The applicable Planning Framework is the City of Perth Town Planning Scheme No. 2 into which the EPRA provisions have been embedded (EPRA Scheme).

DETAILS:

Application Details:

Landowner:	T Mangione
Applicant:	M Sebbag
Date of Application:	22 December 2015

Principal Statutory Provisions

Zoning:	Metropolitan Region Scheme: Urban City of Perth Scheme No. 2 – East Perth Redevelopment Authority Scheme Draft City of Vincent Town Planning Scheme No. 2 (TPS2): Residential R80
Existing Land Use:	Grouped Dwellings
Use Class:	Community Use – Day Care Centre
Use Classification:	'Contemplated Use'
Lot Area:	1,013 square metres
Right of Way (ROW):	Not Applicable
Heritage List:	No

The proposal seeks a change of use from two grouped dwellings to a Community Use (Day Care Centre) which under the EPRA Scheme is a 'Contemplated' use and requires Council discretion.

Internal alterations and additions to the front and the rear of the existing building area are proposed, creating a total internal floor area of 433 square metres, plus external play areas to the rear and sides of the building.

The proposed Day Care Centre will cater for a maximum of 68 children, with approximately 18 staff members. Exact staff to child ratios are dictated by national child care regulations. Babies from the age of 6 weeks old and Children to the age of 5 years could be accommodated. The layout of the building proposes to have the babies accommodated on the western side of the building closest to the adjoining residential properties, with the older children and outdoor play area located on the eastern side closest to Norwood Park.

The Day Care Centre is proposed to be open from 7:00am to 6:30pm Monday to Friday, and closed on Saturday, Sunday and Public Holidays. The applicant expects the peak drop off time to be between 8:00 am – 8:30am each day, with the peak pick up time between 5:00pm – 6:00pm every day.

Additional Information was received after the consultation period as follows:

Date	Comment
14 April 2016	Acoustic Report
14 April 2016	Amended Plans showing reduced building height of the new extensions and the removal of the tower feature, and alterations to the east facing boundary wall
15 April 2016	Enrolment Policy
15 April 2016	Traffic Impact Assessment
19 April 2016	Additional Operational Policies
26 April 2016	Amended Plans showing revised car parking layout
3 May 2016	City's Independent Traffic Assessment

ASSESSMENT:

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of the EPRA Scheme. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the section of the report following from this table both in relation to the deemed-to-comply provisions and the design principles.

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

Detailed Assessment

The assessment is as follows:

Land Use		
Requirement	Proposal	Aspect for Consideration
EPRA Scheme Text – Clause 5.18 Precinct 15: Claisebrook Road North	Community Use (Day Care Centre) for 68 children	Contemplated Use Requires discretion

The assessment against the principles is as follows:

Land Use
Applicable Principles
The intent is to provide uses compatible with residential uses, particularly services to the businesses and residents of the central and inner city area and a general improvement to the level of amenity in the area. The EPRA Scheme lists Preferred Uses as Commercial, Service and Light Industry, Retail and Residential. Contemplated uses in this location are Community Uses and Recreation Uses.
Applicant's Justification
<i>"The site was selected for the childcare development as it is located within in one of the best supported public transport locations in Western Australia which would be similar to the centre opening in the Perth CBD. The unique location has Department of Transport public parking, pedestrian and cycle paths, bus and train infrastructure within a 300m radius of the centre. This will allow the centre to be a draw card for staff and families within the City of Vincent or people travelling on public transport who have multiple choices and options for accessing the centre.</i>

Land Use
<p><i>The Perth Parking Policy applies to this area and sets a maximum car parking allowance, and no minimum number required. The proposal is for two car bays to be allocated within the front setback area to allow for pick up and drop off of children at the centre and the delivery of supplies to assist in reducing the amount of parking being undertaken in the street.</i></p> <p><i>It is expected that a significant proportion of people attending the centre will either walk, cycle or take public transport as there is a long term shortage of high quality childcare within the area forecasted.</i></p> <p><i>Staff at the centre will be recruited on the understanding that they will be encouraged to take public transport and or cycle/walk to the centre with the provision of end of trip facilities including bike racks further encouraging this. Staff that drive will be advised to park in adjoining areas in accordance with City of Vincent parking laws”</i></p>
Officer Technical Comment
<p>In principle a Day Care Centre could be supported in this location in a less intense form. With only two car bays and drop off/pick up facilities proposed, the use in its current form will result in increased pressure on existing street car bays which are for the use of all members of the public. The lack of dedicated drop off/pick up areas is likely to result in unauthorised parking/stopping, congestion in a street that already has high traffic volumes and potentially unsafe practices.</p>

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	26 February 2016 – 11 March 2016		
Comments Received:	Two letters in support, four objections and one submission with concerns		

A total of 117 letters were sent to owners and occupiers of properties in the immediate vicinity of this application.

Community Consultation resulted in a response rate of 5.9%.

The tables below summarise the comments received during the advertising period of the proposal, together with the City’s response to each comment.

Comments Received in Support:	Officer Technical Comment:
<p><u>Use</u></p> <p>Support the proposed use as there is a shortage of local daycare facilities in the area and it would also encourage the use of the adjoining park area by children and families instead of undesirables.</p> <p>The proposed use will add to the community.</p>	<p>The proposed use is a discretionary use and the City is required to assess it on its merits against the planning policy framework.</p>

Comments Received in Objection:	Officer Technical Comment:
<p><u>Parking/Traffic</u></p> <p>No dedicated drop off/pick up area is proposed and this will cause issues with vehicles stopping on Summers Street and potentially causing accidents.</p> <p>Additional traffic during peak hours will cause issues particularly as vehicles regularly speed through the area.</p> <p>Concern that PTA vehicles will get caught up in additional traffic use.</p> <p>Object to limited car parking being provided, with nil car parking provision for staff.</p> <p>Object as existing on street bays which are already heavily utilised will be used by parents to drop off/pick up children in the absence of a dedicated area onsite.</p>	<p>The independent traffic assessment confirms that parking provisions onsite and the lack of drop off/pick up facilities as well as peak hour traffic will result in traffic issues for this locality.</p> <p>Although the Perth Parking Policy applies to this area which sets maximum parking standards rather than minimum requirements, the City shares the concern regarding parking and traffic generated by this use.</p>
<p><u>Use</u></p> <p>Object to the use in this location as it is unsuitable due to being on a busy road with no parking, a noisy area near the train station.</p>	<p>The proposed use is a discretionary use which the City is required to assess against the planning policy framework.</p>
<p><u>Noise</u></p> <p>Object to outdoor play areas of facility being located adjacent to adjoining residential property which will cause noise disruption.</p>	<p>The Acoustic Report indicates that background noise levels are already very high in this area due to the proximity to the train line. The proposal has located the younger babies closest to the adjacent residential property with the older children and the associated play areas away from the residential area to the eastern side of the site to try to alleviate additional noise to these properties.</p>
<p><u>Other</u></p> <p>Undesirable people live in the immediate area of the proposed daycare centre – concern for safety of children attending.</p>	<p>This is not a valid planning consideration.</p>

Public Transport Authority (PTA)

Comments received from the PTA raised concerns regarding the Transwa Regional road coaches entering and exiting the adjacent Public Transport Centre (PTC) via Summers Street every day during peak times for the Child Care Centre. Summers Street is already narrow due to on street car parking, and there is serious concern that children could step out into the road in front of these coaches or any other vehicle passing through. The nearby PTC car park will not be available for use by the Child Care Centre as it is a private car park.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- *East Perth Redevelopment Authority Scheme;*
- *State Government's Perth Parking Policy; and*
- *Planning Bulletin 72/2009.*

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

RISK MANAGEMENT IMPLICATIONS:

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

The City's Strategic Plan 2013-2023 states:

"Economic Development

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

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

ENVIRONMENTAL
The development proposes the partial re-use of an existing building.

SOCIAL
The development will provide increased social and educational opportunities for pre school age children.

ECONOMIC
The development will provide increased employment opportunities.

FINANCIAL/BUDGET IMPLICATIONS:

The costs of the independent traffic assessment obtained by the City was paid from the Operating Budget.

COMMENTS:

Due to the site being located within the EPRA Scheme Area, none of the City's usual policies apply to this proposal.

To guide decision making for this type of use, the Department of Planning has issued a Planning Bulletin on Child Care Centres (72/2009). This provides guidance on best practice for locating facilities so as to minimise their impact on surrounding areas, particularly residential areas, and also focusses on the health and safety of the children that will use the centre.

It suggests that Child Care Centres located on local access streets may not be appropriate where the Centre may impact on the amenity of the area due to traffic and parking. It also outlines that vehicles should enter and exit the Child Care Centre area in forward gear.

The Bulletin further recommends that car parking for a Child Care Centre should be provided at a rate of one bay per five children, which ideally would result in 14 onsite bays for this proposal. Having due regard to the City's Current Planning framework, nine bays (after adjustment factors) would have been required. Although this proposal, with its two bays, technically complies, as this site is located within Perth Parking Policy, which imposes maximum as opposed to minimum parking requirements, the difference between the ideal number of bays and those provided, illustrates the extent to which this use will impose on street parking.

The site is located in an area consisting primarily of residential properties (along Summers Street), close to a ninety degree corner in the road, with existing on street car parking and traffic movements already impacted by high frequency bus movements along Summers Street and the customer parking at the nearby train parking stations. Assuming four vehicle movements per child per day within two peak periods each day this facility will generate 272 additional trips, which is a significant increase compared to the traffic generated by the existing residential use on this site.

Compounding the traffic and parking issues is the lack of an adequate dedicated drop off/pick up facility for this use which will also negatively impact on parents and children being able to safely use the facility.

The Bulletin recommends that a Child Care Centre should only be approved if it can be demonstrated that it will have a minimal impact on the functionality and amenity of an area and will not create or exacerbate any unsafe conditions for children and families using the centre or negatively impact on pedestrians and other road users.

From the findings of the independent traffic assessment that the City obtained, the City is not satisfied that the proposed use, at this intensity is appropriate in this location, given the traffic and parking issues it is likely to create and cannot recommend support for this proposal.

CONCLUSION:

It is recommended that Council refuses this proposal.

9.1.9 Amendments to the Municipal Heritage Inventory

Ward:	Both	Date:	10 June 2016
Precinct:	All	File Ref:	SC448
Attachments:	<u>1</u> – Heritage Assessment – Horry’s Tree <u>2</u> – Heritage Assessment – No. 58 The Boulevard <u>3</u> – Heritage Assessment – Metropolitan Sewerage Vents <u>4</u> – Heritage Assessment – No. 10 Richmond Street		
Tabled Items:	Nil		
Reporting Officer:	H Au, Heritage Officer		
Responsible Officer:	G Poezyn, Director Development Services		

RECOMMENDATION:

That Council **AUTHORISES** the entry of the following places onto the City’s Municipal Heritage Inventory:

1. **Horry’s Tree at Main Roads WA Road Reserve bounded by the Mitchell Freeway, Melrose, Stamford and Vincent Streets, Leederville: Management Category B – Conservation Recommended;**
2. **No. 58 (Lot 250) The Boulevard, Mount Hawthorn: Management Category B – Conservation Recommended;**
3. **Metropolitan Sewerage Vents at Stuart Street, Perth (Lot 500 on Deposited Plan 405286): Management Category A – Conservation Essential;**
4. **Metropolitan Sewerage Vents at Hyde Park, William Street, Perth (Lot 637 on Deposited Plan 106031): Management Category A – Conservation Essential; and**
5. **No. 10 (Lot 616) Richmond Street, North Perth: Management Category B – Conservation Recommended.**

PURPOSE OF REPORT:

To add five places onto the City’s Municipal Heritage Inventory (MHI) in accordance with the City’s Policy No. 7.6.2 – Heritage Management – Assessment and Policy No. 7.6.5 –Heritage Management - Amendments to the Municipal Heritage Inventory.

BACKGROUND:

The City’s MHI was first introduced in 1995 and aims to protect places which are deemed to have cultural heritage value as assessed under the City’s policy framework.

History:

Date	Comment
October 2014	Council received a nomination to add Horry’s Tree onto the MHI.
5 November 2014	Council received a nomination to add No. 58 (Lot 250) The Boulevard, Mount Hawthorn onto the MHI.
30 June 2015	Council adopted a revised Policy No. 7.6.5 – Heritage Management – Amendments to the MHI to streamline the nomination process.
11 September 2015	Two metropolitan sewerage vents were included onto State Register of Heritage Places.
9 February 2016	Council revoked the existing Legal Agreement between the owners of No. 10 (Lot 616) Richmond Street and the City to enable a subdivision, provided that the existing dwelling is placed on the City’s MHI as Management Category B – Conservation Recommended before the caveat is withdrawn.

Previous Reports to Council:

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

DETAILS:

Administration proposes to include the following five places onto the City's MHI:

- Horry's Tree;
- No. 58 (Lot 250) The Boulevard, Mount Hawthorn;
- Metropolitan Sewerage Vents at Stuart Street Reserve;
- Metropolitan Sewerage Vents in Hyde Park; and
- No. 10 (Lot 616) Richmond Street, North Perth.

A summary of the full Heritage Assessments and Administration's recommendations are detailed below. Copies of each of the assessments, as well as the documentation prepared for the two metropolitan sewerage vents by the State Heritage Office, are attached (**Attachments 1-4**).

Horry's Tree Leederville (**Attachment 1**)

The City received a nomination to add 'Horry's Tree' on the MHI from a community member. This tree is located within a road reserve in the Leederville Freeway exchange. This nomination was delayed until a review of the City's Policy No. 7.6.5 – Heritage Management – Amendments to the Municipal Heritage Inventory was completed which would streamline the nomination process. The policy review was finalised on 30 June 2015.

The Heritage Assessment undertaken by Administration dated April 2016 illustrates that Horry's Tree (a Moreton Bay Fig tree) has *moderate historic significance*. It was planted by Horace (Horry) Thompson, a resident within the Leederville area who fought for Australia and lost his life in the First World War. Horry was the son of Harry Thompson who served as a Leederville Councillor in the late 19th century. Horry's Tree is assessed as having *moderate aesthetic significance* as a mature and healthy specimen of its kind. Horry's Tree also has *some social significance* being valued by the community through its historic and social associations with the Thompson Family and the community more generally.

Main Roads WA is the State agency that manages the Road Reserve where Horry's Tree is located and has provided written agreement to include Horry's Tree on the City's MHI. The City's Policy No. 7.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties states that the essential or emergency maintenance of public utility infrastructure, which would include pruning/removal of branches from the tree, does not require planning approval.

Administration recommends that Horry's Tree warrants entry onto the City of Vincent's MHI, as a Management Category B – Conservation Recommended, as it has *moderate cultural heritage value*.

No. 58 (Lot 250) The Boulevard, Mount Hawthorn (**Attachment 2**)

On 5 November 2014, the City received a nomination from the owners of No. 58 (Lot 250) The Boulevard, Mount Hawthorn proposing to add the property to the City's MHI.

The Heritage Assessment undertaken by Administration dated April 2016 illustrates that No. 58 The Boulevard has *moderate aesthetic value* as a good and intact example of the Inter-war Bungalow style of architecture and makes a significant contribution to the streetscape and character of the area. The place has *some historic value* as a representative example of the pattern of suburban development in the Inter-War period when Mount Hawthorn was developed.

Administration recommends that No. 58 (Lot 250) The Boulevard, Mount Hawthorn warrants entry onto the City of Vincent's MHI, as a Management Category B – Conservation Recommended, as it has *moderate cultural heritage value*.

Metropolitan Sewerage Vents, Perth and Highgate (Attachment 3)

Two former metropolitan sewerage vents, located on Stuart Street and in Hyde Park (along William Street) respectively, were included on the Heritage Council's State Register of Heritage Places in September 2015 with the City's support. The vents have been assessed to have a high level of significance.

The documentation prepared by the State Heritage Office dated 11 September 2015 illustrates that the vents provide rare evidence of the earliest establishment of a deep sewerage system for Perth (operational from 1911), which is a significant milestone in the development of Perth as a modern city.

Given the places listed on the State Register of Heritage Places the City's Policy outlines that the places are added onto the MHI as Management Category A – Conservation Essential.

No. 10 (Lot 616) Richmond Street, North Perth (Attachment 4)

Council revoked an existing legal agreement between the owners of No. 10 (Lot 616) Richmond Street and the City on 9 February 2016 in order to enable the lot to be subdivided. A condition was imposed that the existing dwelling is placed on the City's MHI as Management Category B – Conservation Recommended.

Administration has prepared a full Heritage Assessment to assess the legitimacy of the listing of No. 10 Richmond Street on the City's MHI which is based on the heritage assessments previously undertaken in 2004 and 2014.

In 2004, No. 10 Richmond Street was assessed as having recognisable cultural heritage significance as Category C – Conservation Encourage in the Draft MHI Review.

In 2014, another Draft MHI Review recommends the inclusion of No. 10 Richmond Street on the City's MHI as Management Category B – Conservation Recommended.

The Heritage Assessment undertaken by Administration completed in May 2016 indicates that No. 10 Richmond Street has *moderate aesthetic value* and is a good and intact example of a residence in the Inter-War Mediterranean style. The place also has *some historic value* as one of the Inter-War Mediterranean style houses built during the World War II.

Administration supports the inclusion of No. 10 Richmond Street onto the City's MHI as Management Category B – Conservation Recommended.

CONSULTATION/ADVERTISING:

Required by Legislation:	No	Required by City of Vincent Policy:	Yes
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Consultation Period:	3 May 2016 to 17 May 2016
Consultation Type:	Advert in local paper, notice on the City's website and written notification to owners, nominators, Precinct Groups and other appropriate government agencies.
Comments Received:	In total two responses were received in favour of the inclusion of the places on the City's MHI.

Summary of Comments Received:	Officer Comment:
Support for the proposed amendments to the Municipal Heritage Inventory.	Noted.

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

LEGAL/POLICY:

- City of Vincent Town Planning Scheme No. 1;
- Policy No. 7.6.2 – Heritage Management - Assessment; and
- Policy No. 7.6.5 – Heritage Management - Amendments to the Municipal Heritage Inventory (MHI).

RISK MANAGEMENT IMPLICATIONS:

It is Administration's view that there are minimal risks to Council should the officer's recommendation be supported.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013 – 2023 states:

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

The following tables outline the applicable sustainability issues for this MHI amendments:

ENVIRONMENTAL
The retention of heritage buildings that are capable of reasonable adaptation and re-use can have a significant impact on reducing demolition waste.
SOCIAL
The City's residents will have a strong sense of belonging and will value the City of Vincent as a unique place to live and work in because of its unique cultural heritage.
ECONOMIC
By promoting and facilitating the continuing use of heritage assets, the City's heritage can be retained to contribute to the rich variety of economic activity.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Administration recommends that the following places to be included on the City's MHI in the following categories:

Management Category A – Conservation Essential:

- Metropolitan Sewerage Vents at Stuart Street (Lot 500 on Deposited Plan 405286); and
- Metropolitan Sewerage Vents at Hyde Park (Lot 637 on Deposited Plan 106031).

Management Category B – Conservation Recommended:

- Horry's Tree at Main Roads WA Road Reserve bounded by the Mitchell Freeway, Melrose, Stamford and Vincent Streets, Leederville;
- No. 58 (Lot 250) The Boulevard, Mount Hawthorn; and
- No. 10 (Lot 616) Richmond Street, North Perth.

CONCLUSION:

It is recommended that Council receives and supports the proposed amendments to the City's MHI.

9.2 TECHNICAL SERVICES

9.2.1 Intersection of Brady and Purslowe Streets, Mount Hawthorn – Conclusion of Trial of Median Closure in Brady Street as a Road Safety Improvement

Ward:	North	Date:	10 June 2016
Precinct:	Precinct 1 - Mount Hawthorn	File Ref:	SC920, SC701
Attachments:	1 - Plan No. 3233-CP-01A		
Tabled Items:	Nil		
Reporting Officer:	C Wilson, Manager Asset and Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council:

1. **NOTES that;**

1.1 a trial closure of the Brady Street median, at Purslowe Street, was implemented in late September 2015; and

1.2 all streets potentially affected by the closure were assessed and traffic data collected prior to, and during the trial; and

2. **APPROVES** the implementation of a permanent median closure at the Intersection of Brady and Purslowe Street, estimated to cost \$30,000, as shown on attached Plan No 3233-CP-01A at Attachment 1;

PURPOSE OF REPORT:

To consider the implementation of a **permanent** median closure at the Intersection of Brady and Purslowe Street, Mount Hawthorn.

BACKGROUND:

Ordinary Meeting of Council 18 December 2012:

Council approved undertaking a traffic safety improvement trial at the Intersection of Brady and Purslowe Street subject to consulting with the community.

Ordinary Meeting of Council 12 March 2013:

Following consideration of the submissions received, Council decided not to proceed with the improvement trial due to the negative response at the time.

June 2015:

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

Ordinary Meeting of Council 25 August 2015:

Council considered a report where it was recommended that a 'trial' closure of the median island in Brady Street at the intersection of Purslowe Street be approved, the following decision was made:

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

DETAILS:

Brady Street is a District Distributor A Road that connects Scarborough Beach Road, Main and Green Streets with the Mitchell Freeway, carries in the order of 17,400 vehicles per average weekday, and is a crucial link in the regional road network.

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

The Trial:

In accordance with Council’s decision, in late September 2015, the median in Brady was closed by using water filled barriers. In addition advance warning and regulatory signage was installed to alert drivers to the changed road conditions.

Accident Statistics:

As a consequence of the regularity and severity of the accidents that have occurred at this location, the intersection of Brady and Purslowe Street has previously been acknowledged and approved as a Black Spot by the City of Stirling (prior to the area becoming part of the City of Vincent in 2007).

Accidents statistics are typically collated for five year periods to eliminate any spikes or troughs that may occur in any given calendar year and to establish trends and patterns.

For the five year reporting period, 1 January 2010 to 31 December 2014, there were 12 reported accidents at the intersection, of these, eight required either hospital admission or medical treatment.

In the most recent reporting period from January 2011 to December 2015 (prior to implementing the trial), there were 15 reported accidents, of which 11 resulted in either hospital admission or medical treatment. The high proportion requiring medical attention is an indication of the severity of the accidents.

Traffic Redistribution:

When the intersection was initially closed the City received numerous comments and complaints from residents of the surrounding streets, not because they were opposed to the idea of making the Purslowe/Brady intersection safer, but because of the likely impact the closure would have on their own streets in respect of traffic volumes and speed.

Therefore in order to establish a baseline of traffic data *vehicle classifiers* were deployed in Purslowe and surrounding streets prior to the closure in early September 2015.

Since the closure the same streets were monitored on two occasions, the first within 4-6 weeks of the closure and the second in March 2016, approximately six months after the closure.

All of the streets listed in the following tables are classified as Access Roads in accordance with the Metropolitan Functional Road Hierarchy and are classified to carry up to 3,000 vehicles per day (vpd).

Purslowe Street (East Side) - Brady Street to Linton Street

	AWD Traffic	Ave Speed	85% Speed	AM Peak Hr	PM Peak Hr
Before (Sept 15)	1159	39.2	47.2	107	100
After 1 (Nov 15)	565	38.8	46.8	77	39
After 2 (Mar 16)	536	36.8	46.1	70	38

Purslowe Street (West side) - Brady Street to Jugan Street:

	AWD Traffic	Ave Speed	85% Speed	AM Peak Hr	PM Peak Hr
Before (Sept 15)	259	40.6	49.7	25	25
After 1 (Nov 15)	226	36.3	46.4	23	19
After 2 (Mar 16)	213	37.0	47.2	23	22

Tasman Street (East Side) - Brady Street to Federation Street:*

	AWD Traffic	Ave Speed	85% Speed	AM Peak Hr	PM Peak Hr
Before (Sept 15)	655	48.1	57.2	61	73
After 1 (Nov 15)	937	42.2	50.4	80	99
After 2 (Mar 16)	891	40.5	49.7	85	80

Note: *Tasman Street, Egina Street to Brady Street, had traffic calming (speed humps) installed in the later part of 2015 resulting in a significant reduction in speed. Further, this section of Tasman Street is also part of the No. 14 bus route, the future of which remains in doubt.

Tasman Street (West side) -Brady Street to Jugan Street:

	AWD Traffic	Ave Speed	85% Speed	AM Peak Hr	PM Peak Hr
Before (Sept 15)	237	36.9	47.9	17	23
After 1 (Nov 15)	312	37.1	46.8	22	25
After 2 (Mar 16)	289	38.8	48.6	22	20

Milton Street (East Side) - Brady to Birrell Street:

	AWD Traffic	Ave Speed	85% Speed	AM Peak Hr	PM Peak Hr
Before (Sept 15)	675	41.1	49.0	83	73
After 1 (Nov 15)	754	40.8	48.2	85	64
After 2 (Mar 16)	751	39.1	47.5	80	73

Milton Street (West side) - Brady Street - Jugan Street:

	AWD Traffic	Ave Speed	85% Speed	AM Peak Hr	PM Peak Hr
Before (Sept 15)	339	38.0	47.2	33	31
After 1 (Nov 15)	347	39.0	48.6	30	28
After 2 (Mar 16)	380	37.6	47.5	32	37

Barney Street (West side) Brady Street to Jugan Street:

	AWD Traffic	Ave Speed	85% Speed	AM Peak Hr	PM Peak Hr
Before (Sept 15)	327	38.7	47.5	31	37
After 1 (Nov 15)	404	37.4	46.1	39	44
After 2 (Mar 16)	442	38.8	47.5	45	47

Administration Comments:

Traffic displacement:

As can be seen from the traffic data, there has been a significant reduction in the volume of traffic in Purslowe Street east of Brady Street while, as expected, the western leg of Purslowe Street has only recorded a slight reduction in traffic. Both Tasman and Milton Street, east of Brady Street, also recorded an increase in traffic however this was not as high as on Purslowe Street.

Historically all the above three legs of Purslowe, Tasman and Milton Streets, have been used by morning commuters wanting to avoid the Scarborough Beach Road, Brady, Main and Green Streets signalised intersection.

With the closure of the Purslowe Street median approximately 50% of the displaced traffic have diverted to Tasman Street and Milton Street.

	Purslowe east of Brady	Tasman east of Brady	Milton east of Brady	Total
Before (Sept 15)	1159	655	675	2,489
After (1 Nov 15) Average	550	914	753	2,217
Average increase/decrease	- 608vpd	+ 259vpd	+ 78vpd	- 272vpd

Note: 272 displaced vehicles per average weekday have either dispersed by filtering through other streets within the precinct or are now staying on the District Distributor Roads. The western legs of the aforementioned streets have also seen some displacement but on a far lower scale as the base line traffic was/is considerably lower, as is the incidence of rat running.

Accidents:

As indicated previously there have been no report of serious accidents at the intersection of Purslowe and Brady Streets since the median has been closed.

In respect of the intersections of Tasman and Milton Streets (with Brady Street) the five year accident statistics (1 January 2011 to 31 December 2015) are as per the table below:

Reported Accidents	2011	2012	2013	2014	2015	Total
Purslowe Street	4	2	1	5	3	15
Tasman Street	1	3	0	1	1	6
Milton Street	0	4	0	0	1	5
Barney Street	2	1	1	0	0	4

Note: There have been no reported accidents at the intersection since the trial was implemented. The last reported serious accident occurred in June 2015, which resulted in the aforementioned petition.

CONSULTATION/ADVERTISING

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

While Council's decision did not require further public consultation the City continues to receive comments via email and web-site. As per the initial consultation, opinions are divided

on the worth and impact of the closure with suggestions on how to rectify other issues, both perceived and real and some of which are unrelated to the location.

The primary concern continues to be, as voiced by those against the proposal from those residents from the surrounding streets, that it has resulted in some increased traffic in their streets and has potentially increased the safety risk at the intersections to which the traffic is diverted. However the accident statistics and better geometry and sight lines of the other intersections (Tasman, Milton and Barney) do not support this contention.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The estimated cost to remove the water filled barriers and install a permanent median island with two trees is in the order of \$30,000 ,to be funded from the 2016/17 Blackspot budget.

COMMENTS:

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

Council resolve to undertake a trial closure of the intersection and determine the matter at the conclusion of the trial period without further consulting with residents.

On considering the traffic and accident data, should the median closure not be made permanent the accidents and trauma will continue and while the trial median closure has had some minor impact on the surrounding local road network, during the trial there have been no reported accidents at the intersection and little real impact of the other nearby streets in the road network.

It is therefore recommended that Council approves the implementation of a permeant median closure at the Intersection of Brady and Purslowe Street.

9.2.2 Further Report: Traffic Management Improvement – Intersection of Vincent and Norfolk Streets, North Perth/Mount Lawley

Ward:	South	Date:	10 June 2016
Precinct:	Precinct 10 - Norfolk	File Ref:	SC979; SC228
Attachments:	<u>1</u> – Plan No. 3144-CP-01B <u>2</u> – Summary of Comments		
Tabled Items:	Nil		
Reporting Officer:	C Wilson, Manager Asset and Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council:

1. NOTES that:

- 1.1 a trial '½ seagull' island partial closure of Norfolk Street, at Vincent Street, was implemented in late May 2015; and
- 1.2 all streets potentially affected by the trial partial closure were assessed and traffic data collected prior to, and during the trial and residents consulted at the conclusion of the trial;

2. APPROVES the implementation of a permanent '½ seagull' island at the intersection of Norfolk and Vincent Streets, estimated to cost \$15,000, as shown on attached Plan No 3144-CP-01B at Attachment 1; and

3. ADVISES the respondents of its decision.

PURPOSE OF REPORT:

To consider formalising the '½ seagull' island, and associated works, at the intersection of Norfolk and Vincent Streets.

BACKGROUND:

Ordinary Meeting of Council held on 10 March 2015:

Council considered a number of possible road safety improvements at both the intersection of Norfolk and Vincent Streets, and on Vincent Street between Throssell and Norfolk Streets, where the following decision was made (in part):

"That Council:...

2. *PROCEEDS* with a six (6) month trial of the originally proposed treatment banning the right turn as shown on attached Plan No. 3144-CP-01 (Attachment 001);
3. *MONITORS* traffic movements on Chelmsford Road and Ethel Street during the trial period;
4. *CONSULTS* with residents at the conclusion of the trial;
5. *RECEIVES* a further report at the conclusion of the consultation;"

DETAILS:

Norfolk/Vincent Street Intersection:

As previously reported to Council, this intersection was modified several years ago as part of a Black Spot funded project, however, the accidents continued to occur culminating with the death of a motor cyclist in 2014, which lead to calls for further action.

The majority of accidents at this location involved vehicles turning right out of Norfolk Street colliding with vehicles travelling eastbound on Vincent Street including that of the fatality.

In order to address the issue Council, in March 2015, approved undertaking a six month trial comprising a '½ seagull' island and extended median island (in Vincent Street) to eliminate the right turn movement out, at the conclusion of which the affected residents were to be consulted. The trial, as shown on Plan No 3144-CP-01B (**Attachment 1**), commenced on 25 May 2015

As with any proposal to restrict vehicular access there is always a potential flow on effect on the surrounding streets and in this instance while there was an increase in traffic volumes in Hyde Street, Ethel Street and Chelmsford Road, as expected, there was a reduction in traffic volumes in Norfolk Street.

Accidents Statistics:

The five year accidents statistics, 1 January 2011 to 31 December 2015, were released in May 2016.

Reported Accidents	2011	2012	2013	2014	2015	Total
Norfolk/Vincent	2	5	3	4	0	14

The evidence indicates that the treatment has been successful in significantly reducing the likelihood of serious traffic accidents at this location.

Traffic Redistribution:

When the '½ seagull' was initially installed, the City received numerous comments and complaints from the residents of the surrounding streets. The comments were not because the residents were opposed to the idea of making the Norfolk and Vincent Streets intersection safer, but because of the likely impact it would have upon their own streets in respect of traffic volumes and speed.

Therefore in order to establish a baseline of traffic data vehicle classifiers were deployed in early September 2015 in Norfolk, Hyde and Ethel Streets and Chelmsford Road, prior to the changes.

Since the changes the same streets have been monitored on two occasions, the first within 4-6 weeks of the '½ seagull' installation and the second in March 2016, approximately nine months after the installation.

All of the streets listed below are classified as Access Roads in accordance with the Metropolitan Functional Road Hierarchy and technically can carry up to 3,000 vehicles per day.

Norfolk Street, Vincent Street to Chelmsford Road:

	AWD Traffic	Ave Speed	85% Speed	AM Peak Hr	PM Peak Hr
Before (Mar 15)	1385	38.6	45.7	141	108
After 1 (Jul 15)	1136	38.0	45.7	96	125
After 2 (Mar 16)	1016	36.4	43.6	88	108

Hyde Street, Vincent Street to Chelmsford Road:

	AWD Traffic	Ave Speed	85% Speed	AM Peak Hr	PM Peak Hr
Before (Mar 15)	278	32.6	39.6	30	29
After 1 (Jul 15)	259	32.6	39.6	24	28
After 2 (Mar 16)	333	32.2	39.2	33	36

Ethel Street, Vincent Street to Chelmsford Road:

	AWD Traffic	Ave Speed	85% Speed	AM Peak Hr	PM Peak Hr
Before (Mar 15)	437	32.9	39.6	48	40
After 1 (Jul 15)	514	34.2	40.3	60	49
After 2 (Mar 16)	552	33.5	39.6	63	58

Chelmsford Road, Ethel Street to Norfolk Street:

	AWD Traffic	Ave Speed	85% Speed	AM Peak Hr	PM Peak Hr
Before (Mar 15)	343	40.7	50.0	30	41
After 1 (Jul 15)	454	40.4	49	48	42
After 2 (Mar 16)	494	39.1	48.2	44	49

Administration Comments:

Traffic Displacement:

As would be expected there has been a reduction in the volume of traffic using Norfolk Street. The majority of the reduction has been the south bound traffic as indicated by lower AM peak.

This suggests that a considerable proportion of this traffic was turning right into Vincent Street. The PM peak is largely unaffected as the opposite movement, the right turn into Norfolk Street, was not affected.

Conversely, Hyde Street, Ethel Street and Chelmsford Road* have all seen an increase in traffic volumes.

Note *: A significant percentage of the displaced Norfolk Street south bound traffic is using Chelmsford Road (Norfolk Street to Ethel Street) so as to turn right into, or cross, Vincent Street at Ethel Street.

With the installation of the '½ seagull' island approximately 56% of the displaced traffic have diverted to either Hyde Street or Ethel Street, via Chelmsford Road with the remainder of vehicles likely to be accessing Fitzgerald Street. The unaccounted displaced vehicles have either dispersed by filtering through other streets within the precinct or are now staying on the District Distributor Roads.

The following table outlines the redistribution.

	Norfolk St, Vincent to Chelmsford	Hyde St, Vincent to Chelmsford	Ethel St, Vincent to Chelmsford	Chelmsford Rd, Ethel to Norfolk	Total
Before (May 15)	1385	278	437	343	2,443
After (May15 Average)	1076	296	533	474	2,379
Average increase/decrease	- 309vpd	+ 18vpd	+ 96vpd	+131vpd	- 64vpd

Accidents:

As indicated previously there have been no reports of serious accidents at the intersection of Norfolk and Vincent Streets since the '½ seagull' island was installed.

In respect of the intersections of Hyde and Ethel Streets (with Vincent Street) the five year accident statistics (1 January 2011 to 31 December 2015) are as per the table below:

Reported Accidents	2011	2012	2013	2014	2015	Total
Norfolk/Vincent	2	5	3	4*	0**	14
Hyde/Vincent	0	0	0	0	2***	2
Ethel/Vincent	1	0	1	0	0	2

Note: * Includes a fatality.
 ** No recorded accidents during the trial period
 *** The two recorded accidents occurred during the trial period and comprised a rear end west bound same lane in Vincent Street (either a vehicle turning right into Hyde Street or stopped to reverse park) and an east bound 'U' turn in front of following traffic, possibly to park adjacent Hyde Park. Neither of these accident types can be linked to the '½ seagull' at Norfolk Street.

CONSULTATION/ADVERTISING

Required by legislation	No	Required by City of Vincent Policy	Yes
Consultation period	20 January to 3 February 2016		
Comments Received	249 consultation packs distributed to Hyde, Norfolk and Ethel Streets, and Chelmsford and Grosvenor Roads.		

On 19 January 2016, 249 letters were distributed to residents of Norfolk, Hyde, Ethel Streets and Grosvenor and Chelmsford Road seeking comments on making the '½ seagull island' permanent at the conclusion of the trial.

At the close of consultation on 3 February 2016, 22 responses had been received of which 14 were in favour, six against and two neither for nor against.

Some of the residents against the proposal were very strident in their opposition, and in particular, the impact upon Chelmsford Road. Some suggested that the '½ seagull' be removed immediately and the City look at an area wide traffic calming scheme.

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

However, these concerns are not borne out by the accident data with both Hyde and Ethel Streets having far fewer accidents than that of Norfolk and Vincent Streets intersection.

Another comment that arose consistently was that of parking in Vincent Street and to a lesser extent in Hyde and Ethel Streets when Hyde Park was particularly busy. These matters are being investigated by Administration.

Also raised by a number of respondents was the possibility of the speed limit in Vincent Street being reduced to 40kph. This was subsequently considered by Council at its Ordinary Meeting of 31 May 2016 as part of the "Proposed 40kph Area Wide Speed Zone Trial – South Vincent Progress Report No. 1".

RISK MANAGEMENT IMPLICATIONS:

High: The intersection is listed as a Black Spot given the high recorded number of accidents (fourteen, *includes a fatality*, over five year period). Since the trial closure, no accidents were recorded at the intersection. Therefore due to this outcome, during the trial period, the proposed permanent right turn ban at the intersection is considered a high priority to minimise the risk of further serious accidents.

STRATEGIC IMPLICATIONS:

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The estimated cost to remove the trial '½ seagull' island and install a permanent solution is in the order of \$15,000 to be funded from the existing 2015/16 budget allocation which will be carried forward to 2016/17.

COMMENTS:

The intersection of Vincent and Norfolk Street recorded fourteen accidents over a five year period including one fatality. Since the trial closure, no accidents were recorded at the intersection.

Also the traffic distribution along the other streets, in the survey area, has been minor given, the geographic location of these street in the road network and their ability (in accordance with the Functional Road Hierarchy) to carry up to 3,000 vehicles per day.

The divided opinion on the proposal, from the community is noted however while the changes at the Vincent/Norfolk Street intersection redistributed some traffic on to the surrounding streets the ½ seagull proved effective in reducing the accidents and trauma at this location to the benefit of the wider community.

Therefore Administration considers that the permanent closure should be implemented to minimise the risk of any further serious accidents at this location.

9.2.3 Further Report – Traffic Related Matters in Joel Terrace, Mount Lawley/East Perth

Ward:	Both	Date:	10 May 2016
Precinct:	Precinct 15 - Banks	File Ref:	SC835, SC228
Attachments:	1 – Plan No 3129-CP-01 2 – Summary of Comments		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council:

1. NOTES that:

1.1 residents in and around Joel Terrace were consulted regarding the installation of additional traffic calming as shown on attached Plan No 3129-CP-01(Attachment 1); and

1.2 there was an even 50/50 split between those in favour of the proposal and those against the proposal;

2. DOES NOT PROCEED with the implementation of the proposed traffic calming based on the feedback received and the results of the latest traffic data; and

3. ADVISES the respondents of its decision.

PURPOSE OF REPORT:

To consider the outcome of the public consultation regarding implementing additional traffic calming on Joel Terrace.

BACKGROUND:

Ordinary Meeting of Council 8 April 2014:

Council considered a report on additional traffic calming along Joel Terrace where the following decision was made (in part):

“That the Council;

2. *APPROVES IN PRINCIPLE the following proposals as recommended by the Integrated Transport Advisory Group at its meeting held on 26 March 2014*

2.1 *the installation of speed cushions in Joel Terrace as shown on attached Plan No. 3129-CP-01; and*

3. *CONSULTS with affected residents in both Joel Terrace regarding the proposals as outlined in clause 2 above, in accordance with Community Consultation Policy No. 4.1.5; and*

4. *RECEIVES a further report at the conclusion of the formal consultation period and further progress reports on the traffic matters as outlined in the report.*

In accordance with Council's decision, residents of Joel Terrace were consulted regarding implementing additional traffic calming in the street and at the close of consultation 11 respondents were in favour of the proposal and seven were against.

The officers were to report to Council when a letter was received from the Banks Precinct Action Group requesting that the matter be deferred pending further consideration from the group as there were many differing views of whether the additional traffic calming was warranted.

As no further response was forthcoming from the precinct group, Administration decided to again consult residents on the same proposal in May 2016.

DETAILS:

Joel Terrace previously comprised of a 10.0m wide carriageway prior to works undertaken to narrow the street (wider streets treatment) to provide embayed parking and traffic calming at strategic locations.

<p><u>Before:</u></p> <ul style="list-style-type: none"> • 10.0m wide carriageway • No traffic calming 	<p><u>Existing:</u></p> <ul style="list-style-type: none"> • 5.8m wide carriageway • 2.1m wide embayed parking • low profile humps • Plateaus at intersections 
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The traffic calming implemented at the time was designed to accommodate buses, as the street was on a bus route. With the removal of the bus route there is scope to implement additional measures to manage the speed and volume of traffic in the street.

Due to the geometry and topography of the street the main speed issue is between Gardiner and Pakenham Street (as shown below)

Section	Date	85% Speed	Average Weekly Traffic	Comments
Westralia – Gardiner Streets	Sep 2013	51.1	2,375	No further action recommended
	May 2016	49.7	2,546	
Gardiner – Pakenham Streets	Sep 2013	55.4	2,456	<i>Additional traffic calming</i>
	May 2016	54.2	2,626	
Pakenham – Leslie Streets	Sep 2013	54.7	2,139	<i>Additional traffic calming previously recommended however 2016 results show a decrease in speed.</i>
	May 2016	50.3	2,114	
Leslie – Mitchell Streets	Sep 2013	51.8	1,958	No further action recommended
	May 2016	51.5	1,836	

CONSULTATION/ADVERTISING

Required by legislation	No	Required by City of Vincent Policy	Yes
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Consultation period	11 May 2016 to 27 May 2016
Comments Received	211 consultation packs distributed, 42 responses received with 20 in favour, 20 against and 2 neither for or against

Administration Comments:

As can be seen from the consultation results, 20 against the proposal were more vocal in their opposition to any further action and suggestions to block off access to Joel Terrace, is outside of the scope of the current proposal. The 20 in favour offered few comments other than ticking the in favour box.

The requirement for improvements to the intersection of Guildford Road and East Parade were also mentioned. Both these road are Primary Distributors under the care control and management of Main Roads WA and while the state government were planning a major upgrade to this intersection several years ago this has not come to fruition to date.

In addition, the latest traffic data, from May 2016, indicates that the 85% speed between Pakenham and Leslie Street, has dropped from 54.7kph to 50.3kph. This is where traffic calming was previously proposed.

There were some comments on the requirement to lower the posted speed along Joel Terrace from 50kph to 40kph. Council recently supported a proposal to implement an area wide 40kph trial in 2016/17. This is currently with Main Roads WA and the Officer of Road Safety for consideration.

Therefore, based on the feedback received and the reduction in the recorded speed between Pakenham and Leslie Street it is recommended that the implementation of the additional traffic measures, as proposed on No 3129-CP-01 does not proceed.

Administration will however arrange for additional/renewed line marking and signage where appropriate.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low/Medium: Related to amenity/safety improvements for residents.

STRATEGIC IMPLICATIONS:

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

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

There are no funds allocated in the 2015/16 budget for Traffic management in Joel Terrace.

The additional/renewed line marking and signage will be funded from the 2016/17 Operations budget.

COMMENTS:

The issue of traffic in Joel Terrace has been an ongoing issue for some residents for several years with many differing views being expressed about what should and should not be implemented, whether there is a problem or not and whether more extensive measures to restrict access into the area should be considered.

As can be seen from the most recent consultation again there was a mixed view by residents on the proposal presented to them for comments with 50% in favour and 50% against.

Therefore based on latest traffic data, which has seen a decrease in the recorded 85% speed, and the feedback received it is recommended that the implementation of the additional traffic measures, as proposed on No. 3129-CP-01 not proceed at this stage.

Administration will however arrange for additional/renewed line marking and signage where appropriate as suggested by some of the respondents.

9.2.4 Hyde Park – Petition to Install a Shade Structure over the Water Playground

Ward:	South	Date:	10 June 2016
Precinct:	Precinct 12 - Hyde Park	File Ref:	SC551
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	J van den Bok, Manager Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council:

1. **NOTES** the information provided within the report in relation to the support for the installation of a shade sail over the water playground at Hyde Park;
2. **REFERS** the proposal to the Heritage Council of Western Australia (HCWA) for their consideration and comment;
3. **LISTS** an amount of \$45,000, for the installation of a shade sail over the water playground at Hyde Park for consideration in the draft 2016/17 Capital Works Budget; and
4. **ADVISES** the petitioners of its decision.

PURPOSE OF REPORT:

To consider the installation of a shade sail over the existing water playground at Hyde Park.

BACKGROUND:

At the Ordinary Meeting of Council held on 8 March 2016, a petition with 336 signatories was received requesting the installation of a shade sail over the Hyde Park water playground to provide children protection from the sun whilst enjoying the facility.

The petitioners requested that Council allocate funds in the 2016/17 budget to complete the project.

DETAILS:

Australia has the highest rate of skin cancer in the world and overexposure to ultraviolet radiation (UVR) is the primary risk factor for this type of cancer. Reducing the community's exposure to UVR in our many parks is sometimes a challenge, however outdoor facilities can usually be strategically located to benefit from natural shade for at least part of the day.

The City has several playground areas that have shade structures where natural shade is not abundant, however due to the high cost of installation, ongoing vandalism and subsequent maintenance, the preference has been to utilise natural shade from the many mature trees located in any one location.

The Hyde Park water playground presents somewhat of a challenge as people stay at the park for a reasonable period of time during the warmest part of the year/day using the water playground and associated infrastructure including barbeques etc.

Natural shade is not abundant in this location, nor is it preferable because any form of vegetation within the vicinity of the water playground will result in the build-up of leaf litter which would adversely affect the water playground's filtration system.

Therefore the options are either to provide artificial shade through the installation of a shade structure or leave the area exposed similar to what patrons would currently experience at most outdoor swimming venues.

Criteria that may assist Council in determining whether a shade sail should be considered are as follows:

Is the facility subject to high patronage by the local and the wider community?

Hyde Park is one of Perth's most popular parks and is used extensively by the wider community throughout the year for passive recreational pursuits. With the recent addition of food trucks and the numerous events and concerts held at Hyde Park throughout the year the park attracts thousands of local patrons and many visitors from overseas.

Is the facility located nearby other park amenities that encourage patrons to stay for a reasonable length of time? i.e. barbeques, picnic shelters and toilets.

Within Hyde Park there are numerous barbeques picnic tables, shelters, exercise stations and public toilets that encourage patrons to stay and enjoy the surroundings for an extended period. The area is therefore very popular for family gathering, parties and picnickers and patrons are therefore encouraged to book areas of the park for extended stays.

Is the facility in an area where natural shade is difficult to establish or not preferable?

There are many large mature trees within Hyde Park and establishing large trees that provide significant shade is not a problem. However, it is preferable not to have trees growing close to the water playground as too much organic matter landing on the splash pad blocks filters and neutralises chlorine levels.

In addition to the above, the Cancer Council of Western Australia has provided a simple scoring system as outlined below to determine the priority for the provision of shade in any one location.

Officers have assessed the Hyde Park water playground using this system and it rates very high, (40 points out of a possible 45), therefore this area should be viewed as a high priority.

Factor/Statement	Strongly disagree	Disagree	Neither agree / disagree	Agree	Strongly agree	SCORE
Age						
30% or more regular users are aged 0-9 yrs.	1	2	3	4	5	5
30% or more regular users are aged 10-18 yrs.	1	2	3	4	5	2
Time of day						
Outdoor activity likely to occur between 10am & 3pm	1	2	3	4	5	5
Facility is used well over summer	1	2	3	4	5	5
Facility is also well used over spring and autumn	1	2	3	4	5	3
Duration						
Outdoor activity occurs for 15 minutes or more at a time	1	2	3	4	5	5

Levels of usage						
The outdoor facility is used most weekdays	1	2	3	4	5	5
The outdoor facility is used most weekends	1	2	3	4	5	5
Personal behaviour						
Outdoor activity is likely to occur in minimal clothing	1	2	3	4	5	5
Total Score					45	
HYDE PARK WATER PLAYGROUND TOTAL SCORE						40

Administration Comments:

Whilst officers generally view the use of natural shade as the best option, in view of the above information and circumstance, the installation of a shade sail at the Hyde Park water playground is supported.

Notwithstanding any of the above, it is recognised that shade is not the only solution to UVR exposure and personal protection through the use of sun protective clothing, hats and sunscreen are just as important in preventing skin cancer.

CONSULTATION/ADVERTISING:

The installation of a shade sail in this location will be a significant addition to the park, therefore consultation with the local community will be undertaken in accordance with the City's consultation Policy 4.1.5.

LEGAL/POLICY

Hyde Park Conservation Plan:

The Hyde Park Conservation Plan June 2003 outlines that the water playground area is considered as having little significance.

However, in accordance with Policy 18 within the Conservation Plan, new work, such as the construction of new buildings or structures within the park may be acceptable where they do not distort or obscure the cultural significance of the place, or detract from its interpretation and appreciation. New work should be readily identifiable.

The City's Heritage officer proposed shade structure does not distort or obscure the cultural significance of Hyde Park however the proposal has to be referred to the State Heritage Office for comment.

Section 18 (Consent to the use of the Land):

In 2010 the City applied for consent to use the land under Section 18 of the *Aboriginal Heritage Act*. Approval to use of the land (Hyde Park) for the purposes of environmental restoration works, general ongoing maintenance and upgrade of associated infrastructure was subsequently granted on 8 October 2010. The Section 18 approval still applies, however for any ground disturbance that involves significant excavation it would be necessary to engage the appropriately authorised persons to monitor the excavation component of the works.

The installation of shade sails over the water playground would require significant excavation works to a depth of around two metres, therefore monitors would have to be engaged for only this part of the works which is likely to take one to two days only.

RISK MANAGEMENT IMPLICATIONS:

Medium/High: Local governments can be subject to common law claims for negligence. The City would be reducing the risks of any such claim by providing a shade sail over the Hyde Park Water Playground which is an area where patrons are being encouraged to visit for extended periods of time through peak periods of ultraviolet radiation exposure.

STRATEGIC IMPLICATIONS:

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The estimated cost for installation of a shade sail (not a rigid structure) over the water playground is \$45,000. The high cost is due to the length of the span across the concrete pad and the subsequent requirement for the structure to be specifically designed and engineered accordingly.

COMMENTS:

The City has several playground areas that have shade structures where natural shade is not abundant, however due to the high cost of installation, ongoing vandalism and subsequent maintenance, the preference has been to utilise natural shade from the many mature trees located in any one location.

With regards to the Hyde Park Water playground, to determine whether a shade sail should be considered, the site was assessed using the Cancer Council's scoring system. The site assessment scored 40 points out of a total of 45.

The installation of a shade sail at this location is supported and therefore recommended that Council lists \$45,000, for the installation of a shade sail over the water playground at Hyde Park, for consideration in the 2016/17 Capital Works budget,.

9.2.5 Vincent Greening Plan – 2016 Garden Competition

Ward:	Both	Date:	10 June 2016
Precinct:	All	File Ref:	SC17
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	J van den Bok, Manager Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council:

- 1. NOTES that Administration will arrange a ‘Greening Vincent Garden Awards’ function to be held at the City of Vincent Administration and Civic Centre on Wednesday 16 November 2016 commencing at 6.00pm with invitees including competition entrants/partners and sponsors; and**
- 2. APPROVES a final judging panel comprising of Cr, Cr, Cr, Director Technical Services, Manager Parks Services, Adele Gismondi (Water Corporation) and Community Judge Tamara Fehlberg (winner 2015 Best Residential Front Garden); and**

PURPOSE OF REPORT:

To consider the appointment of Council Members for the final judging panel and to advise Council of the dates and format of the 2016 Garden Competition.

BACKGROUND:

Since 1995, an annual ‘Spring Garden Competition’ has been held, which receives in excess of 100 category entries per competition and is open to all owners/occupiers who have lived within the City’s boundaries for at least six months.

The competition forms part of the many initiatives undertaken annually as part of the City’s Greening Plan.

DETAILS:

Whilst the competition has been a resounding success, and is a very popular event in the Vincent calendar, Administration is of the opinion that a review of some aspects of the competition is required.

Categories:

The proposed categories for the 2016 Garden Competition are listed below:

- Best Residential Front Garden;
- Best Kept Verge;
- Catchment Friendly Garden;
- Best Courtyard or Balcony Garden;
- Best Business Garden (**New**)
- Best Residential Rear Garden;
- Best Vegetable or Food Garden; and
- Mayor’s Encouragement award.

Best Business Garden:

Given the development that has occurred within Vincent, in particular around town centres, a new category "Best Business Garden" is recommended to be included and with promotion from the City's Place Managers, is likely to be a popular addition.

Best Kept Street or Part Street:

Only four awards have been provided over the past 12 years and this category has not proven to be successful and therefore is recommended to be deleted from the competition this year.

Judging:

As in previous years the preliminary judging for the majority of categories will be undertaken by the City's horticultural staff. Preliminary judging for the Catchment Friendly Garden will be undertaken by members of the Claise Brook Catchment Group (CBCG), the Parks Services Technical Officer and the Project Officer – Parks and Environment.

Final judging will be undertaken on the morning of 15 October 2016. It is proposed that the 2016 judging panel will consist of the following members:

- 3 x Council Members (to be nominated) – City of Vincent;
- Rick Lotznicker, Director Technical Services – City of Vincent;
- Jeremy van den Bok, Manager Parks Services – City of Vincent;
- Adele Gismondi - Water Corporation;
- Tamara Fehlberg (Winner- 2015 Best Residential Front Garden)

Function/Awards/Prize Money:

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

- Best Residential Front Garden
- Catchment Friendly Garden

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

- Best Residential Rear Garden
- Best Courtyard or Balcony Garden
- Best Vegetable or 'Food' Garden
- Best Business Garden
- Best Kept Verge

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

- Mayor's Encouragement Award

A quality pair of Swiss made "Felco" secateurs valued at \$100 will be presented for the Mayor's Encouragement Award together with a floor mat.

In addition the awards presentation night always includes a number of raffles and/or give-away prizes provided by our numerous sponsors.

Awards Function:

Whilst the traditional sit down dinner has again been catered for, Administration has for some time been discussing having a more upbeat, stand up function, albeit still having the awards presented in the usual format.

This idea will be further progressed and possible changes implemented as part of the 2017/18 Garden Competition function.

CONSULTATION/ADVERTISING:

An advertisement/entry form will be placed in local community papers during August/September 2016.

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

LEGAL/POLICY

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

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

"Enhance and promote community development and wellbeing.

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

The estimated costs associated with the 2016/17 City of Vincent Garden Competition are as follows:

Cash prizes	\$ 4,500
Function	\$ 6,000
Trophies	\$ 1,400
Photography	\$ 1,500
Prizes/Doormats	\$ 1,500
Bus hire	\$ 350
Advertising	\$ 1,450
Total	\$16,700

A total of \$17,000 is proposed to be allocated in the City's 2016/17 draft budget to undertake this event.

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

COMMENTS:

As mentioned in the report an annual 'Spring Garden Competition', has been held at Vincent since the mid 1990's

The very popular competition forms part of the many initiatives undertaken annually as part of the City's Greening Plan and is relevant today more than ever with the changing weather conditions and drying climate in the southwest of WA.

It is recommended that Council approves the 2016 Garden Competition as detailed within the report, with entries to close on Friday 7 October 2016.

9.2.6 Tender No. 514/16 – Supply and Delivery of One 22/23m³ Side Loading Automatic Bin Lifter Refuse Truck (SC2595)

ITEM WITHDRAWN BY ADMINISTRATION

9.2.7 Deed of Variation to the Constitution Agreement of the Mindarie Regional Council

Ward:	Both	Date:	14 June 2016
Precinct:	All	File Ref:	SC1161
Attachments:	1 – Deed of Variation to the Constitution Agreement of the Mindarie Regional Council		
Tabled Items:	-		
Reporting Officer:	C Wilson, Manager Asset and Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

RECOMMENDATION:

That Council:

- NOTES** the Mindarie Regional Council’s request for the City of Vincent to approve the Deed of Variation to the Constitution as outlined in the report;
- APPROVES** the Deed of Variation to the Constitution Agreement of the Mindarie Regional Council as shown in Attachment 1; and
- ADVISES** the Mindarie Regional Council of its decision.

PURPOSE OF REPORT:

To consider the Mindarie Regional Council’s (MRC’s) request for Council to endorse an amendment to the Deed of Variation, Constitution Agreement of the MRC on the understanding that the same request will be made of the other member Council’.

BACKGROUND:

Western Australian Waste Strategy ‘Creating the Right Environment’

In March 2012 the Western Australian Waste Authority released its new waste strategy entitled “*Western Australian Waste Strategy Creating the Right Environment*” (the Strategy). The Strategy placed obligations on local government to reduce its reliance on landfill and set the following Municipal Solid Waste (MSW) sector targets:

- 50% diversion from landfill of material presented for collection in the metropolitan region by 30 June 2015 (metropolitan region recovery in 2009/10 was 36%); and
- 65% diversion from landfill of material presented for collection in the metropolitan region by 30 June 2020.

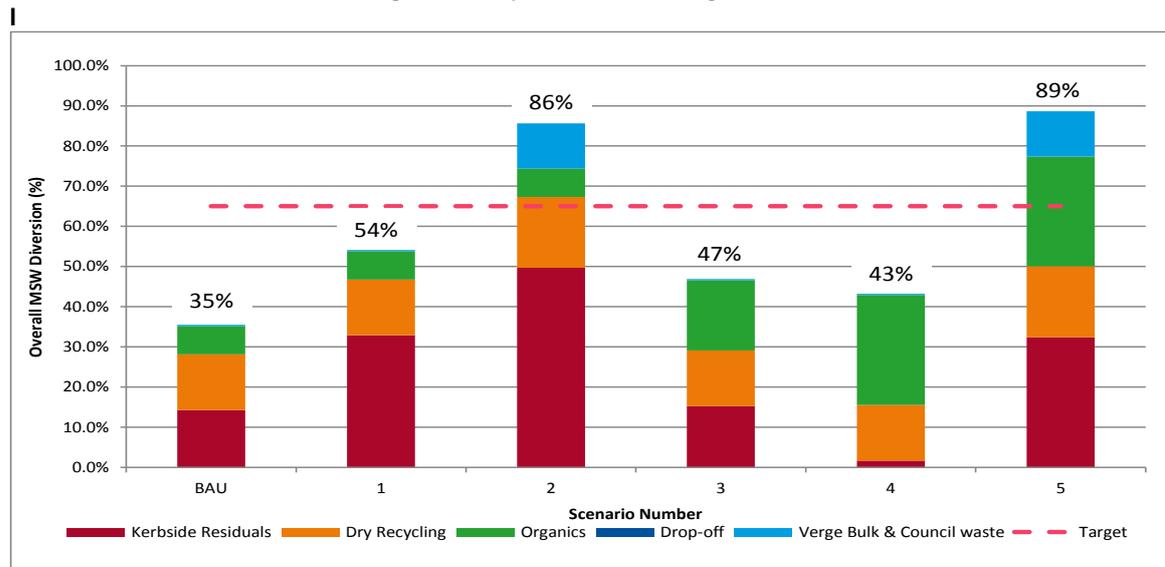
DETAILS:

Together with the MRC the seven member Councils’, being the cities of Vincent, Perth, Stirling Joondalup, Wanneroo and the Towns of Victoria Park and Cambridge, engaged Hyder Consulting Pty Ltd to develop a study of alternative waste management solutions that would ensure the diversion rates set by the Waste Authority are met.

Hyder prepared a report entitled “Infrastructure Options Assessment” (the Report) that has been generally been accepted by the MRC and some of its member Councils. Part 4 of the report addresses different models to manage MSW as detailed in the following table:

Scenario	Description
Business as usual (BAU) Garden Organics (GO) Resource Recovery Facility (RRF)	Existing arrangements regarding Neerabup RRF and landfill continue, with Stirling & Cambridge's GO sent to a separate compost facility, and residual waste from any processing is sent to landfill
<u>Scenario 1</u> Two bin system, second Mechanical Biological Treatment (MBT)	Collection systems as in BAU, all general waste goes to MBT – either Neerabup RRF or a second MBT, only residuals from the MBT's go to landfill
<u>Scenario 2</u> Two bin, Energy from Waste (EfW) Municipal Recycling Facility (MRF)	Collection systems as in BAU, existing flows of general waste to Neerabup RRF continue and remainder goes to an EfW facility (including bulk waste, MBT and MRF residuals)
<u>Scenario 3</u> Three bin – residual to Neerabup, GO separately	All Councils implement a green waste bin, with collected material open-window composted. All general waste would be processed via Neerabup RRF. Remaining material would go to landfill.
<u>Scenario 4</u> Three bin – residual to and Fill (LF)	All Councils have a third bin, Stirling for greenwaste only, all other Councils collect all organics (including garden, food, nappies, contaminated paper etc) in the third bin for processing at Neerabup RRF and residuals go to landfill.
<u>Scenario 5</u> Three bin residuals to EfW	All Councils have a third bin, Stirling greenwaste only, all other Councils collect all organics (including garden, food, nappies, contaminated paper, etc) in the third bin to be processed at Neerabup RRF with all residuals to energy from waste (including bulk waste and MRF residuals)

Each of the scenarios were tested against the Waste Authority's targets with only two Scenarios 2 and 5 demonstrating the ability to meet the targets, as shown in the table below.



Mindarie Regional Council Meeting of 14 April 2016:

The MRC endorsed a report by Hyder Consulting which included the recommendation to create a Waste Precinct at, or in close proximity to the existing Resource Recovery Facility (RRF) in the Neerabup Industrial Estate in the City of Wanneroo.

A dedicated Waste Precinct would enable the MRC to undertake the following:

- develop a Bulk Waste Sorting Shed (to cater for bulk verge waste),
- a Recycling Facility (MRB); and
- potentially a Waste to Energy Facility (utilising the contents of the MGB).

To this end, the MRC has included funding in its 2016/17 draft budget for the preliminary planning of the aforementioned proposed projects.

The MRC intends to fully test the market by openly tendering each of the projects. The tender will be flexible so as to obtain the strongest responses possible from the market. The MRC will require the facilities to be either constructed on land that it owns or alternatively allow the tenderer to nominate a preferred facility at another location. It is possible that the locations of facilities that are nominated by a tenderer could be outside the immediate region.

Correspondence to Member Councils of 29 April 2016:

The MRC indicated that, based on advice from its solicitors, the current constitution would potentially prevent the MRC from accepting tenders that responded with the facilities being either on land that it owned, depending on how the facility was controlled, and/or outside the region.

Included in the correspondence was a proposed '*Deed of Variation*' to the Constitution that would resolve this issue (See **Attachment 1**). The Deed includes an amendment to clauses 5.1(a) and 5.1(b) of the Constitution as follows:-

Clause 5.1(a)

In clause 5.1(a) delete the words "*deliver to a building or place provided, managed or controlled for the purposes by the Regional Council*"; and

Clause 5.1(b)

In clause 5.1(b) delete the words "*which is delivered to a building or place provided, managed or controlled for the purposes by the Regional Council*".

The correspondence goes on to request each of the member Councils to support this minor amendment.

CONSULTATION/ADVERTISING:

The MRC's Strategic Working Group, which is represented by each member Council at the executive level, has been kept informed of the need for the change to the Constitution.

LEGAL/POLICY:

An amendment to the MRC Constitution entitled "*Regional District and Regional Council Constitution Agreement*" requires agreement of the seven constituent municipalities to agree to the changes before being sent on to the Minister for Local Government for approval.

The seven constituent municipalities of the MRC are the Cities of Vincent, Perth, Stirling, Joondalup, Wanneroo and the Towns of Victoria Park and Cambridge.

RISK MANAGEMENT IMPLICATIONS:

High: Reducing the quantity of waste to landfill is of paramount importance and mandated by State legislation. The Deed of Variation to the Constitution is necessary to evaluate the MRC to progress with further planning to establish a dedicated waste precinct, for the benefit of the City of Vincent and the six other member Councils.

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 impacts and provide leadership on environmental matters."

SUSTAINABILITY IMPLICATIONS:

The proposal is to provide a more sustainable service which will take into account and try to address the many issues associated with waste generation/collection/disposal.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The MRC is seeking to have the member Councils agree to a *Deed of Variation, Constitution Agreement of the Mandarie Regional Council* to enable the MRC to progress with the planning of a Waste Precinct at or near the Neerabup RRF. Clauses 5.1 (a) and 5.1 (b) of the Constitution, Section 5 Deed of Amendment of Constitution Agreement, currently restricts the MRC's ability to obtain the best outcomes for the member Councils in an open market. The proposed Deed of Variation to the Constitution (included in Attachment 1) will overcome this obstacle and is therefore supported.

9.3 CORPORATE SERVICES

9.3.1 Investment Report as at 31 May 2016

Ward:	Both	Date:	10 June 2016
Precinct:	All	File Ref:	SC1530
Attachments:	1 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	B Wong, Accountant G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

RECOMMENDATION:

That Council **NOTES** the Investment Report for the month ended 31 May 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 31 May 2016 including on call in the City's operating account were \$24,348,546 as compared to \$15,639,149 at the end of May 2015.

Total Investments for the period ended 31 May 2016 were \$23,475,917 as compared to \$26,587,166 at the end of April 2016. At 31 May 2015, \$13,561,000 was invested.

Investment comparison table:

	2014-2015	2015-2016
July	\$11,311,000	\$14,961,000
August	\$23,111,000	\$26,961,000
September	\$22,111,000	\$31,361,000
October	\$22,411,000	\$30,701,564
November	\$21,111,000	\$31,206,505
December	\$19,361,000	\$27,239,542
January	\$19,361,000	\$29,229,172
February	\$19,361,000	\$29,221,565
March	\$19,061,000	\$27,983,289
April	\$15,561,000	\$26,587,166
May	\$13,561,000	\$23,475,917
June *	\$16,372,423	

*Investment report modified from June 2015 to include funds held in the Operating Account.

Total accrued interest earned on Investments as at 31 May 2016:

	Revised Budget	Budget Year to Date	Actual Year to Date	% of FY Budget
Municipal	\$390,461	\$352,052	\$480,963	123.18
Reserve	\$258,624	\$232,493	\$267,349	103.37
Total	\$649,085	\$584,545	\$748,312	115.29

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

Long Term Rating (Standard & Poor's) or Equivalent	Short Term Rating (Standard & Poor's) or Equivalent	Direct Investments Maximum % with any one institution		Managed Funds Maximum % with any one institution		Maximum % of Total Portfolio	
		Policy	Actual	Policy	Actual	Policy	Actual
AAA Category	A1+	30%	Nil	45%	Nil	100%	Nil
AA Category	A1+	30%	31.2%	30%	Nil	90%	61%
A Category	A1	20%	19.2%	30%	Nil	80%	39%
BBB Category	A2	10%	Nil	n/a	Nil	20%	Nil

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:

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

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

The funds invested have decreased from the previous period after payments to creditors, staff, etc.

Funds invested with the National Australia Bank exceed 30% at the end of May 2016. This is due to decrease in total invested funds after the investments maturing with other banks have progressively been withdrawn for cash flow purposes.

It is anticipated that the City will continue to receive municipal interest earnings in excess of the budget for the remainder of the financial year for the following reasons:

- Increased levels of investment of around \$6 - \$7 million over the budget assumptions due to delays in capital expenditure in this financial year.
- The average interest rates for term deposit investments is higher than the estimated rate used in the budget assumptions.

Interest on Reserve Investments will be lower for the duration of the financial year as a result of the decision to transfer the balance of the Aged Persons and Senior Citizen's Reserve to the City's Trust Account.

The City has obtained a weighted average interest rate for current investments of 2.90% which includes the City's operating account. When the investments are calculated excluding the operating account, the average investment rate achieved is 3.00% as compared to the Reserve Bank 90 days Accepted Bill rate of 2.01%. As of 31 May 2016, the City's actual investment earnings are exceeding the budget estimate by \$163,767 (28%).

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

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

9.3.2 Authorisation of Expenditure for the Period 1 May 2016 to 31 May 2016

Ward:	Both	Date:	10 June 2016
Precinct:	All	File Ref:	SC347
Attachments:	<u>1</u> – Creditors Report – Payments by EFT <u>2</u> – Creditors Report – Payments by Cheque <u>3</u> – Credit Card Transactions		
Tabled Items:	-		
Reporting Officers:	O Dedic, Accounts Payable Officer; G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

RECOMMENDATION:

That Council **RECEIVES** the list of accounts paid under Delegated Authority for the period 01 May 2016 to 31 May 2016 as detailed in Attachment 1, 2 and 3 as summarised below:

Cheque numbers 79848 - 79969	\$199,617.52
Cancelled Cheques	- \$176.40
EFT Documents 1934 - 1943	\$2,848,700.83
Payroll	\$1,596,859.90

Direct Debits

- **Lease Fees** \$5,888.29
- **Loan Repayment** \$145,733.51
- **Bank Fees and Charges** \$15,684.07
- **Credit Cards** \$5,603.58

Total Direct Debit	\$172,909.45
Total Accounts Paid	\$4,817,911.30

PURPOSE OF REPORT:

To present to Council the expenditure and list of accounts paid for the period 01 May 2016 to 31 May 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:

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account (Attachment 1 and 2)		
Cheques	79848 - 79969	\$199,617.52
Cancelled Cheques	79907; 79909	-176.40
EFT Payments	1934 - 1943	\$2,848,700.83
Sub Total		\$3,048,141.95
Transfer of Payroll by EFT		
	03/05/16	\$536,113.79
	17/05/16	\$536,598.49
	31/05/16	\$524,147.62
	May 2016	\$1,596,859.90
Corporate Credit Cards (Attachment 3)		\$5,603.58
Bank Charges and Other Direct Debits		
Lease Fees		\$5,888.29
Loan Repayment		\$145,733.51
Bank Charges – CBA		\$15,684.07
Total Bank Charges and Other Direct Debits (Sub Total)		\$167,305.87
Less GST effect on Advance Account		0.00
Total Payments		\$4,817,911.30

LEGAL/POLICY:

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

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

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

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

13. *Lists of Accounts*

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2013-2023:

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

ADVERTISING/CONSULTATION:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENT:

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

9.3.3 Financial Statements as at 30 April 2016

Ward:	Both	Date:	10 June 2016
Precinct:	All	File Ref:	SC357
Attachments:	1 – Financial Reports		
Reporting Officers:	N Makwana, Accounting Officer G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

RECOMMENDATION:

That Council **RECEIVES** the Financial Statements for the month ended 30 April 2016 as shown in Attachment 1.

PURPOSE OF REPORT:

To present the Financial Statements for the period ended 30 April 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 30 April 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	6-35
5.	Capital Works Schedule and Funding and Graph	36-42
6.	Cash Backed Reserves	43
7.	Rating Information and Graph	44-45
8.	Receivables	46
9.	Beatty Park Leisure Centre Report – Financial Position	47
10.	Explanation of Material Variance	48-59

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

Summary of Financial Activity By Programme as at 30 April 2016

	Revised Budget	Year to date Budget	Year to Date Actual	Year to Date Variance	Year to Date Variance
	\$	\$	\$	\$	%
Operating Revenue	28,867,827	24,882,885	22,875,601	(2,007,284)	-8%
Operating Expenditure	(54,521,592)	(44,949,366)	(42,909,038)	2,040,328	-5%
Add Deferred Rates Adjustment	-	-	14,004	14,004	0%
Add Depreciation	10,103,230	8,418,987	8,405,045	(13,942)	0%
(Profit)/Loss on Asset Disposal	(3,716,718)	(3,716,718)	(2,679,153)	1,037,565	-28%
Leederville Gardens Retirement Village Fund Adjustment	-	-	875,631	875,631	0%
Net Operating (excluding Rates and Non-cash Items)	(19,267,253)	(15,364,212)	(13,417,910)	1,946,302	-13%
Proceeds from Disposal of Assets	4,665,090	4,665,090	3,499,833	(1,165,257)	-25%
Transfers from Reserves	2,680,767	2,680,767	1,097,879	(1,582,888)	-59%
Capital Expenditure	(11,981,937)	(11,756,937)	(5,390,832)	6,366,105	-54%
Repayments Loan Capital	(760,288)	(629,390)	(629,389)	1	0%
Transfers to Reserves	(5,331,657)	(4,626,226)	(3,878,969)	747,257	-16%
Net Capital	(10,728,025)	(9,666,696)	(5,301,477)	4,365,219	-45%
Total Net Operating and Capital	(29,995,278)	(25,030,908)	(18,719,388)	6,311,520	-25%
Rates	29,596,786	29,581,286	29,591,656	10,369	0%
Opening Funding Surplus/(Deficit)	1,007,891	1,007,891	1,007,891	-	0%
Closing Surplus/(Deficit)	609,399	5,558,269	11,880,159	6,321,890	114%

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

Comments on Summary of Financial Activity by Programme:

Revised Budget

Includes all budget amendments approved by Council up to 5th April 2016.

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 8% (\$2m). This is due to reduced revenue in Recreation and Culture (\$466k), Transport (\$587k) and delay in distribution of profit on land sales from Tamala Park Regional Council (\$950k).

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 positive variance is currently at 5% and is primarily due to employee costs being less than budget estimate and less spending on other expenditure to date.

Funding Balance Adjustment

Reversal of the restriction placed on \$875,631 for Leederville Gardens Retirement Village funds as at 30th June 2015.

Transfer from Reserves

This is in an unfavourable position as the Transfer from Reserves is aligned with the timing of Capital Works projects that are Reserves funded.

Capital Expenditure

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

Transfer to Reserves

The reimbursement of \$62,648 plus interest of \$96,252 has been transferred to the Aged Persons and Senior Citizen's Reserve as approved at the Ordinary Meeting of Council 08 March 2016.

Monthly transfer to the Asset Sustainability Reserve commenced in July 2015, based on budget phasing. This has been reviewed regularly and there has been no requirement for adjustment.

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

Opening Funding Surplus/(Deficit)

The surplus Opening Balance brought forward from 2014-15 is \$1,007,891, as compared to budgeted opening surplus balance of \$576,865. This has been adjusted as part of the mid-year budget review and is reflected in the statements.

Closing Surplus/(Deficit)

There is currently a surplus of \$11,880,159, compared to year to date budget surplus of \$5,558,269. This is substantially attributed to the positive variance in operating expenditure and the current level of Capital Expenditure.

It should be noted that the April 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)

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

The net current funding position as at 30 April 2016 is \$11,880,159.

4. Summary of Income and Expenditure by Service Areas (Note 4 Page 6 – 35)

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

5. Capital Expenditure and Funding Summary (Note 5 Page 36 - 42)

Council resolved by absolute majority at its Ordinary Meeting of Council dated 5 April 2016 to increase the capital budget for the Bike Plan Network by \$160,000 funded from Tamala Park Land Sales Reserve and Lake Street Angle Parking by \$35,000 funded from Cash in Lieu Parking Reserve.

The following table is a Summary of the 2015/2016 Capital Expenditure Budget by programme, which compares Year to date Budget with actual expenditure to date. The full Capital Works Programme is listed in detail in Note 5 of Attachment 1.

	Adopted Budget \$	Revised Budget \$	Year to date Budget \$	Year to date Actual \$	Full Year Budget Remaining %
Furniture & Equipment	469,300	501,219	501,219	261,729	48%
Plant & Equipment	1,831,650	1,872,979	1,872,979	253,057	86%
Land & Building	2,858,272	2,198,201	2,073,201	1,062,825	51%
Infrastructure	7,498,125	7,409,538	7,309,538	3,813,221	49%
Total	12,657,347	11,981,937	11,756,937	5,390,832	55%

	Adopted Budget \$	Revised Budget \$	Year to date Budget \$	Year to date Actual \$	Full Year Budget Remaining %
Capital Grants and Contributions	1,791,189	1,531,854	1,189,587	816,169	47%
Cash Backed Reserves	2,391,223	2,680,767	2,680,767	1,097,878	59%
Other (Disposal/Trade In)	135,000	135,000	135,000	89,287	34%
Own Source Funding – Municipal	8,339,935	7,634,316	7,751,583	3,387,498	56%
Total	12,657,347	11,981,937	11,756,937	5,390,832	55%

Note: Detailed analysis are included on page 36 – 42 of Attachment 1.

6. Cash Backed Reserves (Note 6 Page 43)

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

The balance as at 30 April 2016 is \$10,452,896. The balance as at 31 March 2016 was \$10,273,793.

7. Rating Information (Note 7 Page 44 - 45)

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

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

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

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

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

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

The Rates debtors balance as at 30 April 2016 is \$496,373 (this includes deferred rates of \$137,150). This represents 1.64% of the collectable income compared to 1.18% at the same time last year.

8. Receivables (Note 8 Page 46)

Receivables of \$3,185,196 are outstanding at the end of April 2016, of which \$2,757,551 has been outstanding over 90 days. This is comprised of:

\$452,184 (16.4%) relates to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangements for more than one year.

\$182,956 (6.6%) relates to Other Receivables, including recoverable works and property.

\$2,122,410 (77%) 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. As at 30 April 2016, the outstanding balance with FER is \$1,292,247. The balance of \$830,163 consist of approximately:

- \$186k are unrecoverable and FER has recommended to write off;
- \$590k are yet to be submitted to FER;
- \$64k were infringements issued prior to 2003 and are currently under review.

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. A separate report is on the current agenda dealing with write-off of unrecoverable infringement debts.

9. Beatty Park Leisure Centre – Financial Position Report (Note 9 Page 47)

As at 30 April 2016 the operating surplus for the Centre was \$37,857 in comparison to the year to date budgeted surplus of \$229,860.

The cash position showed a current cash surplus of \$636,474 in comparison to year to date budget estimate of a cash surplus of \$828,610.

All material variance as at 30 April 2016 has been detailed in the variance comments report in **Attachment 1**.

10. Explanation of Material Variances (Note 10 Page 48 - 59)

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 revised budget, where that variance exceeds \$10,000. This threshold was adopted by Council as part of the Budget adoption for 2015-16 and is used in the preparation of the statements of financial activity when highlighting material variance in accordance with *Financial Management Regulation 34(1) (d)*.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

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

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

RISK MANAGEMENT IMPLICATIONS:

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

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 revised budget.

9.3.4 Delegated Authority Review

Ward:	-	Date:	10 June 2016
Precinct:	-	File Ref:	SC2642
Attachments:	<u>1</u> - Delegated Authority Register 2015/16 with tracked changes. <u>2</u> - Summary of Proposed Changes to Delegations of Authority <u>3</u> - Delegated Authority Register 2016/2017		
Tabled Items:	Nil		
Reporting Officer:	T Evans, Manager Governance and Risk		
Responsible Officer:	J Paton, Director Corporate Services		

RECOMMENDATION:

That Council:

1. **NOTES** the annual review of its Delegations in accordance with Section 5.46(2) of the *Local Government Act 1995*, as outlined in this report and summarised in Attachment 2; and
2. **DELEGATES BY ABSOLUTE MAJORITY** the local government functions listed in the City's Delegated Authority Register included as Attachment 3.

PURPOSE OF REPORT:

To consider amendments to the City's Delegated Authority Register (the Register), following a review as required under the *Local Government Act 1995* (the Act).

BACKGROUND:

Powers and duties are conferred on a Local Government by the Act and other enabling legislation. In the interests of organisational efficiency, it is possible for many of those powers and duties to be delegated from Council to the Chief Executive Officer (CEO). A power can only be delegated if it exists under legislation, and that legislation specifically allows the delegation to take place. Council may impose conditions on any the exercise of powers that they delegate.

All delegations made under the Act must be made by absolute majority as prescribed by Section 5.42 of the Act and the City is required to record delegations in written instruments of delegation contained in the Register.

Sections 5.18 and 5.46(2) of the Act require that the City's delegated statutory authorities be reviewed at least once each financial year by the delegator (Council and the CEO). The current Register was last reviewed by Council at its meeting on 28 June 2015 and the delegations have not yet been reviewed in the 2015/16 financial year.

DETAILS:

The annual review of delegations by Council and the CEO is necessary (other than as required by legislation) to ensure the delegations remain consistent with legislation and applicable to the City's current operational needs.

The Act does not specify the manner in which Council must 'review' its delegations and simply states that a review must occur.

This year's approach has involved Administration has reviewed each delegation and made numerous amendments in respect of:

- a) Removal of delegations that are no longer required or are redundant.
- b) Changes to position titles to reflect the organisational structure.

- c) Consolidation of closely related delegations into single delegations where appropriate.
- d) Separation of authorisations and delegations for the purposes of simplification.
- e) Addition of a “delegation from” section in each delegation in order to identify where the original source of a power came from.
- f) Consideration of new, amended or repealed legislation that may necessitate the amendment of existing delegations or the drafting of new delegations.
- g) Updates to reflect the impact of new and existing policies on delegations and authorisations.

The specific changes proposed are included in **Attachment 1**, while proposals for new and expanded delegations are addressed in the comments section of this report.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

Medium: Delegating the powers of a local government introduces a risk that those powers may be used in a manner that is contrary to Council’s view. This risk is mitigated by imposed conditions on delegations, guiding policies, appropriate training which define clear authorities and accountabilities for City officers. The risk is also mitigated by the requirement to record and report decisions made under delegated authority.

STRATEGIC IMPLICATIONS:

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

“4.1 Provide good strategic decision-making, governance, leadership and professional management;” and in particular;

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

SUSTAINABILITY IMPLICATIONS:

Nil

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

There are new delegations proposed under two Acts:

- New delegations are proposed under the *Caravan Parks and Camping Grounds Act 1995*, which has been proposed specifically to provide the power to move on or infringe people that may be camped inappropriately.
 - New delegations are proposed under the *Cat Act 2011*, which provide powers to manage cats, infringe cat owners and issue cat control notices.
-

The delegations under the *Dog Act 2011* have been expanded to incorporate several functions that were not previously covered, including the power to require a person's name and address and the power to recover veterinary costs from owners. The appointment of Registration Officers has also been included. While this is not strictly a delegation, there is a requirement for the City to nominate officers that are able to register dogs and the Register is an appropriate place to record these nominations.

Finally, Administration has undertaken a review of the current delegations under the City's Town Planning Scheme No.1, collected statistics in relation to decisions that are currently made under delegation and discussed a number of principles with Council Members at a recent Council Workshop. A significant rationalisation of the current delegations in this area is proposed and will be presented to Council Members at workshops before being presented to a Council meeting for adoption.

A marked up copy of the 2015/16 Register has been provided as **Attachment 1** which shows the proposed changes to each delegation. A summary of the changes has been provided as **Attachment 2**.

Attachment 3 shows the proposed Register for 2016/17. It shows the result of the tracked changes and also has renumbered the delegations in to a more logical order following the consolidations, changes and revocations that have taken place over the last 2 or 3 reviews of the Register.

9.3.5 Lease of No. 4 Broome Street, Highgate to Minister for Education – Highgate Pre-Primary (Little Citizens)

Ward:	South	Date:	10 June 2016
Precinct:	Forrest (14)	File Ref:	SC591
Attachments:	1 – Map of proposed lease area		
Tabled Items:	Nil		
Reporting Officer:	M Bancroft, Property Leasing Officer		
Responsible Officer:	J Paton, Director Corporate Services		

RECOMMENDATION:

That Council:

1. **APPROVES** a lease from 1 January 2017 to the Minister for Education over the premises located at 4 Broome Street, Highgate, on the following key terms:

- 1.1 **Term:** ten years plus two five year options;
- 1.2 **Permitted Use:** Pre-primary;
- 1.3 **Rent:** \$4,000 incl GST per annum (indexed by CPI);
- 1.4 **Statutory Compliance:** Lessee responsibility;
- 1.5 **Rates & Taxes:** to be paid by the Lessee;
- 1.6 **Outgoings:** to be paid by the Lessee;
- 1.7 **Repair & maintenance:** Lessee responsible for all maintenance and repair, including structural repair and repair due to fair and wear; and
- 1.8 **Lessor's Covenants:** to grant the Lessee quiet enjoyment of the premises.

2. **Subject to final satisfactory negotiations being carried out by the Director Corporate Services, AUTHORISES** the Mayor and Director Corporate Services to affix the common seal and execute the lease in 1 above.

PURPOSE OF REPORT:

To consider a proposal to continue leasing the premises located at 4 Broome Street, Highgate to the Minister for Education.

BACKGROUND:

The Property

The Highgate Pre-Primary (Little Citizens) is located at 4 Broome Street, Highgate, which is Lot 50 on Deposited Plan 12533 and being the whole of the land comprised in Certificate of Title Volume 1164 Folio 264 and Lot 1000 on Deposited Plan 11060 and being the whole of the land comprised within Certificate of Title Volume 1065 Folio 21 (the Land). The Land is owned in freehold by the City of Vincent and comprises Jack Marks Reserve as well as the Pre-Primary. A plan of the Land is attached to this report at **Attachment 1** and shows the Pre-Primary outlined in red (Premises). The Premises was constructed by the City of Perth in 1971.

The Premises comprises of a brick building, which was constructed in 1971 by the City of Perth, a newer demountable building (temporary classroom) which was provided by the Department of Education in 2013 and children's play areas. The City organised for a review of the condition of the buildings in February 2016 and the report found that the general condition of the brick building is fair while the demountable building is in a good condition. The areas of concern are several cracked tiles on the wall and loose mounting for the child hand basin in the bathroom in the old building. The guide for the sliding door rail in the old building is also missing which could potentially enable the door to come off its rail. The review did not identify any defects requiring immediate repair.

The Lessee/Lease

The Minister for Education has leased the Premises from the City since 1 January 1982. At the Ordinary Meeting of Council of 11 August 2011 (Item 9.3.2) Council approved the current lease to the Minister for Education:

“That the Council;

- (i) **APPROVES;**
 - (a) *the lease for the property located at No. 45 (Lot 10349 D/P Swan L) Richmond Street, Leederville, known as the Margaret Kindergarten for a period of five and half (5½) years from 1 July 2010 to 31 December 2015, subject to satisfactory negotiations being carried out by the Chief Executive Officer; and*
 - (b) *the lease for the property located at No. 4 (Part Lot 141 and Part of Land D12533) Broome Street, Highgate known as the Highgate Pre-Primary School (Little Citizens) for a period of five (5) years from 25 September 2011 to 24 September 2016 subject to satisfactory negotiations being carried out by the Chief Executive Officer;*
- (ii) *subject to (i) above being approved, AUTHORISES the Mayor and Chief Executive Officer to sign the new leases and AFFIX the Council’s Common Seal; and*
- (iii) *EXPRESSES its strong concern at the exclusion of children who live close to the Margaret Kindergarten from this facility and asks the Department of Education and Training to investigate ways of improving their access.”*

The current lease between the City and Minister for Education was signed on 20 January 2011 and was for a five year term, commencing on 1 July 2011. The lease will expire on 31 December 2016. The key terms of the current lease are as follows:

Term:	Five years commencing 1 July 2011;
Rent:	\$3,000 plus GST (indexed by CPI), currently \$3,575 incl GST;
Rates & taxes:	Lessee to pay;
Outgoings:	Lessee to pay;
Maintenance:	Lessee responsible to keep, maintain and clean premises (fair wear and tear excepted) and to deliver up possession in good and substantial repair and order and condition;
Lessor’s responsibility:	provide Lessee with quiet enjoyment for term.

In 2012 the Department of Education (Department) contacted the City in respect to installing a temporary classroom (demountable) on the land to cater for the increase number of children attending the Pre-primary. Council considered this matter at the Ordinary Meeting of Council of 18 December 2012 (Item 9.4.11) and resolved:

“That the Council;

- 1. *RECEIVES the report dated 7 December 2012 relating to the Margaret Kindergarten at No. 45 Richmond Street, Leederville, and Little Citizens Kindergarten at No. 4 Broome Street, Highgate (“the sites”);*
- 2. *ADVISES the Department of Education and Department of Finance, Building Management and Works that the Council supports the placement of temporary classrooms on the sites under the current terms of the leases on both sites, as shown in Appendices 9.4.11A and 9.4.11B, subject to a Masterplan being prepared to the satisfaction of the City;*

3. *NOTES that;*
 - 3.1 *the above approval (as specified in Clause 2) will deliver significant improvement of the streetscapes for both sites; and*
 - 3.2 *the current lease boundary for the Little Citizens Kindergarten is incorrect, as refers to the wrong land titles, as shown in Appendix 9.4.11;*
4. *ADVISES the Department of Education that it APPROVES IN PRINCIPLE of long term leases with the Department of Education, for the Margaret Kindergarten and the Little Citizens Kindergarten, subject to:*
 - 4.1 *a Masterplan being prepared for both sites; and*
 - 4.2 *Terms and Conditions being negotiated to the satisfaction of the Chief Executive Officer; and*
5. *AUTHORISES the Chief Executive Officer to:*
 - 5.1 *enter into discussions with the Department of Education to prepare Masterplans and also terms and conditions for long term leases for the Margaret Kindergarten and the Little Citizens Kindergarten; and*
 - 5.2 *enter into negotiations with the Department of Education to remedy the incorrect lease area, as shown in Appendix 9.4.1J;*
 - 5.3 *sign a Deed of Variation for the Little Citizens Kindergarten lease, together with the Mayor and affix the Council's Common Seal; and*
 - 5.4 *further investigate the relocation or expansion of the Leederville Child Care Centre to the Margaret Kindergarten site, as part of the proposed Masterplan."*

The demountable classroom was installed by the Department in 2013, however, further negotiation in respect to a longer term lease was not immediately commenced.

DETAILS:

The ceiling of the old building collapsed at the Pre-primary on 4 February 2016. The City promptly organised for the repair of the ceiling and wrote to the Department on 1 March 2016 and 29 March 2016 in respect to the repair of the ceiling, in particular the responsibility for the repair of the ceiling. It was agreed that the lease was unclear as to whether the City or Department was responsible for the cost of major structural repair. Consequently, the City and the Department agreed to share the costs, with the Department paying \$21,370.23 of the \$30,307.58.

Administration subsequently met with the Department's Leasing and Accommodation Coordinator, on 27 April 2016 to further discuss the terms of the current lease, in particular maintenance responsibilities. It was agreed that the current lease does not expressly address responsibility for structural maintenance and repair due to fair wear and tear and therefore any future lease with the Department should clearly express each party's maintenance responsibilities.

It is the City's position that as the Department has had the sole benefit of the premises for the last 34 years the Department is currently responsible for the maintenance and repair of the premises, including repair due to fair wear and tear and structural repair. However, a new lease needs to expressly address this and provide clear justification for the maintenance responsibilities.

The City proposes that the new lease with the Minister for Education should be for a longer term than the previous lease (10 years with a 10 year option as opposed to 5 years) as a longer term lease will provide certainty for the Department. In return for granting the Department exclusive benefit of the premises for a further, extended term, the Department should be fully responsible for all maintenance and repair of the premises, including structural repair and repair due to fair wear and tear. Therefore, the premises would be at "no cost" to the City for the next 20 years.

Administration contacted the Department on 2 June 2016 to negotiate the terms of a new lease, proposing that the key terms of the new lease be as follows:

Term:	10 years with two five year options;
Rent:	\$4,000 incl GST (indexed by CPI);
Rates & Outgoings:	To be paid by the lessee; and
Maintenance:	Lessee responsible for all repair and maintenance, including repairing damage due to fair wear and tear and structural damage.

The Department responded by email on 3 June 2016 confirming that the Department agrees to the proposed key terms.

CONSULTATION/ADVERTISING:

As the lease meets the requirements of an exempt disposition, in accordance with Section 3.58(5) of the *Local Government Act 1995*, there is no requirement for the City to advertise an intention to enter into a lease with the Minister for Education.

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."

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:

Low The Department has demonstrated over a long period of time its ability to manage a lease of the premises. The proposed new lease will clearly define each party's future obligations in respect to the lease and therefore ensure that the lease is at a very low risk to the City.

STRATEGIC IMPLICATIONS:

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

2.1.3 Develop business strategies that reduce reliance on rates revenue

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The City currently receives a rental income of \$3,575 including GST per annum from the Department. The rent has been increased by CPI each year, starting at \$3,000 in 2011. It is proposed that the new rent will initially be \$4,000 per annum (including GST) and this will be increased by CPI each year. This slight rental increase will bring the rent in line with the Department's lease of Margaret Kindergarten (45 Richmond Street, Leederville) as the rent is currently \$4,200 incl GST per annum.

COMMENTS:

The following general principles are considered by Administration when establishing the negotiation basis for the future lease:

- a lease fee is appropriate, but will range from full commercial value to nominal, depending on the nature of the Lessee (commercial, sporting, community, educational) and contribution/service delivered to the local community;
- statutory compliance is the responsibility of the Lessee, including repairs or modifications required as a result of the Lessee's use of the premises;
- where exclusive use is granted with full 'quiet enjoyment', the lease should be on a 'no cost' to the City basis. This will be through express obligations for the Lessee to keep, repair and maintain the facility or through the payment of variable outgoings; and
- the longer the duration of the lease, 'express' obligations can be introduced to clearly assign responsibility for structural responsibilities to the Lessee.

The Department lease the premises for education purposes and therefore a concessional rent is appropriate. The Department has leased the premises for 34 years and pursuant to this lease will lease it for up to a further 20 years. Consequently, it is reasonable for the Department to be responsible for statutory compliance, the payment of all rates, taxes and outgoings and all repair and maintenance of the premises.

A new lease to the Club is therefore recommended on the following general terms:

Term:	ten years plus two five year options;
Permitted Use:	Pre-primary;
Rent:	\$4,000 incl GST per annum (indexed by CPI);
Statutory Compliance:	Lessee responsibility;
Rates & Taxes:	to be paid by the Lessee;
Outgoings:	to be paid by the Lessee;
Repair & maintenance:	Lessee responsible for all maintenance and repair, including structural repair and repair due to fair and wear; and
Lessor's Covenants:	to grant the Lessee quiet enjoyment of the premises.

Administration recommends that Council approve the lease on the terms set out above.

9.3.6 Consideration of proposed development (Wellness Centre) – Portion of Woodville Reserve, 10 Farmer Street, North Perth

Ward:	North	Date:	24 June 2016
Precinct:	North Perth (8)	File Ref:	SC1795
Attachments:	<p><u>1</u> – Map of proposed development area (as shown in Master Plan) <u>2</u> – Previously Approved Development Plans for the Wellness Centre <u>3</u> – Revised Development Application Plans for the Wellness Centre <u>4</u> – Administration ‘Without Prejudice’ Responses Provided to MSCWA</p>		
Tabled Items:	Nil		
Reporting Officers:	<p>M Bancroft, Property Leasing Officer J Paton, Director Corporate Services M Quirk, Director Community Engagement L Kosova, Chief Executive Officer</p>		
Responsible Officers:	<p>J Paton, Director Corporate Services L Kosova, Chief Executive Officer</p>		

RECOMMENDATION:

That Council:

1. **SUPPORTS IN PRINCIPLE** the Multicultural Services Centre of WA’s (MSCWA’s) request to sub-lease a portion of Woodville Reserve, 10 Farmer Street, North Perth, for the purpose of constructing and occupying a Wellness Centre, generally in accordance with the revised plans included as Attachment 3, subject to the following terms and conditions:
 - 1.1 The revised plans included as Attachment 3 shall be subject to consultation with other affected user groups of Woodville Reserve, as determined by the Chief Executive Officer to:
 - (a) obtain their feedback on the proposed location, design and interface of the proposed development;
 - (b) ensure the proposed building is flexible and adaptable for other uses; and
 - (c) ensure the proposed building does not prejudice current activities or future planning or reconfiguration options for Woodville Reserve;
 - 1.2 MSCWA shall not park any more than two of its buses on Woodville Reserve, in a location and subject to terms to be determined by Council. In this respect, MSCWA shall within 3 months of the date of this decision provide to the City its proposal for the parking of only two buses on the Reserve for Council’s determination;
 - 1.3 Any sub-lease for the proposed Wellness Centre would need to incorporate the following minimum requirements unless otherwise agreed by Council through negotiation with MSCWA:
 - (a) the building would need to be available for use by other parties and the community when not being used as a Wellness Centre by MSCWA as the primary occupant;
 - (b) lease term of 10 years plus a 5 year option, with no guarantee or entitlement to a new lease beyond that term;
 - (c) during the lease term MSCWA shall be entirely responsible for building asset management to the City’s satisfaction; and

- (d) upon expiry of the lease term the building would revert to the City's exclusive control for use by the community at large, or for any other purpose so decided by the Council of the day; and

2. ADVISES Multicultural Services Centre of WA and nearby affected residential landowners of Council's decision.

PURPOSE OF REPORT

To consider whether or not to allow the proposed development of a portion of Woodville Reserve, adjacent to Farmer Street, North Perth by the Multicultural Services Centre of WA (MSCWA), for the purpose of a Wellness Centre.

The purpose of this report is not to determine the parameters of a proposed sub-lease to MSCWA or the granting of planning approval for MSCWA's proposed development on Woodville Reserve. Rather, Administration is seeking Council's direction on whether or not to proceed with the proposed development of a portion of Woodville Reserve. Once this direction is obtained Administration will give effect to Council's decision, whatever that may be.

BACKGROUND:

The Property

Woodville Reserve is a Class A Reserve for Recreation, leased to the City from the Crown for a 999 year period, pursuant to lease 1013-1925, dated 13 June 1925. The lease provides that the "*Land hereby demised shall at all times during the said term be used by the Lessees solely for the purpose of recreation and for no other purpose whatsoever...*". The City may sub-lease portions of Woodville Reserve for a period not exceeding 20 years, subject to the approval of the Minister for Lands.

The City currently leases portions of Woodville Reserve to the following community organisations:

1. North Perth Tennis Club;
2. MSCWA – Wellness Centre;
3. North Perth Community Gardens Inc;
4. Vincent Men's Shed Inc; and
5. North Perth Bowling Club.

The portion of Woodville Reserve identified for the proposed Wellness Centre is currently undeveloped open space which is used as a car parking area by users of the above facilities.

The proposed Wellness Centre was included in the Woodville Reserve Master Plan (Master Plan), which was adopted by Council at its ordinary meeting held on 12 February 2013. The Master Plan is essentially a block diagram that identified existing and potential future uses within the broader Woodville Reserve. The Master Plan does not incorporate any textual component, so it is not clear if consideration was given to the restrictive nature of the 'recreation' reserve when including the potential Wellness Centre. The section of the Master Plan which includes the area identified for the Wellness Centre is attached to this report as **Attachment 1**.

The MSCWA

The MSCWA is a Non-Governmental Organisation which was established in 1980 in North Perth to meet the settlement, welfare, education and training, cultural, legal and related needs of culturally and linguistically diverse Western Australians and to undertake research and community education activities in relation to their needs. The MSCWA's constitution states that its objectives are to:

- Alleviate poverty within migrant and refugee families through the provision of emergency relief and other available support services and initiatives;
- Provide appropriate cultural and linguistic services to address the needs of the diverse populace of Western Australia with a special emphasis on matters affecting their general settlement, welfare and education, training and employment, legal and health (including mental health);
- Provide culturally and linguistically appropriate services targeting specific needs of women, elderly, youth and people with disabilities; and
- Advocate for and promote a united Australia which respects this land of ours, values Aboriginal and Torres Strait Islander and our multicultural heritage and provides justice and equity for all.

The MSCWA offers a Home and Community Care Program (HACC) and the Wellness Centre forms a key part of this program. In 2006 the Wellness Approach was introduced as the underpinning philosophy of the MSCWA's approach to delivering HACC services. The MSCWA's website states that the "*MSCWA provides centre based day care services to people from multicultural backgrounds, who are frail or have a disability. The services are based on the Wellness Approach which focuses on capacity building and sustaining independence.*" The MSCWA advises that the Wellness Approach seeks to build on a client's capacity to improve their physical, social and emotional functioning while supporting them to live independently and autonomously in the community.

The MSCWA advises that the existing 214sqm Wellness Centre located at Woodville Reserve is insufficiently sized and inappropriately configured to enable MSCWA to address all aspects of its Wellness Approach. Consequently, in September 2013 MSCWA put forward the proposal to construct and operate a new, custom designed Wellness Centre from Woodville Reserve. The proposed building will be approximately 328sqm in area and will consist of three offices, one reception room, a kitchen, toilets and an open area.

The cost of the construction of the Wellness Centre is approximately \$1.3 million, with the MSCWA to contribute \$200,000 and the remainder to come from government grants.

The MSCWA advises that the proposed Wellness Centre would enable it to provide a range of physical and mental recreational activities such as yoga, tai chi, bocce, dancing, mind games, Mahjong, cards, meditation, carroms, board games, painting and crafts. The MSCWA asserts that these activities are all recreational in nature and are thus consistent with the recreation purpose of Woodville Reserve.

Development Approval

Council at its Ordinary Meeting of 11 February 2014 resolved to approve the construction of a recreational facility addition (Wellness Centre) on Woodville Reserve, generally in accordance with the approved Master Plan. Construction did not commence and the Planning Approval expired on 18 February 2016.

A copy of the previously approved development plans for the Wellness Centre are included as **Attachment 2**.

In February 2016, MSCWA submitted an application to extend the validity of its planning approval. On 16 June 2016, following various discussions with Administration, MSCWA submitted revised development application plans (see **Attachment 3**) depicting the proposed Wellness Centre being setback further from Farmer Street (closer to the Vincent Men's Shed) than was previously approved. This application for amendment to and renewal of the previous planning approval is yet to be determined, pending direction from Council on whether it supports the concept of constructing another building and hardstand area on Woodville Reserve.

Council consideration of Sub-lease

Council at its Ordinary Meeting on 8 March 2016 considered a report from Administration on a proposed agreement to sub-lease and the terms of a sub-lease of a portion of Woodville Reserve to the MSCWA (Confidential Item 14.2). The agreement to sub-lease would govern

the construction of the proposed Wellness Centre on Woodville Reserve in accordance with a building permit and approved plans and would provide that the MSCWA enter into a sub-lease with the City before occupying the Wellness Centre.

In considering Administration's report, Council resolved as follows:

"That Council:

1. *NOTES:*

- (a) The culturally and linguistically diverse demography of Vincent and its population;*
- (b) That the City sold a property at 20 View Street to Multicultural Services WA (formerly North Perth Migrant Resource Centre) on August 5, 1999 for a sum that was 40% below the market appraisal;*
- (c) That in return, the City entered into a 99 year lease for the Child Health Clinic at 20 View Street on May 1, 2000 (no rental to be paid);*
- (d) The validity of the lease over the above property is uncertain as it has not been endorsed by the WAPC pursuant to s 136 of the Planning & Development Act (in principle consent was obtained but it was never executed);*
- (e) MSCWA currently leases a property at 4 View Street from the City which is used as a computer training facility for Western Australians of culturally and linguistically diverse backgrounds. Rental on this property equates to approximately \$90/sqm;*
- (f) MSCWA currently lease a portion of Woodville Reserve (at 10 Farmer Street) for use as a Wellness Centre;*
- (g) The Wellness Centre caters to approximately 120 regular weekly patrons;*
- (h) Approximately 60% (72) of the regular patrons are from suburbs that are in or directly abutting the City of Vincent;*
- (i) There are additional social members who make use of the services of MSCWA in Vincent;*
- (j) That in 2009 the City purchased a property at 81 Angove Street (former Police Station) for \$1.75million with the explicit intent to work with MSCWA to establish a Health & Community Care (HACC) facility on the site;*
- (k) In 2010 MSCWA advised that their car parking requirement would preclude them from using this site for the intended purpose;*
- (l) The City disposed of this property in June 2015 after years of investigations into alternative uses;*
- (m) MSCWA has repeatedly indicated the need for parking for multiple buses on or adjacent to the site of their Wellness Centre*
- (n) The inappropriateness of the current facilities to service the needs of MSCWA; and*
- (o) The Woodville Reserve Masterplan identifies a new building at number 10 Farmer Street adjacent to the Mens Shed for use as a Wellness Centre;*

2. *DEFERS consideration of the proposed lease of a portion of 10 Farmer Street to MSCWA and requests the CEO to coordinate a meeting between officers and elected members of the City of Vincent and MSCWA to discuss the proposed Wellness Centre. This meeting is to occur no later than 20 May 2016; and*

3. *RECEIVES a further report in relation to the proposed lease and land use no later than June 2016."*

On 5 April 2016, a meeting was convened with MSCWA, Council Members and various City staff, in accordance with Council's resolution 2 above. That meeting was followed by a further

discussion at a Council Member Workshop later that evening. At the Workshop it was discussed that Administration should review siting and design options for the proposed Wellness Centre on Woodville Reserve, as well as examine whether other more suitable sites exist in the City of Vincent to accommodate a proposed Wellness Centre and should discuss the same with MSCWA. To this end, the City's CEO and Director Community Engagement met with the CEO of MSCWA on 2 June 2016 to explore these matters. At that meeting, Administration raised a number of specific questions which had been conveyed to MSCWA in advance. MSCWA responded to those questions in writing on 7 June 2016 and its written response was provided to Council Members for discussion (along with other unrelated matters) at a Council Member Workshop later that same evening.

DETAILS:

Use of Woodville Reserve

Woodville Reserve is an A Class reserve for recreation and therefore use of the reserve must be recreational in nature. Reserves are classified as Class A if they require a high degree of protection and have high conservation or high community value. Woodville Reserve has high community value and therefore it is critical that any proposed use of the reserve does not restrict the ability of the community to use, enjoy and benefit from it. Woodville Reserve provides a benefit to the community by providing a place for active and passive recreational pursuits, with the more recent approval for the Community Garden and Men's Shed broadening the types of recreation able to be enjoyed on the Reserve.

The proposed Wellness Centre is targeted at a specific portion of the community (culturally and linguistically diverse Western Australians) which may not be considered to represent broad community use or benefit.

As the proposed Wellness Centre appears to be primarily designed to provide HACC programs, it would undoubtedly fall within a community use, but the extent of the service that could be classed as "recreation" is less clear. The proposed Wellness Centre is intended to offer recreational activities for its clients including yoga, tai chi, bocce, dancing and mind games. However, Council needs to be mindful that the Crown Lease provides that the use of the reserve must be "*solely for the purpose of recreation*".

Administration has contacted the office of the Minister for Lands to seek advice as to whether the proposed Wellness Centre falls within the scope of recreation and in particular whether the proposed Wellness Centre, whilst clearly a community use, would comply with the use prescribed under the Crown Lease "*solely for the purpose of recreation.*" The Acting Senior State Lands Officer confirmed on 23 February 2016 that the "*purpose of the proposed Wellness Centre such as yoga, tai chi, bocce, dancing and mind games will be within the scope of Recreation*". As such, the proposed Wellness Centre would not be in conflict with the exclusively recreation purpose of Woodville Reserve.

As stated earlier, the City sub-leases portions of Woodville Reserve to a number of recreational organisations for sporting and leisure activities. It is important to note that the City's sub-leases with the MSCWA (in respect to the existing building located on Woodville Reserve), the North Perth Community Garden Inc, Vincent Men's Shed Inc and the North Perth Tennis Club have not been endorsed by the Minister for Lands. Also in the case of the MSCWA's current lease it is unclear if consideration was given to the nature of the A Class Reserve at the time the lease was entered into. With each of the above lessees, as with many clubs and community groups, their activities may all have a component of use that is not strictly recreation.

The following table compares the key terms in the sub-leases between the City and the various users of Woodville Reserve:

	North Perth Community Garden Inc	North Perth Tennis Club	North Perth Bowling Club	MSCWA - Existing Building	Vincent Men's Shed Inc
Initial Lease term	3 years	7 years	5 years	5 years	10 years
Initial term expiry	1/10/2018	31/12/2016	31/08/17	31/08/2019	1/10/2025
Further lease terms	Nil.	Nil	5 years	Nil	Nil
Lease fee (current)	\$1	\$962 incl. GST	\$3,093 incl. GST	\$4,306.08 incl. GST	\$1
Sinking fund contribution	Nil	\$5,040	Nil	Nil.	Nil
Sinking fund purpose	N/A	Future court replacement	N/A	N/A	N/A
Rates, Taxes & Outgoings	Lessee to pay	Lessee to pay	Lessee to pay	Lessee to pay	Lessee to pay
Compliance with Statute	Lessee responsibility	Lessee responsibility	Lessee responsibility	Lessee responsibility	Lessee responsibility
Lettable area	807m ²	6,302m ²	5,440m ²	214m ²	325m ²
Lessee's Maintenance responsibilities	Keep Premises clean & in good repair, repair damage (inc fair wear & tear)	Keep Premises in good substantial and functional repair (excl fair wear & tear)	Keep Premises in good substantial and functional repair (excl fair wear & tear)	Keep Premises in good substantial and functional repair (excl fair wear & tear)	Keep Premises clean & in good repair, repair damage (inc fair wear & tear)
Lessor's maintenance responsibilities	Repair & replace major structural damage	No express provision, but repair structural damage	No express provision, but repair structural damage	No express provision, but repair structural damage	Repair & replace major structural damage
Lessor's capital works	A right / discretion to undertake	A right / discretion to undertake	A right / discretion to undertake	A right / discretion to undertake	A right / discretion to undertake

By comparing these existing leases it can be construed that the key principles the City includes in its current leases on Woodville Reserve are the following:

- Initial term of between 3 and 10 years;
- No further term or one further term of 5 years;
- Lease fee dependant on the nature of the organisation (peppercorn lease fee for not-for-profit community group, higher fee for community groups capable of making a profit from use of premises);
- Lessee to pay all rates, taxes and outgoings, which includes insurance premiums;
- Lessee to be responsible for compliance with all statutes, which includes the installation of smoke alarms and RCD's;
- Lessee responsible to keep the premises clean and to repair and maintain premises (including fair wear and tear and major structural maintenance depending on the nature of the organisation, length of lease and age of premises); and
- Lessor has the right to undertake capital works at its sole discretion.

Public Open Space in North Perth

Public open space makes a significant contribution to Vincent's urban environment and resident liveability, and through both existing and projected infill development it is anticipated that the community will increasingly demand and desire well-serviced and highly accessible parks and reserves. Such population growth aligned with smaller lot sizes, and therefore reduced 'private open space' within residential backyards, necessitates the appropriate forward planning of the City's public open spaces to ensure they meet the long term demands of our community.

Council adopted the Vincent Greening Plan at the Ordinary Meeting of Council on 8 July 2014 (Greening Plan). The Greening Plan is designed to deliver on the City's responsibility to protect, enhance and effectively manage our environment. The plan focuses on increasing canopy cover, landscape amenity and biodiversity within the City of Vincent. The Greening Plan's *Objective 3: Greening, Enlarging and Enhancing Public Open Space* (page 12) provides:

"Green spaces are essential to the environmental health, amenity and liveability of our neighbourhoods. The current area of parks and recreation reserves within the City of Vincent is 106.5 hectares. This equates to 3.37 hectares per 1000 residents, which meets the minimum target of 3.36 hectares set by the Western Australian Planning Commission (WAPC). With increasing population this is rapidly approaching a shortfall, which may be addressed via a range of strategies including innovative adaptation of public land outside of existing parks and reserves.

Under the Vincent Greening Plan this will include the establishment of a network of vegetated greenways throughout the City and the transformation of urban public spaces into recreational green spaces. Opportunities will be sought to convert sections of under-utilised road reserve to attractive and functional public open space and to replace bare earth and exposed hardstand in disused pockets of public land with plantings that encourage community use and mitigate urban heat island effects."

Constructing the proposed Wellness Centre at Woodville Reserve would reduce the amount of land available for use as public open space by around 850sqm, as that land (although currently vacant and unused for open space purposes) would be consumed by the proposed building and associated paved car parking, paths and vehicular access. This would potentially be at odds with the abovementioned objective of the Greening Plan.

Administration has calculated, based on 2011 Census population data and reticulation of Public Open Space data, that the North Perth area currently has an average of 23.96sqm of Public Open Space per person, while the City of Vincent as a whole has an average of 27.57sqm per person. These figures are less than the WAPC recommended average of 33.6sqm per person and therefore it is essential that existing Public Open Space, such as Woodville Reserve, is preserved and enhanced as far as practicable.

North Perth currently has approximately 6.6% public open space, which includes Woodville Reserve, Les Lilleyman Reserve and Kyilla Park. Notably, both Woodville Reserve and Les Lilleyman Reserve form an important part of the City's public open space network by accommodating both active sport and passive recreation uses for the local North Perth community as well as the broader Vincent community. The City of Vincent as a whole comprises 9.1% public open space.

North Perth is one of the fastest growing areas within the City of Vincent, experiencing 8.1% population growth between 2006 and 2011 with this trend continuing over the more recent five year period. With Town Planning Scheme No. 2 (Draft) proposing to increase R-Code densities along Charles Street and Fitzgerald Street from Residential R60 to Residential R60-R100 this is expected to stimulate further development within North Perth. Therefore it is likely that the percentage of public open space per person within North Perth will continue to fall, unless steps are taken to enhance and increase public open space.

Notwithstanding the fact that the MSCWA has been based at Woodville Reserve for an extended period, the significant value of the City's public open spaces and this Reserve in particular, requires careful consideration when approving any additional development on site. The development of a Wellness Centre at Woodville Reserve will reduce the amount of land that could be used for open space purposes on the Reserve.

A number of Reserve Master Plan Projects have been included within the City's Corporate Business Plan (Draft) over the next four year period. This includes a review of the existing Woodville Reserve Master Plan and the preparation of a more robust, strategic Master Plan to better align with community needs and expectations and move toward co-located, multi-purpose community buildings.

Alternative Venue for Wellness Centre

While the abovementioned residential density and public open space issues are key considerations, it is acknowledged that the proposed Wellness Centre may provide an important service for the community by allowing residents to age in place and maintain social connections in their local area. Based upon analysis of local community profile data it is evident that North Perth is a suitable location for the proposed Wellness Centre given that 21% of residents were born in countries where English is not the first language and 18.3% of residents are aged over 65 years.

More broadly, the City of Vincent community profile identifies that 21.4% of residents were born in countries where English is not the first language and 12.4% of residents are aged over 65 years. Based on these population demographics it is recognised that support and care for aged, multicultural residents remains important and the proposed Wellness Centre may contribute towards servicing these residents.

Consequently, Administration has assessed the availability and appropriateness of alternative sites for the proposed Wellness Centre throughout Vincent. Sites under the direct ownership or management control of the City were assessed using criteria including (but not limited to):

- Land zoning, ownership and tenure status (or facility management status where relevant)
- Accessibility via transport corridor, public transport, pedestrian and cycling connections
- Co-location opportunities with other community facilities, buildings, organisations and services
- Proximity to existing community hubs including Town Centres, shops and schools
- Site size, topography and servicing
- Any conflicts with adjacent land uses and zonings
- Ability to accommodate the proposed Wellness Centre building footprint

Upon completing this assessment the site at 4 View Street, North Perth was identified as a viable alternative for the proposed Wellness Centre. It is owned in freehold by the City of Vincent, located within the North Perth Town Centre, currently leased to MSCWA until November 2017, close to existing public transport links, adjacent to a public car park, and the 738m² site can notionally accommodate the proposed 328m² Wellness Centre building footprint with circulation space and some vehicle parking. In addition, the site is located on the same street as the MSCWA Headquarters at 20 View Street.

While specific site planning has not been undertaken, in Administration's opinion 4 View Street provides a viable alternative to Woodville Reserve for development of its proposed Wellness Centre, albeit that doing so would require demolition of the existing building on site and displacement of the MSCWA activities conducted from that building. At 738 m² the site could accommodate the building footprint previously approved for Woodville Reserve, as well as some of the identified supporting amenities, including car/bus parking.

4 View Street was raised (as a possible alternative site for a Wellness Centre) with MSCWA during the meeting with the City's CEO and Director Community Engagement on 2 June 2016 and again at a meeting with the MSCWA CEO on 14 June 2016, involving Cr Cole, Cr Gontaszewski, the City's CEO and Director Community Engagement. Subsequent to this

meeting, the CEO of MSCWA sought clarification from Administration on seven specific questions, to assist the MSCWA in further considering the viability of 4 View Street as an alternative site for its proposed Wellness Centre. The City's CEO provided MSCWA with Administration's 'Without Prejudice' response to those questions on 20 June 2016 (see **Attachment 4**).

On 21 June 2016, MSCWA advised that the Board did not accept and was therefore unwilling to consider 4 View Street as an alternative site for its proposed Wellness Centre. The reasons underpinning the Board's decision can be summarised as follows:

- Woodville Reserve Design & Construction Expenditure – MSCWA has already incurred approximately \$70,000 and committed a further \$30,000 towards the proposed Wellness Centre at Woodville Reserve.
 - View Street Design & Construction Expenditure – relocation of the proposed Wellness Centre to 4 View Street will require a redesign of the building and may necessitate a two storey option. This will have associated planning, design, administrative and capital cost implications that MSCWA will incur.
 - Size of Site & Building Footprint – it is considered that the building design configuration for the proposed Wellness Centre as well as the associated landscaped and hardstand areas cannot fit within the 738m² site at 4 View Street.
 - Car Parking – MSCWA would ideally have 10 vehicles parked at the proposed Wellness Centre, and while this may be reduced, it is essential to have suitable parking onsite to reduce staff hours involved in transportation of clients and to minimise the time elderly clients spend on buses.
 - Vehicle Access – vehicle access to 4 View Street will be restrictive for MSCWA drivers and carers due to the confined lot boundaries, likely site layout and adjacent land uses. In addition, vehicular traffic is very busy given the proximity to North Perth Town Centre which is not compatible with frail aged clients who may want to walk the Wellness Centre surrounds.
 - Timeframes – MSCWA has been waiting an extended period for Council decision making regarding Development Application and Lease approval for the proposed Wellness Centre at Woodville Reserve. Relocation to 4 View Street would result in significant delays due to the requirement to undertake site planning, revisit the building design and obtain planning approval.
 - Open Space Amenity – location of the proposed Wellness Centre within Woodville Reserve, and specifically adjacent to the Men's Shed and Community Garden, was an integral component of the building design. The 4 View Street site does not offer the same synergies with other community groups and does not provide readily accessible walking and passive recreation opportunities for Wellness Centre users.
 - Impact on existing MSCWA activities – there are a range of programs and activities within the existing building on 4 View Street that will be disrupted and/or will need to be relocated should the building be demolished for the purposes of constructing the proposed Wellness Centre.
-

CONSULTATION/ADVERTISING:

In Administration's opinion, the revised development application submitted by MSCWA and included as **Attachment 3** represents an improved design outcome on Woodville Reserve than that previously approved, which accorded with the Master Plan.

Notwithstanding the above, it is noted that the revised plans are inconsistent with the approved Master Plan. As a result, if the revised plans were approved the resulting development would likely have a different and material impact on other existing users of Woodville Reserve (particularly the Men's Shed, Community Garden, North Perth Tennis Club and Bowling Club) in terms of access, circulation, visibility and interface, than what was previously contemplated and approved.

It is Administration's view, therefore, that if Council was of a mind to entertain the revised development plans shown in **Attachment 3** then those plans should only be supported 'in principle' and for the purpose of engaging with other affected Reserve users (as mentioned above) to obtain their feedback on the plans, in order to achieve an optimal long-term, flexible and adaptable development outcome on the site.

Further to the above, if Council was satisfied to formally enter into a sub-lease with MSCWA for a new Wellness Centre on Woodville Reserve, then it is Administration's view that the proposed sub-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 sub-lease with the MSCWA.

LEGAL/POLICY:

Whilst the purpose of this report is not to specifically determine a way forward on a proposed sub-lease, nor to determine the revised application for planning approval for a Wellness Centre on Woodville Reserve, the following legislative provisions would nevertheless apply to those matters in future, if that is the direction that Council chooses to take.

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.

The revised development application would need to be determined by Council under the City's operative Town Planning Scheme and the Metropolitan Region Scheme. Whilst Regulations 77(1)(a) and 77(2)(b) of the *Planning and Development (Local Planning*

Schemes) Regulations 2015, would enable Council to extend the period within which the previously approved development must be commenced, the revised development application is materially different from the previously approved concept and would therefore need to be determined as a fresh application, rather than as an amendment to the previous approval.

RISK MANAGEMENT IMPLICATIONS:

Medium/High: Allowing development of a new building on Woodville Reserve, in the (revised) location of the proposed Wellness Centre, will reduce the amount of land available on the Reserve for open space and recreational purposes. This is a key consideration in light of the City's growing population and increasing density of development in the North Perth area, which will only increase demand for the amount and quality of accessible open space available to the community.

MSCWA has foreshadowed that if its revised application and sub-lease are not approved then it will seek to appeal the matter to the relevant Minister(s) and/or the State Administrative Tribunal (SAT). At this stage it is unclear what legal jurisdiction a Minister(s) or SAT would have to compel the City to enter into a sub-lease with MSCWA and to grant planning approval to its revised development. In terms of the latter, whilst a Council decision on MSCWA's revised development application would be deemed discretionary and therefore attract a right of appeal to SAT against the City's decision as the responsible planning authority, the City's consent for the application to be made as the 'landowner' (acting through its exclusive lease with the Crown) could arguably be withdrawn. Regardless, even if planning approval is granted for the revised development by a party other than Council, that decision would not fetter Council's right to either enter or not enter into a sub-lease to MSCWA.

If the Officer Recommendation is adopted, then it is likely that the process to consult with other Reserve users on and to refine the revised plan, will cause delays and additional costs for MSCWA to pursue its proposed Wellness Centre development on Woodville Reserve.

STRATEGIC IMPLICATIONS:

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

"2.1.3 Develop business strategies that reduce reliance on rates revenue

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

SUSTAINABILITY IMPLICATIONS:

There a range of social, environmental and economic considerations relating to this matter, which have been discussed throughout this report.

FINANCIAL/BUDGET IMPLICATIONS:

The City did not previously generate any income from the portion of Woodville Reserve where the proposed Wellness Centre is to be located. The City does generate \$4,306 pa (indexed to CPI) from the existing Wellness Centre operated by the MSCWA at Woodville Reserve. If the proposed (revised) Wellness Centre is ultimately approved, sub-leased to MSCWA, constructed and occupied, then MSCWA may choose to terminate its sub-lease over the existing Wellness Centre building. This would leave Council with the options of either finding a new tenant for that building or demolishing that building to make way for the creation of additional public open space on the Reserve.

The Lycopodium Building Asset Management Report recently commissioned by the City suggests that the existing Wellness Centre building generally has few renewal components due over the next 10 years, due to the structure predominantly comprising long life elements of concrete foundations, brick walls, jarrah trusses and clay tiles. Specifically, the Report identifies the requirement to invest \$90,000 (as a minimum) in renewal over the next 10 years, as follows:

2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
\$500	\$0	\$0	\$13,710	\$22,383	\$5,964	\$2,490	\$0	\$4,200	\$40,425	
Minor Defects Painting			Sectional repainting	Lino renewal	Lighting renewal	EHWS renewal		Lighting renewal	A/C renewal	

COMMENTS:

The City has been supportive of the MSCWA in its endeavours to provide cultural and educational services within the City of Vincent and acknowledges the MSCWA's desire to expand and increase its wellness activities by constructing a purpose built Wellness Centre.

The location of the proposed Wellness Centre at Woodville Reserve raises some issues, as the reserve is an A Class reserve for the purpose of recreation and while MSCWA proposes to conduct some recreation-related activities from the proposed Wellness Centre, it is potentially not the most suitable or beneficial use of the reserve for the community at large. Consideration needs to be given to whether it is appropriate for public open space which has been granted to the City for the "*sole purpose of recreation*" should be used by an organisation for a purpose which is not intrinsically connected to recreation and does not provide a service that is "*solely*" recreational in nature that the entire local community can enjoy and benefit from. While the proposed Wellness Centre is likely to offer a valuable community service (albeit restricted to participants of a culturally and linguistically diverse background from within and beyond the City of Vincent) the recreational activities are potentially subsidiary to its primary purpose, or at least not "*solely for the purpose of recreation*".

Had the restriction associated with the A Class Reserve and Crown Lease been considered at the time this proposal was first raised, it may well have been identified that the use was not fully consistent and may therefore not have progressed to the current extent, with the level of investment that has been incurred by MSCWA.

If, based on the recreation component of the proposed Wellness Centre and its overarching community service purpose, Council deems that it is appropriate for the Wellness Centre to be constructed on a portion of Woodville Reserve then it will be necessary to determine the form of that development and the terms of its sub-lease – recognising that the sub-lease would require approval from the Minister for Lands.

The City currently leases portions of Woodville Reserve to five community organisations and in those leases the City's obligation is generally restricted to providing the facility and granting the Lessee quiet enjoyment (whether stated expressly or not). Two of the leases have peppercorn lease fees due to the exclusively community, not-for-profit and membership funded nature of the organisations. The other lease fees are relatively nominal. By comparison, it is noted that:

- MSCWA is an NGO but is commercially structured, government assisted and benefits from HACC grants and funding;
- The MSCWA would be constructing the building for its principal use for the life of its sub-lease;
- The City has had limited involvement in the design of the proposed building and has not previously or proactively identified a community need or use for the building, other than for the purpose proposed by MSCWA;
- The proposed Wellness Centre will cater to clients from all parts of the metropolitan area.

Administration has carefully considered this matter in light of the information contained in this report, the background and origin of the proposed Wellness Centre, the expectations that have likely been raised for MSCWA through the approved Master Plan and previous planning approval, the basis for Council's deferral of a proposed sub-lease in March 2016, alternative site options and the various responses provided by MSCWA since then. On balance, Administration's opinion can best be summarised as follows:

- a) MSCWA currently parks a number of buses (8-10) on Woodville Reserve on a permanent basis in association with its activities conducted from the existing Wellness Centre. MSCWA does not have any sub-lease or licence for this to occur and, in any event, Administration does not support this practice continuing as it further reduces the amount of space on the Reserve that is available to the public to access and enjoy. Having said that, it may well be impractical for MSCWA to carry on its Wellness Centre operations from the Reserve without any on-site parking for its buses. On that basis, Administration considers it fair and reasonable to allow the parking of no more than two buses on the reserve in a location and subject to terms approved by Council.
- b) The revised development application is considered more acceptable than the previous approved development concept. If the revised Wellness Centre is sensitively designed and sited in its proposed (revised) location, it could become the basis for creating a cluster of publicly accessible buildings on Woodville Reserve in close proximity to each other, with flexible and adaptable floor plans and designed and constructed in a way to properly interact with each other, whilst also not prejudicing future options for reconfiguration and renewed master planning of the Reserve in future.
- c) Rather than viewing this proposal as a building designed and constructed for the exclusive and permanent use of MSCWA for a Wellness Centre, Council could instead view the proposed development as a \$1.3 million dollar investment in a new community building on Woodville Reserve that (subject to conditions of planning approval and the terms of a sub-lease) would be flexible, adaptable and available for community use when not used by the primary occupant (MSCWA) as a Wellness Centre and which, upon expiry of the lease (say, after 10, 15 or even 20 years), would revert to the City's exclusive control for use by the community at large, or in any other way the Council of the day so determines.
- d) Other affected users of the Reserve should be consulted regarding MSCWA's revised Wellness Centre application, to ensure it appropriately integrates with their activities while preserving options for future planning and reconfiguration of activities on the Reserve. By contrast, it is not considered necessary to *consult* with surrounding residential landowners on the same because (firstly) the revised application sets the proposed building further back off Farmer Street, (secondly) the Wellness Centre is an existing activity conducted on the Reserve by MSCWA, (thirdly) the approved Reserve Master Plan depicts a Wellness Centre along this side of the Reserve fronting Farmer Street, and (fourthly) planning approval was previously granted for a Wellness Centre development on the site which, in Administration's view would have produced an inferior development outcome than the revised concept that has now been submitted. Notwithstanding, Administration would recommend *informing* surrounding residential landowners of what is now proposed and the way forward, once determined by Council.
- e) MSCWA has clearly expressed the view that it has no appetite to consider 4 View Street, North Perth as a possible alternative site for a Wellness Centre. That option has therefore been discarded by Administration and not pursued any further.
- f) Some of the key principles of the design, siting and sub-leasing of the proposed Wellness Centre should be incorporated into Council's decision on this matter and should be subject to acceptance and response from MSCWA prior to moving forward. This is because it would be wasteful for either MSCWA or the City to continue to engage in moving forward with the revised Wellness Centre development on the above-mentioned basis, if the Board of MSCWA refuses to accept those points.

Administration's Recommendation has been constructed in accordance with the opinions summarised above.

9.4 COMMUNITY ENGAGEMENT

Nil.

9.5 CHIEF EXECUTIVE OFFICER

9.5.1 Information Bulletin

Ward:	-	Date:	10 June 2016
Precinct:	-	File Ref:	-
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	Pia Rasal, Governance & Council Support Officer		
Responsible Officer:	Len Kosova, Chief Executive Officer		

RECOMMENDATION:

That Council **RECEIVES** the Information Bulletin dated 28 June 2016 as distributed with the Agenda.

DETAILS:

The items included in the Information Bulletin dated 28 June 2016 are as follows:

ITEM	DESCRIPTION
<u>IB01</u>	State Administrative Tribunal Orders dated 19 May 2016 regarding No. 208 Loftus Street, North Perth, CR451/2015
<u>IB02</u>	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 4 May 2016
<u>IB03</u>	Unconfirmed Minutes of the Children and Young People Advisory Group Meeting held on 23 May 2016
<u>IB04</u>	Unconfirmed Minutes of the Safer Vincent Crime Prevention Partnership Meeting held on 2 June 2016
<u>IB05</u>	Register of Petitions – Progress Report – June 2016
<u>IB06</u>	Register of Notices of Motion – Progress Report – June 2016
<u>IB07</u>	Register of Reports to be Actioned – Progress Report – June 2016
<u>IB08</u>	Register of Legal Action (Confidential – Council Members Only) – Monthly Report as at 9 June 2016
<u>IB09</u>	Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 9 June 2016
<u>IB10</u>	Register of Applications Referred to the MetroWest Development Assessment Panel – Current
<u>IB11</u>	Register of Applications Referred to the Design Advisory Committee – Current

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 NOTICE OF MOTION: Mayor John Carey – Review of the City’s Art Collection by the Arts Advisory Group

That Council REQUESTS:

- 1. The Arts Advisory Group to undertake a review of the City’s art collection and make recommendations on future management, exhibition, acquisition and deaccession; and**
- 2. The Chief Executive Officer to present a report back to Council to consider any recommendations from the Arts Advisory Group following completion of the art collection review.**

REASON:

The City’s art collection requires a review to better determine its future management, purpose and value as well as addressing the ability for the broader community to access the artworks. Given that Council’s Arts Advisory Group has recently been formed there is an opportunity to provide them with a key project to progress over the next financial year.

This review should include recommendations on how the art collection can be made more accessible through public exhibitions and clearly identify any artworks for deaccession and disposal.

ADMINISTRATION COMMENTS:

The City currently holds 152 paintings, prints and small sculptures within its art collection. These works have been acquired through acquisitions and gifts as well as through the Annual Art Awards which ceased in 2010. The art collection was reviewed and valued by an accredited art valuer in May 2016, which provides a useful basis for such a review.

In addition, a number of community representatives were appointed by Council to the Arts Advisory Group in April 2016 with a meeting to be scheduled in July 2016 to establish key priorities over the next 12 months. The allocation of such a strategic arts project to the Advisory Group directly aligns to its Terms of Reference and also supports Administration’s intent to better draw upon expertise amongst the Group’s community representatives to guide decision making.

Such a review will likely provide a range of recommendations relating to collection management and preservation, accessibility and exhibition opportunities, deaccessioning and disposal, and also establish principles for any future collection related activities.

Administration supports the Notice of Motion and related actions.

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

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

13. URGENT BUSINESS

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

14.1 CONFIDENTIAL REPORT: Lease of Dorrien Gardens, 3 Lawley Street, West Perth – Perth Soccer Club Inc – Lease Fee

Ward:	South	Date:	10 June 2016
Precinct:	Hyde Park Precinct - 12	File Ref:	SC529
Attachments:	Confidential – Letter from Perth Soccer Club dated 12 May 2016		
Tabled Items:	-		
Reporting Officer:	M Bancroft, Property Leasing Officer		
Responsible Officer:	J Paton, Director Corporate Services		

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning:

- (e) *a matter that, if disclosed, would reveal;*
 - (i) *a trade secret;*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person;*

where the trade secret or information is held by, or is about, a person other than the local government;

LEGAL:

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

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

“2.14 Confidential business

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

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

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

At the conclusion of these matters, the Council may wish to make some details available to the public.

15. CLOSURE