



CITY OF VINCENT

COUNCIL BRIEFING

Notice of Meeting and Agenda

10 NOVEMBER 2015

Notice is hereby given that a Council Briefing will be held at the City of Vincent Administration and Civic Centre, at 244 Vincent Street (corner Loftus Street), Leederville, on **Tuesday 10 November 2015** at 6.00pm.

Len Kosova
CHIEF EXECUTIVE OFFICER

4 November 2015

ENHANCING AND CELEBRATING OUR DIVERSE COMMUNITY

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COUNCIL BRIEFING PRINCIPLES:

The following rules and principles apply to the City of Vincent Council Briefings:

1. Unless otherwise determined by Council, Council Briefings will be held in the Council Chamber on the Tuesday of the week prior to the Ordinary Council Meeting, to provide the opportunity for Elected Members and members of the public to ask questions and clarify issues relevant to the specific agenda items due to be presented to Council in the following week.
2. The Council Briefing is not a decision-making forum and the Council has no power to make decisions at the Briefing.
3. In order to ensure full transparency, Council Briefings will be open to the public to observe the process and to ask Public Questions, similar to the Council Meeting process.
4. Where matters are of a confidential nature, they will be deferred to the conclusion of the Briefing and at that point, the Briefing will be closed to the public.
5. The reports provided to Council Briefings are the reports that the Administration intends to submit to Council formally in the subsequent week. While it is acknowledged that Elected Members may raise issues that have not been considered in the formulation of the report or its recommendation, and these may be addressed in the subsequent report to Council, Council Briefings cannot be used as a forum for Elected Members to direct Officers to alter their opinions or recommendations. However, having regard to any questions or clarification sought by Elected Members, the Chief Executive Officer and Directors may choose to amend Administration reports, or withdraw and not present certain items listed on the Council Briefing Agenda to the subsequent Council Meeting in the following week.
6. Council Briefings will commence at 6.00 pm and will be chaired by the Mayor or in his/her absence the Deputy Mayor. In the absence of both, Councillors will elect a chairperson from amongst those present. In general, Standing Orders will apply, except that Members may speak more than once on any item. There is no moving or seconding items.
7. Members of the public present at Council Briefings may observe the process and will have an opportunity to ask Public Questions relating only to the business on the agenda.
8. Where an interest is declared in relation to an item on the Council Briefing Agenda, the same procedure which applies to Ordinary Council meetings will apply. All interests must be declared in accordance with the City's Code of Conduct. The Briefing will consider items on the agenda only and will proceed to deal with each item as it appears in the Agenda. The process will be for the Presiding Member to call each item number in sequence and invite questions or requests for clarification from Elected Members. Where there are no questions regarding the item, the Briefing will proceed to the next item.
9. Notwithstanding 8. above, the Council Briefing process does not and is not intended to prevent an Elected Member from raising further questions or seeking further clarification after the Council Briefing and before or at the Council Meeting in the subsequent week.
10. While every endeavour is made to ensure that all items to be presented to Council at the Ordinary Council Meeting are included in the Council Briefing papers, there may be occasions when, due to necessity, items will not be ready in time for the Council Briefing and will instead be included on the Council Meeting Agenda to be presented directly to Council for determination.
11. There may also be occasions when items are tabled at the Council Briefing rather than the full report being provided in advance. In these instances, Administration will endeavour to include the item on the Council Briefing agenda as a late item, noting that a report will be tabled at the meeting.
12. Unless otherwise determined by the Presiding Member, deputations will generally not be heard at Council Briefings and will instead be reserved for the Ordinary Council meeting, consistent with the City's Standing Orders Local Law.
13. The record of the Council Briefing session will be limited to notes regarding any agreed action to be taken by Administration or Elected Members. The Council Briefing is not a decision-making forum and does not provide recommendations to Council as a Committee might and, as such, the action notes from Council Briefings will be retained for administrative purposes only and will not be publicly distributed unless authorised by the Chief Executive Officer.

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 a Council Briefing must relate only to matters listed on the Council Briefing Agenda. Questions or statements made at an Ordinary Council meeting can relate to any 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, or (where applicable) does not relate to an item of business on the meeting agenda, the Presiding Member, he may ask the person speaking to promptly cease.
7. In the case of the Ordinary and Special Council Meetings, Questions/statements and any responses will be summarised and included in the Minutes of the Council Meeting. Questions/Statements will not be summarised or included in the notes of any Council Briefing unless Administration to take action in response to the Question/Statement which could include, but is not limited to provide further commentary or clarification in the report to Council to address the question/statement.
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 or relevant Director to the person asking the question. In the case of the Ordinary and Special Council Meetings, 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 Council Briefings, and Ordinary and Special Council Meetings are electronically recorded (both visual and audio), except when the Council resolves to go behind closed doors;
- ◆ All recordings are retained as part of the City's records in accordance with the General Disposal Authority for Local Government Records produced by the Public Records Office;
- ◆ A copy of the recorded proceedings and/or a transcript of a particular section or all of a Council meeting is available in accordance with Policy No. 4.2.4 - Council Meetings – Recording and Access to Recorded Information.

ORDER OF BUSINESS

1. (a) **Declaration of Opening**
(b) **Acknowledgement of Country Statement**
"Today we meet on the lands of the Nyoongar people and we honour them as the traditional custodians of this land".
2. **Apologies/Members on Approved Leave of Absence**
 - 2.1 Mayor John Carey on approved leave of absence from Wednesday 21 October 2015 to Thursday 12 November 2015 (inclusive), due to personal commitments.

3. **Public Question Time and Receiving of Public Statements**

4. **Declarations of Interest**

5. **Reports**

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5.1.2	No. 185 (Lot: 65; D/P: 1210) Loftus Street, Leederville – Demolition of an Existing Single House and Construction of a Proposed Seven Unit Multiple Dwelling Development and Associated Car Parking (PR14632; 5.2015.271.1)	10
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9. Closure

5.1 DEVELOPMENT SERVICES

5.1.1 No. 264 (Lot: 107 & 111 D/P 30685) Lord Street, Perth – Proposed Unlisted Use (Car Wash) and Associated Development

Ward:	South	Date:	30 October 2015
Precinct:	Precinct 15 – Banks	File Ref:	PR23388; 5.2015.194.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicants Justification 4 – Car Parking Table		
Tabled Items:	Nil		
Reporting Officer:	T Wright, Senior Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Taylor Burrell Barnett on behalf of the owner the Western Australian Planning Commission, for the proposed Unlisted Use (Car Wash) and associated development at No. 264 (Lot: 107 & 111 D/P 30685) Lord Street, Perth as shown on plans date stamped 9 June 2015, included as Attachment 2, subject to the following conditions:

1. **Boundary Wall**

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 146 Summers Street in a good and clean condition. The finish of the wall is to be fully rendered or face brickwork to the satisfaction of the City;

2. **Hours of Operation**

The hours of operation shall be limited to 8.00am to 6.00pm seven days a week;

3. **Car Parking and Access Ways**

- 3.1 A minimum of four car bays shall be provided onsite;
- 3.2 The car park shall be used only by staff and customers directly associated with the business;
- 3.3 The car parking and access areas are to comply with the requirements of AS2890.1;
- 3.4 Vehicle and pedestrian access points are required to match into existing footpath levels; and
- 3.5 All new crossovers shall be constructed in accordance with the City's Standard Crossover Specifications;

4. **Interactive Front**

Windows, doors and adjacent areas fronting Lord and Summers Streets shall maintain an active and interactive relationship with the street;

5. **External Fixtures**

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

6. **Road Reservation**

Improvements to the site shall be removed at the expense of the applicant/owner at the time when the reserved land is required for the upgrading of Lord Street and no compensation shall be payable;

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

7.1 **Amalgamation**

Lots 107 and 111 shall be amalgamated into one lot on Certificate of Title to the satisfaction of the City;

7.2 **Landscape and Verge Upgrade Plan**

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

7.2.1 The location and type of proposed trees and plants in the 1.5 metre wide landscape strips abutting the two street frontages shown hatched on the plans;

7.2.2 Areas to be irrigated or reticulated; and

7.2.3 The removal of redundant crossovers;

7.3 **Schedule of External Finishes**

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

7.4 **Construction Management Plan**

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

7.5 **Waste Management**

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

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

7.6. Waste Water Management

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

7.6.2 Waste water management for the development shall thereafter comply with the approved Waste Water Management Plan;

7.7 Acoustic Report

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

7.8 Revised Plans

Showing the building along the eastern boundary to be single storey only; and

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

8.1 Car Parking

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

8.2 Stormwater

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

8.3 Landscape Plan and Verge Upgrade Plan

With reference to Condition 7.2, all works shown in the plans approved with the Building Permit shall be undertaken in accordance with the approved plans and maintained thereafter to the satisfaction of the City at the applicant's expense; and

8.4 Acoustic Report Certification

With reference to Condition 7.7, certification from an acoustic consultant that the recommended measures have been undertaken shall be provided to the City.

ADVICE NOTES:

- 1. With reference to Condition 1, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;**
 - 2. With reference to Condition 3.4, the portion of the existing footpath traversing the proposed crossover must be retained. The proposed crossover levels shall match into the existing footpath levels. Should the footpath not be deemed to be in satisfactory condition, it must be replaced with in-situ concrete panels in accordance with the City's specification for reinstatement of concrete paths;**
 - 3. With reference to Condition 3.5, all new crossovers to the development site are subject to a separate application to be approved by the City;**
-

4. **A Road and Verge security bond for the sum of \$4,000 shall be lodged with the City by the applicant, prior to the issue of a building permit, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City's Technical Services Directorate. An application for the refund of the security bond shall be made in writing. The bond is non-transferable;**
 5. **With reference to Condition 7.1, as an alternative to the amalgamation, the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the City, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the City's solicitors or other solicitors agreed upon by the City, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Permit. All costs associated with this condition shall be borne by the applicant/owner(s). Amalgamation of the lots is not required if it can be demonstrated that the proposed development complies with the relevant requirements of the National Construction Code Series;**
 6. **With reference to Condition 7.2, the City encourages landscaping methods and species selection which do not rely on reticulation;**
 7. **The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5 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;**
 8. **With reference to Condition 8.2, 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;**
 9. **All signage that does not comply with the City's Policy 7.5.2 – Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Building Permit application, being submitted to and approved by the City prior to the erection of the signage; and**
 10. **With reference to Condition 7.6, all waste water associated with the car wash shall be collected in retention tanks, processed and recycled. Detail of the waste water processing procedure and mechanism specific to this site shall be submitted and approved to the satisfaction of the City.**
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PURPOSE OF REPORT:

To consider a proposal to change the use from Vehicle Sales Premises to Carwash (Unlisted Use).

DETAILS:

Landowner:	Western Australian Planning Commission (WAPC)
Applicant:	Taylor Burrell Barnett
Zoning:	Metropolitan Region Scheme: Urban and Other Regional Road Town Planning Scheme No. 1 (TPS1): Commercial and MRS Other Regional Road Reserve Draft Town Planning Scheme No. 2 (TPS2): Commercial and MRS Other Regional Road Reserve
Existing Land Use:	Vehicle Sales Premises (currently vacant)
Use Class:	Unlisted Use (Car Wash)
Use Classification:	"SA"
Lot Area:	612 square metres
Right of Way:	NA
Heritage List:	No
Date of Application:	24 March 2015

The proposal is for the change of use from a vehicle sales premises to a car wash.

The site is owned by the WAPC who has agreed to the use of the site as a car wash on a temporary basis. The intersection of Summers Street, Bulwer Street and Lord Street are proposed to be upgraded in the future and when this occurs the site will be reclaimed to accommodate these works.

An existing building in the northeast corner is to be retained and used for a staff room, office and store. A new building is proposed on the eastern boundary, which will be used for customer waiting and administration purposes.

The proposed carwash operation will consist of five service bays located along the western boundary, including:

- two vacuum bays;
- one wash bay;
- one finishing bay; and
- one detailing bay.

The carwash area will include a shade sail over the service bays.

A screened waste water treatment facility and bin store is proposed to be located in the northwest corner of the site.

The carwash will operate seven days a week between the hours of 8.00am to 6.00pm. The proposed maximum number of staff at any one time is four, including one manager, two wash/vacuum staff and one detailer.

Vehicle access is proposed from Summers Street only. The existing crossover from Lord Street will be removed and the verge reinstated.

Two staff and two customer car bays are proposed to be provided onsite.

A landscaping strip is proposed to be located along the frontages of both Summers and Lord Streets.

ASSESSMENT:

Summary Assessment

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

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

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period:	26 June 2015 to 16 July 2015
Comments Received:	Four objections, one general concern and one letter of support were received.

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

Comments Received:	Officer Technical Comment:
<p><u>Adjoining Developments</u></p> <p><i>"The location of the car parking bays and high structures (6.5m building) right next to and on top of my office window and tea room therefore having an effect on the climate of my premises (overshadowing)".</i></p> <p><i>"The proposed building, car wash design and scale has no relationship whatsoever to the existing buildings and surrounds and will combine to form an uncharacteristic nature to the area and residents".</i></p>	<p>The City's Policy No. 7.1.15 – Banks Precinct Policy permits nil side setbacks. In addition, due to the north/south orientation of the lot, a shadow will be cast onto Summers Street and day time solar access to adjoining properties will not be negatively affected.</p> <p>Lord Street is currently in transition from single and two storey buildings to multiple dwelling and mixed use developments. Currently the proposed development is surrounded by existing smaller scale buildings and as such the proposed height is considered acceptable and consistent with these surrounding properties.</p>

Comments Received:	Officer Technical Comment:
<p><i>"The car wash will have a severe negative impact on my business, as it restricts my views together with my business signage being clearly obstructed".</i></p> <p><i>"The lighting in the car wash and parking areas is not properly stated on the plans".</i></p>	<p>The restriction of views to business signage is not a valid planning consideration.</p> <p>Lighting will be addressed during the building permit stage and will be in accordance with the requirements of the City's Policy No. 7.5.12 – Commercial Developments.</p>
<p><u>Traffic Movement</u></p> <p><i>"In accordance with ACROD standards there are no car parking bays marked exclusively for use by drivers with disabilities, bearing in mind there is a disability toilet on the premises therefore it does not comply with the standards".</i></p> <p><i>"Increase vehicular traffic at that end of Summers St – which is currently a relatively calm section of road and thus a bit of welcome respite from Lord St – and in particular traffic turning into Summers, which is dangerous for crossing pedestrians".</i></p> <p><i>"I envisage that the proposed car wash will have a very high impact on the safety to pedestrians, cyclists and motorists due to the design and operation of parking facilities".</i></p> <p><i>"The car wash will attract unnecessary and excessive traffic to the area which will affect the ordinary use and enjoyment of the area for residence".</i></p>	<p>The proposal fully complies with the Australian Standards in relation to car parking.</p> <p>The Department of Planning and the City do not support access to Lord Street and as such only a single point of access from Summers Street is permitted.</p> <p>Footpaths are provided on both sides of Summers Street with a pedestrian crosswalk provided at the intersection of Lord Street and Summers Street. This will ensure that any additional traffic will not have a negative impact on pedestrians and cyclists.</p> <p>Lord Street and the surrounding local streets have the capacity to accommodate the additional traffic created by the development.</p>
<p><u>Noise Pollution</u></p> <p><i>"The excessive noise of the wash machinery is a concern as the 5 car wash bays are only covered with a shade sail canopy and are right on top of Lord Street where traffic lights are installed and this street has an abundance of pedestrian and vehicular traffic continuously".</i></p>	<p>It is recommended that a condition is imposed on the approval that requires an Acoustic Report to be prepared and approved by the City and that the recommended measures of the report are implemented to manage any future noise concerns.</p>
<p><u>Safety Issues</u></p> <p><i>"The proposed plans make no provision for any shade or shelter for passing pedestrians, which is already sorely lacking since the awnings of all the new apartments don't extend anywhere near the edge of the footpath and the new street trees are quite far back from the footpath edge".</i></p>	<p>The development does not propose any buildings adjacent to the street where awnings could be attached.</p>

Comments Received:	Officer Technical Comment:
<p><u>Stormwater Drainage</u></p> <p><i>“Commercial property, I am concerned about the possible pollution of water generated by this car wash property, storm water should be adequately treated and retained on site or other approved disposal methods should be applied and no provisions mentioned”.</i></p>	<p>The applicant has advised that all waste water from the washing bay will drain into a triple interceptor installed underneath the concrete wash pad. The interceptor will separate and collect chemicals and sludge, which will be removed by a professional service provider.</p>
<p><u>Waste Management</u></p> <p><i>“Garbage waste and hazardous material and chemicals from the car wash are within a metre of a busy pathway, footpath and main road in Lord Street and the smell and odour in such close proximity is a dangerous state of affairs. Also the waste materials, corrosive chemicals and all toxic substances from the car wash must be kept out of land fill and I am concerned this will not happen”.</i></p>	<p>The applicant has advised that a professional waste removal company will ensure residual materials are disposed of in an appropriate manner.</p>
<p><u>Landscaping</u></p> <p><i>“There is no greenery included anywhere in the plans”.</i></p>	<p>The proposed landscaping strip is required to be 1.5 metres and Administration has identified additional areas that can be landscaped. Administration recommends that a condition is imposed on the approval in that regard.</p>

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

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

Department of Planning:

Given that the property is affected by a Road Widening Reservation for Lord Street which is classified as an Other Regional Road in the Metropolitan Region Scheme (MRS), the proposal was referred to Department of Planning (DOP) for comment. The Department has advised that there is no objection to the proposed development subject to the condition that the developer cannot claim compensation from Council or the WAPC for the removal of any improvements made on the land as part of this approval, when the land is required for road widening purposes.

Under the Instrument of Delegation from the WAPC 2011/02 – Powers of Local Government (MRS) the City is the determining authority provided the matter has been referred to the DOP and there is no objection raised.

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 7.5.12 – Development Guidelines for Commercial and Mixed Use Developments;
- Policy No. 7.7.1 – Parking and Access; and
- Policy No. 7.1.15 – Banks Precinct.

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

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 business will operate with a triple inceptor, saving approximately 80% of the water used in each wash.

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

ECONOMIC
The development will provide increased employment opportunities.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The property was previously used for commercial purposes as a vehicle sales yard. The proposed car wash use is similar in nature although it is likely to be more active. This additional activity is considered to be acceptable in the location as the lot abuts the busy vehicle dominated intersection of Lord Street and Summers Street and the site is surrounded by other neighbouring commercial uses.

The proposal will make use of a site that is currently vacant and derelict. The proposed redevelopment of the site, including the built form, the removal of redundant crossovers and the soft landscaping as required in accordance with a condition of this planning approval will improve the amenity of the property.

This development will contribute positively to the revitalisation of the area.

CONCLUSION:

It is recommended that Council approves this proposal.

5.1.2 No. 185 (Lot: 65; D/P: 1210) Loftus Street, Leederville – Demolition of an Existing Single House and Construction of a Proposed Seven Unit Multiple Dwelling Development and Associated Car Parking

Ward:	North	Date:	30 October 2015
Precinct:	Precinct 3 – Leederville	File Ref:	PR14632; 5.2015.271.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification Report 4 – Car Parking and Bicycle Tables 5 – Marked up plans showing proposed versus required setbacks 6 – Extract of Design Advisory Committee Minutes and Comments		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Acting Senior Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by Daniel Cassetai Design on behalf of the owner Bayside Properties Pty Ltd and S Benaim, for the demolition of an existing single house and construction of a three storey Multiple Dwelling Development comprising Seven Multiple Dwellings and Associated Car Parking at No. 185 (Lot: 65; D/P: 1210) Loftus Street, Leederville as shown on plans date stamped 19 October 2015, included as Attachment 2, subject to the following conditions:

1. **Boundary Wall**

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 183 Loftus Street and 12 Byron 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;

2. **Car Parking and Access**

- 2.1 A minimum of seven resident bays and one visitor bay shall be provided onsite;
- 2.2 The car park shall be used only by residents and visitors directly associated with the development;
- 2.3 The visitor bay is to be marked accordingly;
- 2.4 The car parking and access areas are to comply with the requirements of AS2890.1;
- 2.5 Vehicle and pedestrian access points are required to match into existing footpath levels; and
- 2.6 All new crossovers shall be constructed in accordance with the City’s Standard Crossover Specifications;

3. **External Fixtures**

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

4. **Verge Trees**

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

5. **Car Parking Permits**

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

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

6.1 **Acoustic Report**

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

6.2 **Landscape and Verge Upgrade Plan**

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

- 6.2.1 Specification for the green wall on the northern elevation;
- 6.2.2 The location and type of proposed trees and plants including a minimum of 4 mature trees along the rear boundary;
- 6.2.3 Areas to be irrigated or reticulated;
- 6.2.4 Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- 6.2.5 All proposed treatments of the verge;

6.3 **Schedule of External Finishes**

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

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

6.5 **Waste Management**

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

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

7.1 Clothes Drying Facility

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

7.2 Car Parking

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

7.3 Stormwater

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

7.4 Acoustic Report Certification

With reference to Condition 6.1, certification from an acoustic consultant that the recommended measures have been undertaken shall be provided to the City;

7.5 Landscape Plan and Verge Upgrade Plan

With reference to Condition 6.2, all works shown in the plans approved with the Building Permit shall be undertaken in accordance with the approved plans and maintained thereafter to the satisfaction of the City at the applicant's expense; and

7.6 Bicycle Bays

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

ADVICE NOTES:

1. With reference to Condition 1, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
 2. With reference to Condition 2.5, the portion of the existing footpath traversing the proposed crossover must be retained. The proposed crossover levels shall match into the existing footpath levels. Should the footpath not be deemed to be in satisfactory condition, it must be replaced with in-situ concrete panels in accordance with the City's specification for reinstatement of concrete paths;
 3. With reference to Condition 2.6, all new crossovers to the development site are subject to a separate application to be approved by the City;
 4. A Road and Verge security bond for the sum of \$2,500 shall be lodged with the City by the applicant, prior to the issue of a building permit, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the security bond shall be made in writing. The bond is non-transferable;
-

5. With reference to Condition 6.2, the City encourages landscaping methods and species selection which do not rely on reticulation;
6. 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;
7. With reference to Condition 7.3, 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;
8. Any additional property numbering to the abovementioned address which results from this application will be allocated by the City of Vincent. The applicant is requested to liaise with the City in this regard during the building permit process; and
9. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site.

PURPOSE OF REPORT:

To consider the demolition of the existing single house and the construction of seven multiple dwellings.

BACKGROUND:

Nil.

DETAILS:

Landowner:	Bayside Properties Pty Ltd
Applicant:	Daniel Cassettai Design
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R60 Draft Town Planning Scheme No. 2 (TPS2): Residential R60
Existing Land Use:	Single House
Use Class:	Multiple Dwelling
Use Classification:	"P"
Lot Area:	607 square metres
Right of Way:	Not Applicable
Heritage List	No
Date of Application:	22 June 2015

The proposed development includes the following:

- Demolition of the existing single house;
- Construction of a three storey development comprising seven multiple dwellings with at grade car parking; and
- The car parking area includes seven resident car parking bays, a visitor bay and a reversing bay.

The site has a steep slope from front to rear requiring excavation of 2.8 metres towards the rear of the block. This reduces the scale of the development to a two storey building from the rear. This has enabled the placement of stores, one car parking bay and the bin storage below ground level.

The proposed landscaping includes four mature trees, a green wall along the northern boundary and landscaping on the roof of the ground floor for use by the units on the upper floor. The landscaping complies with the City's Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings.

The original application was received on 21 July 2015. The proposal was revised on several occasions being:

- 6 October 2015 where the size of the units, plot ratio and overshadowing were reduced and increased setbacks were provided along the northern and southern elevations; and
- 19 October 2015 by removing the middle unit on the top floor. This change was necessary in order to further reduce the plot ratio. As a result of the reduction in the number of units (from 8 to 7), one less storeroom and car parking bay was necessary and the bin storage area was reconfigured. These plans are the subject of this report.

Prior to lodgement, the proposal was considered by the City's Design Advisory Committee and the recommendations were incorporated into the design.

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.

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

Detailed Assessment

The assessment against the relevant deemed-to-comply provisions is as follows:

Density/Plot Ratio			
Location	Policy Requirement	Proposal	Variation
N/A	Residential Design Codes Clause 6.1.1 A plot ratio of 0.7 = 424.9 square metres	0.77 = 469.49 square metres	0.07 = 44.59 square metres

The assessment against the relevant design principles is as follows:

Density/Plot Ratio
Design Principles
Residential Design Codes Clause 6.1.1
P1 Development of the building is at a bulk and scale indicated in the local planning framework and is consistent with the existing or future desired built form of the locality.
Summary of Applicant's Justification
The proposed plot ratio will have no adverse impact on the Loftus Street streetscape in terms of overall bulk and scale. The development will provide modern housing within a well established area. The development makes effective use of space and allows for the creation of adequate internal and external living areas. The front setback and verge areas will be landscaped along with the preservation of the mature verge tree to benefit future occupants. The design is consistent in terms of its bulk and scale with other multiple dwelling developments previously approved (No. 188 Loftus Street) in the vicinity.
Officer Technical Comment:
The plot ratio is not expected to have a detrimental impact on the amenity of the adjoining properties and the streetscape due to the following: <ul style="list-style-type: none"> • The development is setback in accordance with the City's Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings from the rear boundary, creating an appropriate area of landscaping and open area to provide an acceptable interface to the R30 lots to the rear of the property; • The elevations are well articulated with the use of different materials, window treatments and landscaping; • The proposed overshadowing which results from the building complies with the Residential Design Codes; and • The proposed landscaping located at ground level at the street frontage, northern boundary in the form of a green wall and on the first floor both at the front and the middle of the site provide a separation of the built form and assist to soften the building bulk. <p>This proposal meets the Design Principles and is acceptable.</p>

The assessment against the relevant deemed-to-comply provisions is as follows:

Building Setbacks			
Location	Policy Requirement	Proposal	Variation
South	Residential Design Codes Clause 6.1.4 Second floor Unit 5 to 7 wall setback: 2.7 metres	Second Floor Unit 5 to 7 wall setback: 1.8 metres	0.9 metres
North	First floor – Unit 2 to 3 wall setback: 2 metres	First Floor Unit 2 to 3 wall setback: 1.5 metres	0.5 metres
	Unit 4 to 5 wall setback: 1.6 metres	Unit 4 to 5 wall setback: 1.5 metres	0.1 metres
	Second floor northern side bulk wall setback: 4.1 metres	Second Floor bulk wall setback: 2.1 metres	2 metres

The assessment against the relevant design principles is as follows:

Building Setbacks
Design Principles
Residential Design Codes Clause 6.1.4
<p>P4.1 Buildings set back from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> • ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; • moderate the visual impact of building bulk on a neighbouring property; • ensure access to daylight and direct sun for adjoining properties; and • assist with the protection of privacy between adjoining properties.
Summary of Applicant's Justification
<p>The proposed setbacks can be attributed to the narrow width of the lot, which requires some concession to accommodate development of the land.</p> <p>The development complies with the privacy provisions of the Residential Design Codes and allows for surveillance of the street.</p> <p>The southern side of the property abuts an open driveway area and extensive driveway/parking areas of the adjoining property. This assists to reduce a considerable part of any setback variation proposed.</p>
Officer Technical Comment:
<p>Attachment 5 is a marked up plan that shows the extent of the variations from the deemed to comply provisions of the Residential Design Codes.</p> <p>The variations from the deemed-to-comply provisions are minor on the first floor and the southern elevation. Whilst the second floor northern elevation presents a 2 metre setback variation from the deemed-to-comply provisions, the section of wall is well articulated with the provision of balconies, contrasting colour and finish to reduce any perceived bulk to the northern elevations.</p> <p>The top floor of the development comprises of two elements which break up the mass of the development. This, together with the balconies located in the middle of the first floor and the associated landscaped areas, assists to lessen any impact from the built form on the neighbouring properties.</p> <p>The proposal complies with the privacy and overshadowing requirements of the Residential Design Codes and is acceptable.</p>

The assessment against the relevant deemed-to-comply provisions is as follows:

Roof Forms			
Location	Policy Requirement	Proposal	Variation
Site	Policy No. 7.2.1 – Residential Design Elements Clause 7.4.3 Roof pitch between 30 – 45 degrees	Skillion roof 3 degrees	27 – 42 degrees

The assessment against the relevant design principles is as follows:

Roof Forms
Design Principles
Policy No. 7.2.1 – Residential Design Elements Clause 7.4.3
BDPC 3 (i) The roof of a building is to be designed so that: <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
Summary of Applicant’s Justification
As a result of the proposed flat roof the building bulk is reduced.
Officer Technical Comment:
The proposed roof form is acceptable because Loftus Street is in transition from low to medium density development. Many new developments have been approved with flat roofs resulting in little consistency in roof forms between older and newer developments. A benefit of this variation means the development reduces the height and bulk of the building and its overshadowing impact.

The assessment against the relevant deemed-to-comply provisions is as follows:

Parking and Access			
Location	Policy Requirement	Proposal	Variation
N/A	Residential Design Codes Clause 6.3.3 Two visitor car bays Three residential bicycle bays One visitor bicycle bay	One visitor car bay Nil bicycle bays Nil bicycle bays	One visitor car bay Three resident bicycle bays One visitor bicycle bay

The assessment against the relevant design principles is as follows:

Parking and Access	
Design Principles	
Residential Design Codes Clause 6.3.3	
<p>P3.1 Adequate car and bicycle parking provided onsite in accordance with projected need related to:</p> <ul style="list-style-type: none"> • The type, number and size of dwellings; • The availability of on-street and other offsite car parking; and • The proximity of the proposed development in relation to public transport and other facilities. 	
Application's Justification	
<p>The development is located along a high frequency transport and bus route which is an ideal location for a lesser number of car parking bays to be provided onsite. The provision of one car bay per dwelling (seven provided) and one visitor bay is considered adequate for the location and the needs of the residents.</p>	
Officer Technical Comment:	
<p>The variation of one visitor bay is acceptable as the property is located on a major road which is well serviced by public transport and allows access to the site via alternative modes of transport.</p> <p>This proposal meets the relevant design principle and is acceptable.</p> <p>The shortfall in the provision of bicycle bays is not acceptable. It is recommended that a condition is imposed that requires that one visitor bay and three residential bays are provided.</p>	

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	13 August 2015 – 2 September 2015		
Comments Received:	Four comments received objecting to the development, one comment of concern and one meeting held with a concerned resident (no written submission received).		

The table below discusses the comments/issues raised during consultation on the original plans dated 21 July 2015.

The proposal that was advertised was for eight units, included greater plot ratio, overshadowing and side setback variations than the current proposal.

The plans were submitted to the Department of Planning (DoP) as the site abuts an Other Regional Road (Blue Road) in Loftus Street. The DoP did not support the proposal as the plans did not delineate the future road widening on Loftus Street. Amended plans were provided noting the future road widening area and the DoP advised that there was no objection.

Summary of Comments Received:	Officer Technical Comment:
<p><u>Scale of Development</u></p> <p>Concern in relation to the size of the building and its impact to the existing streetscape. Concerns in relation to the current built form in this area and that proposed by the subject development.</p>	<p>The proposal that was advertised as part of the consultation process was of a greater bulk and scale than the current proposal. This modified proposal reflects the emerging built form along a major corridor such as Loftus Street. Within the vicinity there are several developments of a similar size and scale that have been built or approved awaiting construction (Nos. 172, 174 and 188 Loftus Street).</p>

Summary of Comments Received:	Officer Technical Comment:
<p>Concern in relation to the proposed height given the surrounding buildings are a height of 1-2 storeys and the development will be out of character with the predominant nature of the streetscape.</p>	<p>The proposed built form and scale reflects the intended scale of development envisaged for the area at three storeys. While the development is three storeys toward Loftus Street it presents as a two storey development from the rear.</p>
<p><u>Streetscape</u></p> <p>The construction and the elevation proposed will detract from the streetscape.</p>	<p>The development is well designed and will contribute to the streetscape. The design incorporates a street elevation which is articulated, features a variety of materials and colour and enables good street surveillance through the provision of window openings and large balconies on the first and second floors.</p>
<p><u>Parking</u></p> <p>The development will create further parking issues. The surrounding streets are already overcrowded by the development. It will also add to traffic congestion along Loftus Street and surrounding roads as well as the additional vehicles servicing the lot.</p>	<p>The proposal complies with the proposed number of car parking bays for the residential units, but provides only one visitor bay where two are required. Given the location of the property along Loftus Street, the site is well accessed by public transport which will allow for visitors to the site to access modes of transport other than private vehicles.</p>
<p><u>Location</u></p> <p>These types of developments should be centred along central nodes such as Oxford Street and Scarborough Beach Road. Development along Loftus Street should be a medium density development in the character of the existing built form.</p>	<p>Loftus Street is designated as a major road where medium to high density development is expected. Under the City's Policy No. 7.4.8 – Development Guidelines for Multiple Dwellings the site has a permitted height of three storeys.</p>
<p><u>Privacy</u></p> <p>Concern in relation to privacy and the impacts associated with it. The proposed fencing height is insufficient to reduce overlooking.</p>	<p>The proposed development complies with the privacy provisions of the Residential Design Codes through the provision of screening, highlight windows and obscured windows. The existing fencing at a height of 1.8 metres will provide screening to the ground level built form.</p>

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

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: Yes

The proposal was considered by the City's DAC on two occasions – 1 October 2014 and 18 February 2015 and revised plans were circulated on 30 April 2015, although the current revised plans were not considered by the DAC. Refer to **Attachment 6** for an extract of the minutes of the meetings.

The applicant engaged the DAC process, which resulted in a positive improvement to the design.

As the proposal is for three storeys, which is permitted along Loftus Street, design excellence is not required and was not granted.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

The City’s Strategic Plan 2013-2023 states:

“Natural and Built Environment

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

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 to offset urban sprawl and its associated negative impacts.
SOCIAL
The development contributes positively to the social sustainability of the area by increasing density, social mix and the diversity of dwelling types.
ECONOMIC
The development will make use of existing infrastructure and services available in an already built-up area, avoiding the cost of new infrastructure associated with greenfield developments. The construction will also provide short term employment opportunities.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The existing single house is not on the City's Heritage List and does not require planning approval from the City for demolition.

The proposed development at a height of three storeys aligns with the City's desired vision to locate higher density developments along major roads such as Loftus Street.

The proposal is consistent with other recently approved multiple dwelling developments on the opposite side of Loftus Street. In each instance side boundary variations of between 0.2 metres – 3 metres and plot ratio variations of between 70-80 square metres were approved.

The scale and height of the proposed development is acceptable. The proposal complies with the deemed to comply provisions and design principles of the Residential Design Codes and the City's Policies with no variations to open space, rear setbacks, privacy, landscaping, front setbacks and the front fence which is permitted to be solid to a maximum height of 1.8 metres.

The areas of discretion relating to lot boundary setbacks, plot ratio, roof forms and visitor car parking are acceptable as the design has incorporated extensive articulation, privacy screening and landscaping to offset any impact such variations might otherwise have on adjoining properties.

The provision of mature landscaping to the rear of the property will ensure that the development relates appropriately to the adjacent properties and a condition in this regard is recommended to be imposed.

CONCLUSION:

It is recommended that Council approves this proposal.

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

Ward:	North	Date:	30 October 2015
Precinct:	Precinct 6 – Smith Lake Precinct 9 – North Perth Centre	File Ref:	PR10160; 5.2015.315.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Report 4 – Car Parking and Bicycle Table 5 – Marked up plans showing proposed versus required setbacks		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Acting Senior Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Peter Hobbs Architect on behalf of the owner A & R Accordino, for the proposed expansion of the Existing Shop/Office (Pharmaceutical) Use and Associated Preparation Rooms and the construction of a three storey Multiple Dwelling at No. 73 (Lot: 58; D/P: 1823) Angove Street, North Perth as shown on amended plans date stamped 30 October 2015, included as Attachment 2, subject to the following conditions:

1. **Interactive Frontage**

Windows and doors fronting Angove Street shall maintain an active and interactive relationship with the street;

2. **Car Parking and Access**

- 2.1 A minimum of one resident bay and two commercial bays shall be provided onsite;
- 2.2 The car park shall be used only by residents and visitors directly associated with the development;
- 2.3 The visitor bay is to be marked accordingly;
- 2.4 The car parking and access areas are to comply with the requirements of AS2890.1. The car parking bays are to be angled as shown on the plans and have a minimum width of 3 metres;
- 2.5 Vehicle and pedestrian access points are required to match into existing footpath levels; and
- 2.6 All vehicles shall exit the car parking area into Albert Street in forward gear;

3. **External Fixtures**

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

4. **Verge Trees**

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

5. **Car Parking Permits**

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

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

6.1 **Acoustic Report**

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

6.2 **Landscape and Verge Upgrade Plan**

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

- 6.2.1 The location and type of existing and proposed trees and plants;
- 6.2.2 Areas to be irrigated or reticulated;
- 6.2.3 The removal of redundant crossover in Angove Street;
- 6.2.4 Retention of the existing landscaping on the Albert Street boundary; and
- 6.2.5 All proposed treatments on the verges;

6.3 **Schedule of External Finishes**

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

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

6.5 **Waste Management**

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

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

7.1 **Clothes Drying Facility**

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

7.2 **Car Parking**

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

7.3 **Stormwater**

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

7.4 **Acoustic Report Certification**

With reference to Condition 6.1, certification from an acoustic consultant that the recommended measures have been undertaken shall be provided to the City;

7.5 **Landscape Plan and Verge Upgrade Plan**

With reference to Condition 6.2, all works shown in the plans approved with the Building Permit shall be undertaken in accordance with the approved plans and maintained thereafter to the satisfaction of the City at the applicant's expense;

7.6 **Bicycle Bays**

A minimum of one Class 1 or 2 and one Class 3 bicycle bay is to be provided onsite. Bicycle bays must be provided at a location convenient to the entrance, publically accessible and within the development. The bicycle facilities shall be designed in accordance with AS2890.3; and

7.7 **Privacy Screening**

All privacy screening denoted on the proposed plans installed to the satisfaction of the City.

ADVICE NOTES:

1. With reference to Condition 2.5, the portion of the existing footpath traversing the proposed crossover must be retained. The proposed crossover levels shall match into the existing footpath levels. Should the footpath not be deemed to be in satisfactory condition, it must be replaced with in-situ concrete panels in accordance with the City's specification for reinstatement of concrete paths;
 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;
-

3. **With reference to Condition 6.2, the City encourages landscaping methods and species selection which do not rely on reticulation;**
4. **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;**
5. **With reference to Condition 7.3, 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;**
6. **Any additional property numbering to the abovementioned address which results from this application will be allocated by the City of Vincent. The applicant is requested to liaise with the City in this regard during the building permit process;**
7. **Any changes to the existing crossovers shall be constructed in accordance with the City's Standard Crossover Specifications; and**
8. **All signage that does not comply with the City's Policy 7.5.2 – Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Building Permit application, being submitted to and approved by the City prior to the erection of the signage.**

PURPOSE OF REPORT:

To consider an application for the 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.

BACKGROUND:

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.

DETAILS:

Landowner:	A & R Accordino
Applicant:	Peter Hobbs Architect
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 & Multiple Dwelling
Use Classification:	"P", "P" & "AA"
Lot Area:	508 square metres
Right of Way:	Not Applicable
Heritage List:	Not Applicable
Date of Application:	13 July 2015

The subject site comprises of an existing shop/office (Pharmaceutical) Use in a tenancy at the Angove Street frontage of the site.

There are two street frontages, one in Albert Street and the other in Angove Street. The Albert Street frontage provides for access to the parking area of the site.

The proposed development is for the expansion of the existing use by adding the preparation rooms on the ground floor, and a two level multiple dwelling above, which results in a three storey flat roofed development that is 10 metres high. The multiple dwelling incorporates an open living arrangement on its first level and two bedrooms with associated ensuites on the second level. The building is modern in appearance with openings along each of the levels.

Landscaping is provided along the western and eastern boundaries at the rear of the site as well as the existing landscaping along the southern boundary of the property. The existing landscaping at the rear assists to screen the car parking and the landscaping in the middle of the site to soften the appearance of the built form.

The portion of the site that faces Albert Street falls within the Smith's Lake Precinct while the northern portion of the site falls within the North Perth Town Centre Precinct.

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.

Design Element	Deemed-to-Comply	Requires the Discretion of Council
Density/Plot Ratio	✓	
Street Setback	✓	
Front Fence	✓	
Building Setbacks		✓
Boundary Wall	✓	
Building Height	✓	
Building Storeys	✓	
Roof Form		✓
Open Space	✓	
Landscaping	✓	

Design Element	Deemed-to-Comply	Requires the Discretion of Council
Privacy	✓	
Parking & Access	✓	
Bicycles	✓	
Solar Access	✓	
Site Works	✓	
Essential Facilities	✓	
Surveillance	✓	

Detailed Assessment

The assessment against the relevant deemed-to-comply provisions is as follows:

Building Setbacks			
Location	Policy Requirement	Proposal	Variation
	Residential Design Codes Clause 6.1.4 & Policy No. 7.2.1 – Residential Design Elements		
South	First and Second Floor Rear – 1.5 metres behind lower floor	Rear – Upper floor directly above lower floor	1.5 metres
East	Second Floor East – 1.9 metres	1.5 metres	0.4 metres
West	Second Floor West – 1.9 metres	1.5 metres	0.4 metres

The assessment against the relevant design principles is as follows:

Building Setbacks
Design Principles
Residential Design Codes Clause 6.1.4
<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; • Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.
Policy No. 7.2.1 – Residential Design Elements
<p>SPC 10</p> <p>(i) Dwellings on dual street frontages or corner lots are to present an attractive and interactive elevation to each street frontage. This may be achieved by utilising the following design elements:</p> <ul style="list-style-type: none"> • Wrap around design (design that interacts with all street frontages); • Landscaping; • Feature Windows; • Staggering of height and setbacks; • External wall surface treatments and finishes; and • Building Articulation.

Building Setbacks
Applicant's Justification
The proposal includes large openings including windows and balconies, provision of varying materials which all contribute to articulate the built form. These features also break up the lines of the building and reduce its bulk and scale. The use of colours and contemporary roof ensures that the design contributes to the existing streetscape.
Officer Technical Comment:
The lot boundary setbacks are acceptable.
The development faces an open garden area on the lot to its west and a double storey façade which contains one major opening on the ground floor of the adjoining dwelling to the east. The impact of the variation on the adjoining property is not significant given the variation of 0.4 metres proposed. The proposed variation to the southern boundary will not impact on Albert Street given the substantial setback.
The proposal complies with the overshadowing and privacy provisions of the Residential Design Codes as privacy screening is proposed where necessary.
This proposal meets the relevant design principles and is acceptable.

The assessment against the relevant deemed-to-comply provisions is as follows:

Roof Form			
Location	Policy Requirement	Proposal	Variation
Rear Multiple Dwelling	Policy No. 7.2.1 – Residential Design Elements 30-45 degrees	Approximately 5 degrees	25-40 degrees

The assessment against the relevant design principles is as follows:

Roof Form
Design Principles
Policy No. 7.2.1 – Residential Design Elements
BDPC 3 (i) The roof of a building is to be designed so that: <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
Applicant's Justification
The topography of the adjoining lots to the east and the gentle step down to the west, ensures the scale of the development with the butterfly roof proposed will not be out of character with the streetscape.
Officer Technical Comment:
Albert and Angove Streets primarily comprise buildings which incorporate pitched roofs and as a result are tall. A number of developments with varying roof pitches and roof types have recently been approved/constructed. The subject proposal includes a low level pitched roof which assists to reduce the scale of the built form and aligns with the emerging streetscape.
This proposal meets the relevant design principles and is acceptable.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period:	21 September 2015 – 5 October 2015
Comments Received:	Two comments were received objecting to the development.

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

Summary of Comments Received:	Officer Technical Comment:
<p><u>Traffic and Car Parking</u></p> <p>Concern in relation to the impact on Albert Street with regard to parking and traffic as the proposal is for multi-use commercial and residential and only three car parking bays are proposed.</p>	<p>The proposed car parking complies with the required number of car parking bays as per the City's Policy No. 7.7.1 – Parking and Access and the Residential Design Codes.</p>
<p><u>Fencing</u></p> <p>The appearance of the fencing along Albert Street is not in keeping with the desired streetscape.</p>	<p>The front fence is not proposed to be altered.</p>
<p><u>Scale of the Development</u></p> <p>Concern in relation to the scale of the development and the three storey height proposed. The adjoining dwellings are one and two storeys in height. The flat roof appearance is not in keeping with the existing streetscape.</p>	<p>The proposed three storey height can be considered on its merits in accordance with the City's Policy No. 7.1.6 – Smiths Lake and is permitted under the City's Policy No. 7.1.9 – North Perth Town Centre Precinct.</p> <p>This proposed building height also aligns with the future vision for the area as this site is earmarked to be zoned Residential/Commercial R60 in Draft TPS2.</p> <p>It abuts the North Perth Town Centre where a number of recent developments three storeys and above have been constructed.</p> <p>The overall height of the proposed building at 10 metres is similar in height to the pitch roofed two storey developments in the area.</p> <p>The proposed window openings and privacy screening complies. The low pitched roof appearance reduces the scale and bulk of the building to the adjacent properties.</p>
<p>Concern in relation to the multi storey dwelling proposed behind the existing building and its impact on Albert Street.</p>	<p>The proposed height correlates with the adjoining property to the east of the subject site and is of a scale that aligns with the future vision of the area.</p>
<p><u>Streetscape</u></p> <p>Concern in relation to the design of the building and it not being in keeping with the Albert Street streetscape.</p>	<p>The proposed built form is consistent with the scale of development in this portion of Albert Street.</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. 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 addition of one multiple dwelling will provide housing choice. The proposed three storey built form will not be out of character for the area. As the proposed building is located in the middle of the site it will not be visually prominent from Angove Street and preserve the character streetscape. The proposed landscaping will improve the amenity of the property and the local area.

The existing bin store and waste facility is acceptable but the City requires that it is managed appropriately.

This development will contribute positively to the revitalisation of the site.

CONCLUSION:

It is recommended that Council approves this proposal.

5.1.4 No. 45/87 (Lot: 45; D/P: 65963) Bulwer Street, Perth – Proposed Change of Use from Office to Eating House

Ward:	South	Date:	30 October 2015
Precinct:	Precinct 13 - Beaufort	File Ref:	PR53774; 5.2015.350.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Car Parking Table		
Tabled Items:	Nil		
Reporting Officer:	C Sullivan, Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Arjai Designs on behalf of the owner 87 Bulwer Pty Ltd, for the proposed Change of Use from Office to Eating House at No. 45/87 (Lot: 45; D/P: 65963) Bulwer Street, Perth as shown on plans date stamped 24 September 2015, included as Attachment 2, subject to the following conditions:

1. **Operating Hours**

The hours of operation shall be limited to the following times:

- Monday to Sunday: 7.00am to 5.00pm; and
- Closed on Public Holidays;

2. **Eating House Use**

The maximum number of patrons for the eating house at any one time shall be limited to 20 persons;

3. **Interactive Relationship with Street**

Doors, windows and adjacent floor areas fronting Bulwer Street shall maintain an active and interactive relationship with the street;

4. **External Fixtures**

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

5. **Sign**

The sign shall:

- 5.1 not have flashing or intermittent lighting; and
- 5.2 not exceed 500mm in width and shall maintain a minimum head clearance of 2.75 metres at all times;

6. **Cash-in-Lieu**

Pay a cash-in-lieu contribution for the shortfall of 0.07 car bays, based on the cost of \$5,400 per bay as set out in the City's 2015/2016 Schedule of Fees and Charges being a contribution of \$378; and

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

7.1 **Waste Management**

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

7.1.2 Waste management for the development shall thereafter comply with the approved Waste Management Plan.

ADVICE NOTES:

1. Any additional 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;
 2. With reference to Condition 6:
 - 2.1 The cash-in-lieu amount may be reduced if additional car bays are provided onsite or in conjunction with any other arrangement acceptable to the City;
 - 2.2 Alternatively the lodgement of an appropriate assurance bond/bank guarantee of the above value to the satisfaction of the City can be undertaken. This assurance bond/bank guarantee will only be released in the following circumstances:
 - 2.2.1 To the City at the date of issue of the Building Permit for the development, or first occupation of the development, whichever occurs first; or
 - 2.2.2 To the owner/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or
 - 2.2.3 To the owner/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired; and
 - 2.3 The applicant may request the City to approve a payment plan up to five years;
 3. An Occupancy Permit will be required for the Change of Use/Class to comply with Class 6. A Building Permit will be required for any proposed internal fit-out work or upgrade work to comply with Class 6. All proposed works must be privately certified as per the *Building Regulations 2012*; and
 4. All mechanical devices/installations (i.e. roller doors, air conditioners, exhaust outlets, pool pumps, compressors etc.), to be located in a position that will not result in the emission of unreasonable noise, in accordance with the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*. Should you be uncertain as to whether compliance will be achieved, it is highly recommended that you contract the services of an Acoustic Consultant, as the City's Environmental Health Officers cannot provide technical advice in this regard. Section 80 of the *Environmental Protection Act 1986* places onus on the installer to ensure that noisy equipment is installed so as not to create unreasonable noise. It is important that you inform mechanical equipment installers of this requirement.
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PURPOSE OF REPORT:

To consider approval of a change of use from office to eating house.

BACKGROUND:

The mixed use development at this site was completed at the end of 2014.

The ground floor office tenancies are currently unoccupied.

History:

Date	Comment
15 December 2009	Council resolved to approve an application for a Mixed Use Development Comprising Offices, Showrooms, Small Bar (Unlisted Use) and 30 Multiple Dwellings and Associated Car Parking
19 September 2012	Development Assessment Panel (DAP) resolved to approve an application for the Demolition of Existing Buildings and Construction of a Five Storey Mixed Use Development Comprising of Three Offices and 52 Multiple Dwellings and Associated Car Parking
7 January 2013	DAP resolved to approve an application for the Demolition of Existing Buildings and Construction of a Five Storey Mixed Use Development Comprising of Three Offices and 44 Multiple Dwellings and Associated Car Parking (Amendment to Previous Approval)
24 April 2013	DAP resolved to approve an application for the Demolition of Existing Buildings and Construction of a Five Storey Mixed Use Development Comprising of Three Offices and 44 Multiple Dwellings and Associated Car Parking (Amendment to Previous Approval)

As part of the approval granted by DAP in April 2013 the commercial component (total floor area of 160.5 square metres) require 1.63 carbays (after the relevant adjustment factor at the time was applied). Three bays were provided which represents a surplus of car parking.

The three bays are shared between the three units and no car bay is specifically allocated to any one unit.

Previous Reports to Council:

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

DETAILS:

Landowner:	87 Bulwer Pty Ltd
Applicant:	Arjai Designs
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:	Office
Use Class:	Eating House
Use Classification:	"SA"
Lot Area:	1404 square metres
Right of Way:	Not applicable
Heritage List:	No
Date of Application:	13 August 2015

The original development approved by DAP comprises of three commercial (office) units on the ground floor, two facing Bulwer Street, and one facing Greenway Street. The proposed change of use is for the larger of the two ground floor office units that front Bulwer Street.

The proposed change of use from office to eating house includes:

- Seating for a maximum of 20 persons at any one time;
- Proposed opening hours of Monday to Sunday 7.00am to 5.00pm, closed on Public Holidays, with a breakfast and lunch menu being served, as well as takeaway hot drinks; and
- No sale of liquor.

With the use of this tenancy 82 square metres of office use remains in the development.

The eating house use is an “SA” use in a Residential/Commercial R80 zone under the City’s Town Planning Scheme No.1 which means the use is not permitted unless Council exercises its discretion and approves the use after advertising under Clause 37.

This matter is presented to Council for determination because this proposal is an “SA” use and one objection has been received. The current delegation prevents Administration from approving proposals where one objection is received in relation to an “SA” use.

ASSESSMENT:

Summary Assessment

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

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

Detailed Assessment

The assessment against the relevant deemed-to-comply provisions is as follows:

Parking & Access			
Design Element	Policy Requirement	Proposal	Variation
Car Parking	Policy No. 7.7.1 – Parking and Access 3.07 car bays are required for all three commercial components	3 car bays	0.07 car bay shortfall

The assessment against the relevant Design Principles is as follows:

Design Principles
Policy No. 7.7.1 – Parking and Access Car Parking for the Commercial component (two Offices and proposed Eating House) should be provided onsite in accordance with Policy No. 7.7.1 – Parking and Access.
Applicant's Justification None Provided.
Officer Technical Comment: Attachment 3 contains the car parking calculations. The proposed development results in a shortfall of 0.07 car bays for all three commercial units (1 x eating house and 82 square metres of office space). As a result of the adjustment factors the proposed eating house will require 2.048 car parking spaces and the remaining two office tenancies together require 1.024 car parking space. This minor shortfall will not have an impact on the operational ability of the proposed use, and will not have a negative impact on the amenity of the area. The 2015/2016 cash-in-lieu contribution is \$5,400 per car bay. The shortfall equates to \$378. This proposal meets the relevant design principles and is acceptable subject to a condition being imposed that requires the payment for cash-in-lieu for the car parking shortfall.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	27 August 2015 – 17 September 2015		
Comments Received:	Two letters with concerns and one letter of objection.		

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

Summary of Comments Received:	Officer Technical Comment:
<u>Parking</u> Concern that insufficient parking has been supplied which will impact on adjoining residences.	There is a minor car parking shortfall which would not have a negative impact on adjoining properties.

Summary of Comments Received:	Officer Technical Comment:
<p><u>Noise</u></p> <p>Object to noise generated by machinery/equipment and patrons that will impact the amenity of adjacent residences that are part of the same complex.</p>	<p>Any machinery or equipment is required to meet noise regulations under the Health Legislation.</p> <p>It is not expected that noise from patrons would be an issue because of the proposed number of patrons and the opening hours are restricted.</p>
<p><u>Smell</u></p> <p>Object to smell and food related issues (bins, vermin, exhaust fans, water usage etc.) that would impact on the amenity and environment of other residences in the same complex.</p>	<p>All food businesses are subject to Health Legislation to ensure that the premises do not pose an environmental health risk, and it is expected that these concerns can be controlled through relevant Health regulations.</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;*
- *Policy No. 7.1.13 – Beaufort Precinct; and*
- *Policy No. 7.7.1 – Parking and Access.*

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

RISK MANAGEMENT IMPLICATIONS:

It is Administration’s view that there 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.*

Economic Development

- 2.1 *Progress economic development with adequate financial resources;*
- 2.1.2 *Promote business development and the City of Vincent as a place for investment appropriate to the vision for the City.”*

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL
The proposal will re-use a vacant space.

SOCIAL
The development contributes positively to the social sustainability of the area by increasing amenities and activating an area that is currently vacant.

ECONOMIC
The development will make use of existing infrastructure and services available in an already built up area, avoiding additional costs of new infrastructure associated with new buildings.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The subject unit was approved as an office space, but has been vacant since the building was completed.

The proposed eating house will have a limited number of patrons and limited opening hours which will reduce any future impact on the surrounding neighbours.

The bicycle parking complies, and cash-in-lieu can be paid for the minor variation to car parking bays available onsite.

The existing bin store is shared between the entire development. An eating house will produce more waste than the existing commercial element, and the applicant has been advised that a third party bin collection service is likely to be required as the existing bin store may be too small to accommodate additional bins. A condition for a Waste Management Plan has been added to ensure this issue is resolved.

Given the mixed nature of the location and proximity to Beaufort Street, a small scale eating house is acceptable and would add to the amenity of the area, and subject to compliance with conditions, would not have a detrimental impact on the amenity of surrounding properties.

CONCLUSION:

It is recommended that Council approves this proposal.

5.1.5 No. 237 (Lot: 28; D/P: 2358) Loftus Street, Leederville – Proposed Demolition of Existing Single House and Construction of a Multiple Dwelling Development and Associated Car Parking

Ward:	North	Date:	30 October 2015
Precinct:	Precinct 3 – Leederville	File Ref:	PR14686; 5.2015.286.1
Attachments:	<ul style="list-style-type: none"> 1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification 4 – Car Parking and Bicycle Tables 5 – Marked up plans showing proposed versus required setbacks 6 – Extract of Design Advisory Committee Minutes and Comments 7 – Neighbourhood Context Report 8 – Development Application Report 		
Tabled Items:	Nil		
Reporting Officer:	A Groom, Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by R Brewell on behalf of the owner Antonelli Group Pty Ltd, for the proposed demolition of an existing building and construction of a two storey Multiple Dwelling Development comprising of Six Multiple Dwellings, Roof Terrace and Associated Car Parking at No. 237 (Lot 28; D/P: 2358) Loftus Street, Leederville as shown on plans date stamped 26 October 2015, included as Attachment 2, subject to the following conditions:

1. Boundary Wall

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 235 and 239 Loftus Street and No. 3 Anzac Road 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;

2. Car Parking and Access

- 2.1 A minimum of six resident and two visitor bays shall be provided onsite;
- 2.2 The car park shall be used only by residents and visitors directly associated with the development;
- 2.3 The visitor bay is to be marked accordingly;
- 2.4 The car parking and access areas are to comply with the requirements of AS2890.1;
- 2.5 Vehicle and pedestrian access points are required to match into existing footpath levels; and
- 2.6 All new crossovers shall be constructed in accordance with the City’s Standard Crossover Specifications;

3. External Fixtures

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

4. **Verge Trees**

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

5. **Car Parking Permits**

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

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

6.1 **Revised Plans**

6.1.1 **Privacy**

The window to the second bedroom for each unit on the upper floor shall have a minimum sill height of 1.6 meters above the finished floor level;

6.2 **Acoustic Report**

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

6.3 **Landscape and Verge Upgrade Plan**

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

6.3.1 The location and type of proposed trees and plants including 6 mature trees planted along the southern boundary and right of way setback area;

6.3.2 Areas to be irrigated or reticulated;

6.3.3 Soft landscaping along the southern boundary to reduce sound transfer from the car parking area; and

6.3.4 All proposed treatments of the verge;

6.4 **Schedule of External Finishes**

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

6.5 **Construction Management Plan**

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

6.6 Waste Management

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

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

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

7.1 Clothes Drying Facility

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

7.2 Car Parking

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

7.3 Stormwater

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

7.4 Acoustic Report Certification

With reference to Condition 6.2, certification from an acoustic consultant that the recommended measures have been undertaken shall be provided to the City;

7.5 Landscape Plan and Verge Upgrade Plan

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

7.6 Bicycle Bays

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

7.7 Privacy Screening

All privacy screening denoted on the proposed plans installed to the satisfaction of the City.

ADVICE NOTES:

1. With reference to Condition 1, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;

2. A security bond for the sum of \$3,000, shall be lodged with the City by the applicant, prior to the issue of a building permit. This bond will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure in the Right of Way and the Verge along Loftus Street, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the security bond shall be made in writing. The bond is non-transferable;
3. With reference to Condition 6.3, the City encourages landscaping methods and species selection which do not rely on reticulation;
4. 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;
5. With reference to Condition 7.3, 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;
6. Any additional property numbering to the abovementioned address which results from this application will be allocated by the City of Vincent. The applicant is requested to liaise with the City in this regard during the building permit process; and
7. A Demolition Permit shall be obtained from the City prior to commencement of any demolition works on the site.

PURPOSE OF REPORT:

To consider a two storey development consisting of six multiple dwellings.

BACKGROUND:

Previous approvals are in relation to the existing house.

DETAILS:

Landowner:	Antonelli Group Pty Ltd
Applicant:	R Brewell
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R60 Draft Town Planning Scheme No. 2 (TPS2): Residential R60
Existing Land Use:	Single House
Use Class:	Multiple Dwelling
Use Classification:	"P"
Lot Area:	559 square metres
Right of Way:	West, 5 metres wide, City owned land
Heritage List:	No
Date of Application:	19 June 2015, received 23 June 2015

The application is to demolish the existing single storey brick and tile home and construct a two storey building consisting of six multiple dwellings. Two one-bedroom dwellings are proposed on the ground floor and four two-bedroom dwellings are proposed on the upper floor. The dwellings range in size from approximately 56 square metres at ground level to 74 square metres on the upper floor level. A roof terrace is proposed on the flat roof area of the rear units and includes landscaped garden beds along the northern and southern sides of the roof space.

A common car parking area is proposed at the rear of the ground floor units, with access from the rear right of way (ROW). Eight car bays are provided.

The proposal complies with the landscaping requirements. Mature landscaping in the form of six mature trees is proposed to be planted across the site to soften the built form of the development as recommended by the Design Advisory Committee.

In response to concerns raised by the DAC and Administration the proposal was revised a number of times as follows:

- 18 February 2015 initial plans;
- 23 June 2015 including mandatory requirements of the DAC incorporated including the reconfiguration of the apartments and removal of the external common walkway on the upper floor which were used for community consultation;
- 9 October 2015 including increased landscaping and open space areas only providing 38% open space with the Residential Design Codes requiring a minimum of 45%; and
- 26 October 2015 including a roof terrace and compliant landscaping and open space.

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.

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

Detailed Assessment

The assessment against the relevant deemed-to-comply provisions is as follows:

Density/Plot Ratio			
Location	Policy Requirement	Proposal	Variation
	Residential Design Codes Clause 6.1.1 0.7 = 391.3 square metres	0.728 = 406.95 square metres	0.028 = 15.65 square metres

The assessment against the relevant design principles is as follows:

Density/Plot Ratio
Design Principles
Residential Design Codes 6.1.1
P1 Development of the building is at a bulk and scale indicated in the local planning framework and is consistent with the existing or future desired built form of the locality.
Applicant's Justification
<i>"The proposal is only two storey in form and is therefore well within the permissible height limits of the desired future character of the Leederville area."</i>
Officer Technical Comment:
The plot ratio proposed marginally exceeds the deemed-to-comply plot ratio by 0.028 or 15.65 square metres. The overall design and scale of the proposed development is suited to the type of built form encouraged along main arterial routes. The elevations are well articulated with the use of different materials, colours and landscaping. The positive design qualities of the development and the fact that the plot ratio is evenly dispersed across the block limits the impact of the proposed development on adjoining properties. This proposal meets the relevant design principles and is acceptable.

The assessment against the relevant deemed-to-comply provisions is as follows:

Street Setback			
Location	Policy Requirement	Proposal	Variation
	Policy No. 7.2.1 – Residential Design Elements – SPC5 Loftus Street Setback Buildings are to be setback from the street alignment such distance as is generally consistent with the building setback on adjoining land and in the immediate locality.		

Street Setback			
Location	Policy Requirement	Proposal	Variation
Ground floor	<u>Ground floor</u> The primary street setback is to reflect the predominant streetscape pattern for the immediate locality which is defined as being the average setback of the five adjoining properties on each side of the development. In this instance the average setback is 11.15 metres.	3.8 metres	7.35 metres
Upper floor	2 metres behind each portion of the ground floor setback which equates to a setback of 13.15 metres from Loftus Street.	Walls setback 1.07 metres from ground floor and 4.87 metres from Loftus Street.	0.93 metres from the ground floor or 8.28 metres from Loftus Street.
Upper floor (balconies)	Balconies are to be setback 1 metre from the ground floor setback which equates to 12.15 metres from the street boundary.	Balconies overhang the ground floor by 0.4 metres being 3.4 metres from Loftus Street.	1.4 metres variation from the ground floor and 8.75 metres from Loftus Street.
Upper floor (balconies)	Policy No. 7.2.1 – Residential Design Elements – SPC9 Setbacks from ROW Balconies are to be setback 2.5 metres from the ROW.	2.4 metres from the ROW.	0.1 metres.

The assessment against the relevant design principles is as follows:

Street Setback
Design Principles
Policy No. 7.2.1 – Residential Design Elements SPC 5 and SPC 9
<p>SPC 5</p> <p>(i) Development is to be appropriately located onsite to:</p> <ul style="list-style-type: none"> • Maintain streetscape character; • Ensure the amenity of neighbouring properties is maintained; • Allow for the provision of landscaping and space for additional tree plantings to grow to maturity; • Facilitate solar access for the development site and adjoining properties; • Protect significant vegetation; and • Facilitate efficient use of the site.

Street Setback	
(ii)	Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.
<p>SPC 9 The setback is to be compatible and consistent with the established pattern of setbacks presenting to the right of way.</p>	
Applicant's Justification	
<p><i>"Compliance with this clause is extremely difficult to achieve and does not reflect the intended streetscape. There appears to be significant instances where this clause appears to be applied in a discretionary manner within the immediate proximity of the development.</i></p> <p><i>The proposal has demonstrated successfully that the upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development"</i>.</p>	
Officer Technical Comment:	
<p>This portion of Loftus Street is characterised by single-storey residential properties with car parking areas within the front setback area. This style of development has resulted in this significant front setback area.</p> <p>The City requires access to be taken from the rear ROW where one exists. Due to this, newer developments are likely to be located closer to the front boundary in order to provide car parking at the rear and to use the rest of the block more efficiently.</p> <p>The development proposes courtyard areas within the Loftus Street setback area which will result in improved interaction with the street whilst still allowing for landscaping to be provided within this area, consistent with the adjoining properties.</p> <p>The setback as proposed will not have a negative impact on the neighbours as the proposed front setback meets the streetscape character currently being developed along Loftus Street.</p> <p>This proposal meets the relevant design principles and is acceptable.</p>	

The assessment against the relevant deemed-to-comply provisions is as follows:

Building Setbacks			
Location	Policy Requirement	Proposal	Variation
	Residential Design Codes Clause 6.1.4		
Ground floor - North	1.5 metres	1.2 metres	0.3 metres
Upper floor - North	1.8 metres	1.2 metres	0.6 metres
- South	1.9 metres	1.2 metres	0.7 metres

The assessment against the relevant design principles is as follows:

Building Setbacks
Design Principles
Residential Design Codes Clause 6.1.4
<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
<i>"The proposal incorporates a significant amount of vegetation that the neighbouring dwelling or primary street will not experience unreasonable amount of building bulk".</i>
Officer Technical Comment:
<p><u>Boundary Setbacks</u></p> <p>Attachment 5 shows the extent of the variation from the deemed-to-comply provisions of the Residential Design Codes.</p> <p>Both side elevations are well articulated with open balcony, staircase areas, contrasting colours and materials to reduce the perceived bulk to the neighbouring properties to the north and south.</p> <p>The development is articulated in a way that visually breaks down the mass of the development and this serves to reduce the effect of bulk and scale on the neighbouring properties and the streetscape.</p> <p>The proposal fully complies with the overshadowing requirements of the Residential Design Codes and will meet the visual privacy requirements as it is recommended that a condition is imposed to ensure screening where required.</p> <p>This proposal meets the relevant design principles and is acceptable.</p>

The assessment against the relevant deemed-to-comply provisions is as follows:

Roof Form			
Location	Policy Requirement	Proposal	Variation
Not Applicable	<p>Policy No. 7.2.1 – Residential Design Elements Clause 7.4.3</p> <p>Roof pitch to be between 30-45 degrees.</p>	15 degrees	15-30 degrees

The assessment against the relevant design principles is as follows:

Roof Form
Design Principles
Policy No. 7.2.1 – Residential Design Elements Clause 7.4.3
<p>BDPC 3</p> <p>(i) The roof of a building is to be designed so that:</p> <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.

Roof Form
Applicant's Justification
None provided.
Officer Technical Comment:
The proposed roof form is acceptable because Loftus Street is in transition from low to medium density development. Many new developments have been approved with flat roofs resulting in little consistency in roof forms between older and newer developments.
A benefit of this variation means the development reduces the height and bulk of the building and its overshadowing impact.

The assessment against the relevant deemed-to-comply provisions is as follows:

Privacy			
Location	Policy Requirement	Proposal	Variation
All bed 2 windows	Residential Design Codes Clause 6.4.1 Bedrooms – 3 metre cone of vision setback	All windows to bedrooms 2 on the upper floor do not comply because the sill height is 1.45 metres leaving a cone of vision to the boundary of 1.7 metres.	1.3 metre cone of vision setback reduction.

The assessment against the relevant design principles is as follows:

Privacy
Design Principles
Residential Design Codes Clause 6.4.1
<p>P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:</p> <ul style="list-style-type: none"> • building layout and location; • design of major openings; • landscape screening of outdoor active habitable spaces; and/or • location of screening devices. <p>P1.2 Maximum visual privacy to side and rear boundaries through measures such as:</p> <ul style="list-style-type: none"> • offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; • building to the boundary where appropriate; • setting back the first floor from the side boundary; • providing higher or opaque and fixed windows; and/or • screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).
Applicant's Justification
None provided.
Officer Technical Comment:
The variation from the deemed-to-comply provisions proposed to visual privacy is not acceptable and can be rectified by increasing the sill height of windows to 1.6 metre above the finished floor level. To ensure that the current and future amenity of the adjoining properties is maintained it is recommended that a condition of approval is imposed in this regard.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period:	7 August 2015 to 27 August 2015
Comments Received:	Five objections were received during the community consultation process.

The plans being presented to Council (dated 26 October 2015) vary from the plans that were advertised (dated 23 June 2015). The changes include:

- the inclusion of raised garden beds on the front and rear of the development;
- the removal of the western staircase off the boundary;
- the inclusion of a roof terrace with landscaped gardens on the northern and southern sides; and
- increase in open space and landscaping to compliance.

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

Summary of Comments Received:	Officer Technical Comment:
<p><u>Building Size:</u></p> <p><i>“Over-sized, lack of ‘soft’ area, car parks and driveways (concrete) cover most of the block, will contribute to “heat island” effect”.</i></p> <p><i>“Building is at a bulk and scale not consistent with existing neighbouring buildings”.</i></p>	<p>The proposal includes landscaping along the side boundaries, upper floors and a roof terrace. The proposal meets the open space deemed to comply requirements of the Residential Design Codes.</p> <p>The building bulk and scale is consistent with a number of new developments located along Loftus Street and the surrounding residential streets. The two-storey height proposed complies with the permitted height limit for the area and the plot ratio meets the design principles of the Residential Design Codes.</p>
<p><u>Street Setback:</u></p> <p><i>“Inadequate landscaped area – lack of trees/garden”.</i></p> <p><i>“Hopelessly inadequate solar access especially on north side – should have much larger glass windows, can make lower part frosted”.</i></p> <p><i>“Does not maintain streetscape character. Remove tall front fence on Loftus Street and use sound proof glass on windows on Loftus and north sides”.</i></p> <p><i>“Hopelessly inadequate outdoor area for occupants to enjoy sun, concrete driveway covers high percentage”.</i></p>	<p>The revised plans submitted demonstrate compliance with the landscaping requirements.</p> <p>The proposed solar access has been maximised where practical and complies with the Residential Design Codes. The unique roof design and inclusion of Velux windows adds additional light into the upper floor units.</p> <p>The City’s Residential Design Elements permit solid fencing to a height of 1.8 metres along main arterial roads such as Loftus Street.</p> <p>While the plans that were advertised did not comply with the open space requirements, this revised proposal includes an outdoor area provided for each unit that is larger than required by the Residential Design Codes. An additional communal roof terrace has also been included, and the proposal now meets the open space requirements.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><i>“Street setback variation from that of neighbours by 7.45 metres inconsistent with streetscape character”.</i></p> <p><i>“Setback from right of way not consistent or compatible with current established pattern”.</i></p>	<p>The street setback proposed is consistent with the changing setbacks along Loftus Street. The provision of outdoor living areas along Loftus Street provide interaction with the street consistent with the neighbouring properties.</p> <p>The ROW has not been substantially developed with no current established pattern existing.</p>
<p><u>Lot Boundary Setbacks:</u></p> <p><i>“Inadequate daylight. Needs complete revision for daylight and ventilation”.</i></p> <p><i>“South is not articulated”.</i></p> <p><i>“Ground floor (southern side) – a car park for 6 cars. With 235 Loftus having 3 bedrooms along this side, vehicle engine noise, doors closing combined with lack of setback will impact negatively on reasonable use of neighbouring bedrooms”.</i></p> <p><i>“Reduced upper storey setbacks will contribute to the negative visual and physical impact of the proposed buildings bulk”.</i></p>	<p>The proposed light and ventilation requirements for the proposed dwellings comply with the Building Codes of Australia for this type and size of dwellings.</p> <p>The southern elevation has been articulated in varying places along the length of the building.</p> <p>The applicant has proposed solid fencing and soft landscaping along the southern side to dampen any sound transfer.</p> <p>The northern and southern upper floor elevations have been articulated along the length of the building. This ensures adequate daylight and ventilation is available to the building and open spaces of the adjoining properties. The inclusion of mature landscaping along these elevations further reduces the bulk of the buildings.</p>
<p><u>Open Space:</u></p> <p><i>“Does not fit neighbourhood character”.</i></p> <p><i>“25% reduction in open space appears to not respect neighbourhood character”.</i></p>	<p>Revised plans submitted achieve the deemed-to-comply provisions of the Residential Design Codes of 45% open space. The amount of open space provided and the additional outdoor living areas is appropriate for this style of development.</p>
<p><u>Roof Form:</u></p> <p><i>“Pitch should be used along Loftus Street. Far too much heavy concrete on outside of building this has a huge footprint and is inconsistent with design of existing housing”.</i></p> <p><i>“Shallow roof pitch of proposed development maximises the actual and perceived increase in bulk of the building”.</i></p>	<p>Loftus Street does not have a specific pattern of roof form. The applicant has advised that the proposed angle of the pitched roof is to maximise the functionality of solar panels to be installed along with roof windows to provide northern light into the main living areas of the upper floor.</p> <p>A pitched roof would increase the overall building height which would result in a greater overall building bulk than proposed.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><u>Design:</u></p> <p><i>“Building layout – internal and external is bad and needs to be redesigned by an architect firm with passive solar and low footprint concepts. This plan has 2 small bathrooms in 2BR units – better to have 1 decent one. Poor use of space, no external windows or very little on south side is unacceptable”.</i></p> <p><i>“It is unhealthy for people to be in ‘internal’ rooms with no daylight.”</i></p> <p><i>“Use only local trees and plants in landscaping”.</i></p>	<p>Council is required to consider the application as proposed. The design of the bathrooms do not breach any building requirements.</p> <p>The proposed design complies with the light and ventilation requirements of the Building Codes of Australia.</p> <p>The City recommends the use of native plants in new developments of this type. The landscaping plan is required to be approved by the City’s Parks Services.</p>
<p><u>Overshadowing:</u></p> <p><i>“40% shadow to northern side”.</i></p>	<p>The overshadowing complies with the Residential Design Codes.</p>
<p><u>Visual Privacy:</u></p> <p><i>“Rear balcony reduction from 6 metres to 1.2 metres compromises privacy to rear outdoor area at 235 Loftus”.</i></p>	<p>Screening is provided along the southern side of the rear balconies in accordance with the requirements of the Residential Design Codes.</p>

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

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: Yes

The proposal was considered by the City’s DAC on one occasion –18 February 2015. Refer to **Attachment 6** for an extract of the minutes of the meetings.

The recommendations made by the DAC were incorporated into the design. The current revised proposal has not been considered by the DAC, but does not deviate from these principles.

Design Excellence is not required and has not been granted for this proposal.

LEGAL/POLICY:

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

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 design of the building allows for adequate light and ventilation to all affected properties.
SOCIAL
The proposal allows for an increase in housing diversity and provides dwellings for smaller households within the City which are anticipated to grow and become a significant proportion of the households.
ECONOMIC
The construction of the building will provide short term employment opportunities.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

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

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

The proposed height of 2 storeys aligns with the existing building height in the area. The development proposes to incorporate mature landscaping on the ground floor and a variety of smaller plant species along the ground and upper floor. The landscaping proposed will soften the building when viewed from the adjoining properties and will be aesthetically pleasing to Loftus Street.

The development proposes the exercise of discretion to plot ratio, street setback, building setbacks and roof form, which are acceptable in the form proposed.

The contemporary appearance of the dwellings will contribute positively to the future streetscape and redevelopment of the area, and is acceptable in this location.

CONCLUSION:

It is recommended that Council approves this proposal.

5.1.6 No. 208 (Lot: 20; D/P: 2440) Loftus Street, North Perth – Proposed Demolition of Existing Single House and Construction of Five Multiple Dwellings

Ward:	North	Date:	30 October 2015
Precinct:	Precinct 6 – Smith’s Lake	File Ref:	PR14658; 5.2015.299
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s Justification 4 – Car Parking and Bicycle Tables 5 – Marked up plans showing proposed versus required setbacks 6 – Extract of Design Advisory Committee Minutes and Comments		
Tabled Items:	Nil		
Reporting Officer:	T Wright, Senior Statutory Planning Officer		
Responsible Officer:	G Poezyn, Director Development Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **REFUSES** the application submitted by LAH Architecture and Construction on behalf of the owner EC and K Sun, for the proposed demolition of the existing Single House and construction of a four storey development comprising of five Multiple Dwellings at No. 208 (Lot: 20; D/P: 2440) Loftus Street, North Perth as shown on plans date stamped 17 July 2015, included as Attachment 2, for the following reasons:

1. The development is contrary to the orderly and proper planning of the locality for the following reasons:
 - 1.1 The development does not satisfy the provisions of Clause 6.1.1 of the Residential Design Codes in relation to bulk and scale as:
 - 1.1.1 The proposal is not consistent with the existing or future desired built form of the locality in relation to bulk and scale; and
 - 1.1.2 The bulk and scale of the development in relation to its surroundings negatively affects the amenity of the neighbouring properties and the streetscape;
 - 1.2 The development does not satisfy the provisions of Policy No. 7.4.8 – Multiple Dwellings, Residential Design Codes Clause 6.1.2 and Policy No. 7.5.11 – Exercise of Discretion for Development Variations in relation to building height as;
 - 1.2.1 The development does not respond sufficiently or sensitively to the existing residential dwellings in the area;
 - 1.2.2 The proposed building height of this development is excessive in terms of bulk and scale onto the predominately one and two storey residential area; and
 - 1.2.3 Poor amenity for future residents;
 - 1.3 The development does not satisfy the provisions of Clause 6.1.4 of the Residential Design Codes and Policy No. 7.4.8 – Multiple Dwellings in relation to building setbacks;
 - 1.4 The development does not satisfy the provisions of Clause 6.3.3 of the Residential Design Codes in relation to car parking; and
 - 1.5 The development does not satisfy the provisions of Clause 6.4.2 of the Residential Design Codes in relation to solar access.

PURPOSE OF REPORT:

To consider the proposal for the demolition of an existing single house and the construction of five multiple dwellings.

BACKGROUND:

Nil.

DETAILS:

Landowner:	EC and K Sun
Applicant:	LAH Architecture and Construction
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R60 Draft Town Planning Scheme No. 2 (TPS2): Residential R60
Existing Land Use:	Single House
Use Class:	Multiple Dwelling
Use Classification:	"P"
Lot Area:	386 square metres
Right of Way:	A five metre wide Right of Way (ROW) currently exists to the east of the site and is subject to a ROW widening requirement of 0.5 metres.
Heritage List:	No
Date of Application:	19 May 2015

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

Each dwelling is arranged over four storeys in a "town-house" style configuration, although the living areas of the dwellings overlap and they are considered to be multiple dwellings. A driveway is situated along the northern lot boundary and vehicles access the site from a ROW to the east. No vehicle access is proposed off Loftus Street. The building footprint is located centrally on the lot and the upper storeys cantilever partially over the driveway.

The architecture and building materials proposed are modern and bold. The northern facade features "saw-tooth" articulation and a three storey perforated aluminium screen.

The development proposes one car bay per unit and no visitor bays.

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.

Design Element	Deemed-to-Comply	Requires the Discretion of Council
Density/Plot Ratio		✓
Street Setback		✓
Front Fence	✓	
Building Setbacks		✓
Boundary Wall	N/A	
Building Height		✓

Design Element	Deemed-to-Comply	Requires the Discretion of Council
Roof Form		✓
Open Space	✓	
Privacy	✓	
Parking & Access		✓
Bicycles	✓	
Solar Access		✓
Site Works	✓	
Essential Facilities	✓	
Surveillance	✓	
Landscaping	✓	

Some of the design aspects, which require the discretion of Council are considered acceptable while others form the basis of refusal as discussed below.

Detailed Assessment – Acceptable Design Aspects

The assessment against the relevant deemed-to-comply provisions is as follows:

Street Setback			
Location	Policy Requirement	Proposal	Variation
	Policy No. 7.2.1 – Residential Design Elements		
Ground floor	4.5 metres	3 metres	1.5 metres
Upper floor	2 metres behind each portion of the ground floor setback which equates to a setback of 6.5 metres from right of way.	Walls directly above ground floor which is setback 4.5 metres from the boundary.	2 metres from the ground floor or 3.5 metres from the boundary.
Upper floor (balconies)	1 metre behind each portion of the ground floor setback which equates to a setback of 5.5 metres from right of way.	Balconies directly above ground floor which is setback 4.5 metres from the boundary.	1 metre from the ground floor or 2.5 metres from the boundary.

The assessment against the design principles is as follows:

Street Setback
Design Principles
Policy No. 7.2.1 – Residential Design Elements
SPC 5
(i) Development is to be appropriately located onsite to: <ul style="list-style-type: none"> • Maintain streetscape character; • Ensure the amenity of neighbouring properties is maintained; • Allow for the provision of landscaping and space for additional tree plantings to grow to maturity; • Facilitate solar access for the development site and adjoining properties; • Protect significant vegetation; and • Facilitate efficient use of the site.

Street Setback
(ii) Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.
Application's Justification
<i>"The architecture seeks to engage with its wider and ever changing environment. It does not seek to emulate the many different architectural types along Loftus Street.</i>
<i>The building is primarily an urban solution to an urban site. The proximity to the street emulates the typical Australian urban vernacular. Rather than build tight to the north and south boundaries we have brought the building slightly closer to the street."</i>
For more information refer to Attachment 3 .
Officer Technical Comment:
The street setbacks in the locality are inconsistent due to the transitioning nature of the street due to ongoing infill development.
The proposed setback is consistent with other approved medium density developments on Loftus Street, such as developments at Nos. 182 Loftus Street (3.7 metre front setback), 192 Loftus Street (4 metre front setback) and 174 Loftus Street (4 metre front setback).
The proposed setbacks are acceptable as they will contribute to establish the new streetscape for Loftus Street as development along this section of the street intensifies.
The proposal meets the relevant design principles in this regard.

The assessment against the relevant deemed-to-comply provisions is as follows:

Roof Form			
Location	Policy Requirement	Proposal	Variation
	Policy No. 7.2.1 – Residential Design Elements		
	Roof pitch to be between 30-45 degrees.	Flat roof.	30-45 degrees.

The assessment against the design principles is as follows:

Roof Form
Design Principles
Policy No. 7.2.1 – Residential Design Elements
BDPC 3
(i) The roof of a building is to be designed so that: <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
Application's Justification
<i>"No. 208 seeks to subtly increase living space by eradicating wasted space that usually occurs in 35-45 degree pitched roofs by replacing it with a sculptural roof space of varying degrees.</i>

Roof Form
<p><i>The proposal also seeks to eradicate non useable eaves space which is an unsustainable design in urban areas. Roof pitches vary in form along Loftus Street. The parameters of each dwelling is identifiable as each loft room is defined as separate pods which reduces bulk and reflects human scale.</i></p> <p>For more information refer to Attachment 3.</p>
<p>Officer Technical Comment:</p> <p>Loftus Street is a street transitioning from low to medium density development. There is little consistency with development form between older and newer developments and many newer developments approved on the street include flat roofs.</p> <p>The area is not subject to any character requirements that dictate a specific roof form or building style and various roof forms are prevalent in the area.</p> <p>This proposal meets the relevant design principles in relation to roof form.</p>

Detailed Assessment – Unacceptable Design Aspects

Density/Plot Ratio			
Location	Policy Requirement	Proposal	Variation
	<p>Residential Design Codes Clause 6.1.1</p> <p>Plot ratio of 0.7 = 270 square metres</p>	<p>Plot ratio of 0.95 = 386 square metres</p>	<p>0.25 = 116 square metres</p>

The assessment against the design principles is as follows:

Density/Plot Ratio
<p>Design Principles</p> <p>Residential Design Codes Clause 6.1.1</p> <p>P1 Development of the building is at a bulk and scale indicated in the local planning framework and is consistent with the existing or future desired built form of the locality.</p>
<p>Application’s Justification</p> <p><i>“This proposal is aiming to provide a sustainable and high quality solution to the government’s requirement of ‘densifying’ the City of Vincent. Unfortunately quality tends to be lost when the word ‘density’ is used and developers hone in on profit rather than providing sustainable living solutions.</i></p> <p><i>It becomes increasingly difficult to manage this where the government requires a ‘quick fix’ without providing the public with any information of how this should be done and with no evident masterplan. This causes the public perception that density = high rise boxes that encourages bad social behaviour and more traffic.”</i></p> <p>For more information refer to Attachment 3.</p>
<p>Officer Technical Comment:</p> <p>While the proposed plot ratio and the variation to the deemed to comply standards of the Residential Design Codes is not large, the combined variations to building height, front and side boundary setbacks, rear building interface and overshadowing indicate that the proposal amounts to overdevelopment of the site and this is reinforced by the plot ratio that is greater than permitted.</p> <p>The scale of the northern façade, particularly the metal screening will visually dominate the neighbouring properties and the streetscape.</p> <p>This proposal does not meet the relevant design principles in relation to plot ratio and is not acceptable in this regard.</p>

Building Setbacks			
Location	Policy Requirement	Proposal	Variation
Northern Boundary	Residential Design Codes Clause 6.1.4 and Policy No. 7.4.8 – Multiple Dwellings		
	First floor required to be setback 2.3 metres;	First floor setback 2 metres;	0.3 metres
	Second floor required to be setback 3.3 metres;	Second floor setback 2 metres;	1.3 metres
Southern Boundary	Third floor required to be setback 4.8 metres;	Third floor setback 2 metres;	2.8 metres
	First floor required to be setback 2.3 metres;	First floor setback 2 metres;	0.3 metres
	Second floor required to be setback 3.3 metres;	Second floor setback 2 metres;	1.3 metres
Eastern Boundary	Third floor required to be setback 4.8 metres.	Third floor setback 2 metres.	2.8 metres
	The fourth storey is to be setback 12 metres from the property to the east zoned Residential R30.	The fourth storey is setback 9.1 metres from the property to the east zoned Residential R30.	2.9 metres

The assessment against the design principles is as follows:

Building Setbacks
Design 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.
Policy No. 7.4.8 – Multiple Dwellings
Variations to the requirements of 2.3.1 may be considered where the applicant demonstrates special circumstances that ensure that greater height close to the boundary will not have a negative impact on the neighbour in regards to overshadowing, bulk or general amenity.
Application's Justification
<i>"Northern Boundary</i>
<i>The first floor set back is 'saw tooth' in plan form and has a setback ranging from 2 meters to 4 meters. This reduces the imposing 'block and bulk effect' of one constant façade facing the boundary dwelling at the allowed 2.3 meters.</i>

Building Setbacks

Southern Boundary

The first floor of the southern boundary is softened by mature trees planted to the southern boundary wall at ground level.

The second floor set back varies from 2meters to 3.5meters. The stepped façade aims to reduce bulk and provides comfortable interior spaces. It also lends itself to rational structural solutions. The outlook internally is that of the city skyline and the tops of the mature trees below.

The loft level is set back as a dormer window at 4 meters. Views to lower level garden areas are impeded by the sloping roof and parapet below the bedroom window. The outlook internally is that of the city skyline and the tops of the mature trees below.

Eastern Boundary

The loft tapers back to for the dormer window which is a distance of 10.1 meters facing south. There are no openings above the first floor on the eastern facade in order to maintain privacy to the dwellings to the east.

There are a number of mature trees lining the westerly gardens of the dwellings to the east that will inhibit views to No. 208. As the form of the loft is not 'block' in style and is more sculptural the bulk is ultimately reduced. Privacy is not compromised."

For more information refer to **Attachment 3**.

Officer Technical Comment:

The reduced separation distances of the side elevations will dominate the visual outlook from neighbouring properties' main living and outdoor areas and impact neighbouring properties' access to direct sun, natural light and ventilation into main living and open space areas.

The bulk, scale and height of the eastern façade will be detrimental to the amenity of the neighbouring properties to the east.

The eastern facade proposes little aesthetic articulation to break up its scale and the upper storey does not taper in height or step back from the base of the building where it interfaces with the lower density coded properties to the east.

This proposal does not meet the relevant design principles in relation to building setbacks, or respond sensitively to the lower density coded properties to the east, and is not acceptable.

The assessment against the relevant deemed-to-comply provisions is as follows:

Building Height			
Location	Policy Requirement	Proposal	Variation
	<p>Policy No. 7.4.8 – Multiple Dwellings, Residential Design Codes Clause 6.1.2 and Policy No. 7.5.11 – Exercise of Discretion for Development Variations</p> <p>Three storeys (plus loft) to an overall of 10 metres.</p>	<p>Four storeys to an overall of 11.2 metres.</p>	<p>One storey and 1.2 metres.</p>

Building Height			
Location	Policy Requirement	Proposal	Variation
	<p>The Exercise of Discretion Policy allows for four storeys and a maximum height of 13.5 metres when the:</p> <ul style="list-style-type: none"> • site is zoned Residential R60 and above; • proposal receives Design Excellence from the City's DAC; • variation will not be detrimental to the amenity of the locality; and • The proposal includes sustainable design features that significantly exceeds the minimum requirements. 		

The assessment against the design principles is as follows:

Building Height	
Design Principles	
Residential Design Codes Clause 6.1.2	
P2	<p>Building height that creates no adverse impact on the amenity of adjoining properties or the streetscape, including road reserves and public open space reserves; and where appropriate maintains:</p> <ul style="list-style-type: none"> • adequate access to direct sun into buildings and appurtenant open spaces; • adequate daylight to major openings into habitable rooms; • access to views of significance; • buildings present a human scale for pedestrians; • building façades designed to reduce the perception of height through design measures; and • podium style development is provided where appropriate.
Application's Justification	
<p><i>"The loft floor is designed as a sculptural 'pod'. It is a cut roof with varying degrees ranging from 15 to 31. The building is 3 storeys plus loft which is acceptable under the residential design codes. The building was not designed as a four storey building.</i></p> <p><i>The building form emulates that of a dormer window to the south façade with an adjoining 31 degree pitch and a vernacular lean to roof to the north of 15 degrees. The roof tapers from 7.7 [sic] on the south facade to 11.2 [sic] at its highest point. The allowable ridge height I 12 meters [sic] for R60 coded developments."</i></p>	
<p>For more information refer to Attachment 3.</p>	

Building Height
Officer Technical Comment:
<p>Although the site is zoned Residential R60, the building height cannot access the bonus height available under the current planning framework as:</p> <ul style="list-style-type: none"> • the proposal has not received design excellence; • there is no evidence that the proposal includes sustainable design features that significantly exceeds the minimum requirements; and • the variation will be detrimental to the amenity of the locality as: <ul style="list-style-type: none"> ○ The building height will dominate neighbouring properties and the streetscape; and ○ The building height will impede direct sun and natural light to primary living and open space areas of neighbouring properties. <p>As the proposal only satisfies one out of the four requirements, the proposed four storeys and building height of 11.2 metres cannot be justified.</p> <p>As the zoning of the site is earmarked to remain Residential R60 under TPS2 the height restriction remains unchanged into the future. The proposal does not align with the future vision for the area.</p> <p>This proposal does not meet the relevant design principles in relation to height and is not acceptable.</p>

Parking & Access			
Location	Policy Requirement	Proposal	Variation
	Residential Design Codes Clause 6.3.3		
	2 visitor bays	Nil visitor bays	2 visitor bays

The assessment against the design principles is as follows:

Parking & Access
Design Principles
Residential Design Codes Clause 6.3.3
<p>P3.1 Adequate car and bicycle parking provided onsite in accordance with projected need related to:</p> <ul style="list-style-type: none"> • the type, number and size of dwellings; • the availability of on-street and other offsite parking; and • the proximity of the proposed development in relation to public transport and other facilities.
Application's Justification
<p><i>"No. 208 is located on a main thoroughfare. There is a frequent bus corridor that links the proposed dwellings to the CBD. The site is located 1.9km from Leederville Train station (approx. 20minute walk) and is also connected to the station via bus. It is a 10 minute walk from to North Perth where a frequent bus services the Roe Street bus station adjacent to the Perth train station."</i></p> <p>For more information refer to Attachment 3.</p>
Officer Technical Comment:
<p>It is not acceptable that no visitor bays are proposed onsite.</p> <p>It is acknowledged that the site is well served by public transport routes running along Loftus Street, which could provide justification to allow a small variation but providing no bays at all is considered unacceptable.</p>

The assessment against the relevant deemed-to-comply provisions is as follows:

Solar Access			
Location	Policy Requirement	Proposal	Variation
	Residential Design Codes Clause 6.4.2		
	Maximum overshadowing	50%	61% overshadowing 11%

The assessment against the design principles is as follows:

Solar Access
Design Principles
Residential Design Codes Clause 6.4.2
<p>P2.1 Effective solar access for the proposed development.</p> <p>P2.2 Development designed to protect solar access for neighbouring properties taking account the potential to overshadow existing:</p> <ul style="list-style-type: none"> • outdoor living areas; • north facing major openings to habitable rooms, within 15 degrees of north in each direction; or • roof mounted solar collectors.
Application's Justification
<p><i>The summer winter solstice date of June 21st shows the overshadowing to its extremity. This is not a constant year round condition.</i></p> <p><i>The property to the south is vernacular in style and its main openings are orientated east and west and are shaded by canopies or brie soliel.</i></p> <p><i>There are no openings to the north and therefore light is not compromised internally by the proposal. We do note that the rear open space area is overshadowed by 50% at 12noon 21 June in comparison to its current condition however this factor decreases to 0 in the summer months.</i></p> <p>For more information refer to Attachment 3.</p>
Officer Technical Comment:
<p>The scale of the building proposed, especially the excessive height and bulk, will create significant overshadowing to the southern neighbour's outdoor living area, which will have a detrimental impact to the amenity of that property.</p> <p>This proposal does not meet the relevant design principles and is not acceptable.</p>

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
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Consultation Period:	11 August 2015 to 31 August 2015
Comments Received:	24 objections and one comment of concern.

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

Summary of Comments Received:	Officer Technical Comment:
<p><u>Parking and Traffic</u></p> <p>The development will result in increased traffic and congestion in the area, particularly in the ROW.</p> <p>There is no parking along Loftus Street or the ROW, where will visitors park?</p> <p>Visitors will be forced to park in the lower zoned streets, which will affect the amenity of those residents.</p> <p>It is unlikely that visitors will arrive by public transport.</p>	<p>Loftus Street is designed to accommodate a high level of traffic. Together with other local roads and the ROW it has the capacity to accommodate the additional traffic generated by this development.</p> <p>There is no parking available in Loftus Street and it would be undesirable to require the surrounding local streets to accommodate the shortfall.</p> <p>Noted. Although it is acknowledged that medium density developments such as this increases the population density, which will make public transport services more feasible in the area and potentially lead to a reduced reliance on private vehicles.</p>
<p><u>Height, Bulk, Scale</u></p> <p>The height and scale of the development is out of character for the area and will dominate the smaller scale buildings.</p> <p>The scale of the development will impact access to sun to the neighbouring dwellings.</p> <p>The bulk of the building and the number of dwellings is excessive for the size of the site.</p>	<p>The height, bulk and scale of the building is considered excessive with the current design and will visually dominate, and result in a negative impact on the amenity of the neighbouring properties.</p> <p>The degree to which the neighbouring property to the south will be overshadowed is unreasonable and will have a significant impact on the amenity of the property.</p> <p>While the bulk of the current building design is excessive, five well designed dwellings could potentially be accommodated on the site if the design is more considerate to the amenity of the area.</p>
<p><u>Design</u></p> <p>The design of the façade is at odds with the streetscape and houses in the area.</p> <p>The materials and form resemble a commercial or light industrial building.</p> <p>The building is a box with no redeeming design features.</p> <p>The flat roof adds to the bulk and block form of the building and its perceived bulk.</p>	<p>Loftus Street is in transition not only in terms of density, but also design. There is little consistency between the design of buildings on the street, particularly between the older houses and the new medium density infill development.</p> <p>The area is not subject to any specific design guidelines prescribing a certain design style.</p> <p>The northern facade does little to reduce the building's perceived bulk and scale.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><u>Legibility</u></p> <p>There is no sense of the where the front doors are, visitors need to walk through garages to enter the dwellings.</p>	<p>Although there are no planning requirements that prescribe the location of front doors, the legibility of the entrances and the entry experience is an issue that would have likely been raised by the City's DAC had the applicant continued to engage with the DAC process.</p>
<p><u>Privacy</u></p> <p>The building affects the privacy of neighbouring dwellings.</p>	<p>The proposal complies fully with the privacy requirements of the Residential Design Codes.</p>
<p><u>Streetscape</u></p> <p>The lack of front setback does not maintain streetscape character and adds to the bulk of the building.</p> <p>The lack of upper floor setback of the front façade adds to the bulk of the building and affects the amenity of the streetscape.</p> <p>The front setback area will not allow landscaping to receive enough light.</p>	<p>There is no consistent street setback pattern along this section of Loftus Street and the reduced setback is consistent with other recently approved infill developments.</p> <p>The front façade is well articulated with contrasting materials, colours and setbacks that reduce the perceived bulk of the development. The upper level is setback from the southern side and front boundary, which reduces its visual bulk and dominance from the street.</p> <p>The front setback area is north-western and western facing. The soft landscaping proposed in this area will receive adequate light and will enhance the amenity of the street setback area.</p>

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

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: Yes

The proposal was considered by the City's DAC on two occasions – 4 March 2015 and 15 April 2015. Refer to **Attachment 6** for an extract of the Minutes of the Meetings.

Although this version of the plans differs from the last time the DAC reviewed the proposed design, the applicant has been unwilling to continue to engage with the DAC process and previous issues raised by the DAC remain unresolved.

LEGAL/POLICY:

The following legislation and policies apply:

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

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL
The overshadowing on the neighbouring property is excessive.

SOCIAL
The amenity of the units for future residents is poor.

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The existing single house is not on the City's Heritage List and does not require planning approval from the City for demolition.

The applicant chose not to continue to engage and resolve issues raised by the City's DAC and the design in its current form does not have a positive recommendation from the DAC.

Multiple dwelling developments are a permitted use on this site. The proposal has aspects of the design which are acceptable as they align with the design principles of the Residential Design Codes. The cumulative effect of the unacceptable design aspects in relation to:

- car parking;
- plot ratio;
- height;
- overshadowing; and
- lot boundary setbacks particularly the rear building interface;

indicates overdevelopment of the site and will negatively impact the amenity of the adjoining properties and the streetscape.

The current design also does not provide for the amenity of future residents as the units have poor outlook from the first floor balconies and kitchens as these will need to be fully screened to comply with privacy requirements of the Residential Design Codes and access to the each of the units front door is through the car parking area.

In the City's view this proposal is inconsistent with the principles of the current and future planning framework, with the orderly and proper planning of the locality and the principles of the City's Policies and the Residential Design Codes.

Conclusion:

It is recommended that Council refuses this proposal.

5.2 TECHNICAL SERVICES

5.2.1 Vincent Bike Network Plan – Bulwer Street Bike Lanes ‘Phase Two’

Ward:	South	Date:	30 October 2015
Precinct:	Precinct 12 – Hyde Park Precinct 14 – Forrest Precinct 13 - Beaufort	File Ref:	SC423
Attachments:	<u>1</u> - Consultation Summary <u>2</u> - Plan No. 3262-CP-01 <u>3</u> - Plan No's 3193-CP-01, 02 and 03 <u>4</u> - Plan No's 3193-CP- 03A, 04B, 05 and 06 <u>5</u> - Plan No's 3193-CP- 07 and 08 <u>6</u> – Plan A <u>7</u> – Plan B		
Tabled Items:	Nil		
Reporting Officers:	F Sauzier, Travel Smart Officer R Lotznicker, Director Technical Services		
Responsible Officer	R Lotznicker, Director Technical Services		

That Council:

1. **NOTES;**
 - 1.1 the submissions received regarding the proposal to extend the on road bike lanes on Bulwer Street east of Palmerston Street (refer Attachment 1);
 - 1.2 the proposal to formalise time restricted, paid angle parking bays in Baker Avenue, estimated to cost \$75,000 plus \$20,000 for two ticket machines, as shown on Plan No. 3262-CP-01 at Attachment 2; and
 - 1.3 that a total of \$800,000 has been included in the 2015/2016 budget for the implementation of Phase Two of the Bulwer Street on road bike lanes project;
2. **APPROVES** the implementation of the following sections of the Bulwer Street on road bike lanes project, in 2015/2016, estimated to cost \$800,000;
 - 2.1 Palmerston Street to William Street, estimated to cost \$320,000, as shown on Plan No's 3193-CP-01, 02 and 03 at Attachment 3;
 - 2.2 William Street to Beaufort Street, Option 2, Estimated to cost \$300,000, as shown on Plan No's 3193-CP-03A, 04B and 05 at Attachment 4; and
 - 2.3 Beaufort Street to Smith Street, estimated to cost \$180,000, as shown on Plan No's 3193-CP-06 at Attachment 4;
3. **LISTS** \$160,000, for consideration in the 2016/2017 draft budget to complete the section of on road bike lanes from Smith Street to Lord Street as shown on Plan No's 3193-CP-07 and 08 at Attachment 5;
4. **CONSULTS** with residents of Baker Avenue regarding the proposal to construct time restricted paid 90 degree angle parking on the east side of the street, to be 3P at all times, with the first hour free, as shown on Plan No. 3262-CP-01 at Attachment 2;
5. **RECEIVES** a further report at the conclusion of the Baker Avenue consultation; and
6. **ADVISES** all respondents and stakeholders of its decision.

PURPOSE OF REPORT:

To consider the outcome of the recent consultation regarding the proposal to extend the on road bike lanes on Bulwer Street east of Palmerston Street and to seek approval to proceed with the implementation of the preferred option.

BACKGROUND:

Ordinary Meeting of Council held on 28 July 2015:

Council considered a report on the proposed Options for on road bike lanes on Bulwer Street, between Palmerston and Lord Streets where the following decision was made.

“That Council;

1. *CONSULTS with the owners and occupiers of properties on Bulwer Street, between Palmerston Street and Lord Street and the owners and occupiers of all properties, within approximately 100 metres either side of the section of Bulwer Street, between Palmerston and Lord Street, seeking their comments on the following ‘On Road’ bike lane proposals;;*
 - 1.1 *Palmerston Street to William Street as shown on Plan No’s 3193-CP-01, 02 and 03 – Attachment 2; and*
 - 1.2 *William Street to Beaufort Street;*
 - 1.2.1 *Option 1 as shown on Plan No’s 3193-CP-03, 04 and 05 – Attachment 3; and*
 - 1.2.2 *Option 2 as shown on Plan No’s 3193-CP-03A and 04A – Attachment 4; and*
 - 1.3 *Beaufort Street to Lord Street, as shown on Plan No’s 3193-CP-05, 06, 07 and 08 – Attachment 5; and*
2. *RECEIVES a further report at the conclusion of the public consultation period outlining the preferred option/s, project staging, timeline and estimated costs.”*

DETAILS:

Bike Network Plan – Bulwer Street:

As previously reported to Council, the City’s Bike Network Plan clearly identifies the importance of the Bulwer Street east-west cycling route.

In 2014, Council made a decision to undertake the construction of bike lanes on the Vincent to Palmerston section of Bulwer Street. This decision was supported by the Transport and Engineering firm AURECON, who developed the Bike Network Plan and recommended the following:

PHASE 1 - Bulwer Street ‘On Road’ Bike Lanes -Vincent to Palmerston Street:

This project has now been completed.

PHASE 2 - Bulwer Street ‘On Road’ Bike Lanes - Palmerston Street to Lord Street:

This proposal provides a safer cycling environment between Palmerston Street and Lord Street and creates connections between Highgate Primary School, Birdwood Square, nib Stadium and then to the East Perth Public Transport Centre.

Consultation Pack Distributed to Residents:

Administration prepared and distributed a comprehensive consultation pack which outlined the project and the rationale for the proposal.

The street was divided into three segments:

Segment A - Palmerston Street to William Street:

- Of a total of 68 car bays 27 car bays would be removed.
- Due to the existing road geometry, i.e. central median with trees, it was proposed that the on-road bike lanes between Palmerston Street and William Street, be continued as per the Vincent to Palmerston Street design i.e. unprotected 1.6m wide with embayed parking 2.10m wide (refer attached Plan No's 3193-CP-01, 02 and 03 – **Attachment 3**).

Segment B - William Street to Beaufort Street:

- There are 35 parking bays in this section of street.
- This section connects with Highgate Primary School and Birdwood Square. A key aspect is to provide the maximum protection in this area to encourage children/parents/teachers riding to school, as well as others riding through the City. Two options were developed as follows:

Residents were asked to comment on the following two options:

- Option 1. Protected bike lanes on both sides of Bulwer Street, between William and Beaufort Streets with a loss of 35 parking spaces; and
- Option 2. Protected bike lane on the north (school) side of the street with on road bike lane on the south side, between William and Beaufort Streets with a loss of 26 parking spaces (refer attached Plan No's 3193-CP-03A, 04B and 05 - **Attachment 4**).

Segment C – Beaufort to Lord Street:

- In this section, of a total of 88 car bays, 56 car bays would be removed.
- This section connects with nib Stadium and leads to the East Perth Public Transport Centre and the Principal Shared Path (off Claisebrook).
- The bike lane would be protected by a median nib.
- On the north side, car parking bays would be installed on the carriageway side of the bike lane, giving riders additional protection (refer attached Plan No's 3193-CP-05, 06, 07 and 08 – **Attachments 4 and 5**).

Meeting with Highgate Primary School:

Two separate meetings were held with the Highgate Primary School. The school's main concern was the loss of parking and a number of options to mitigate this were discussed.

The school subsequently formally wrote to the City on 28 October 2015 acknowledging that the project would be proceeding, where they raised a number of matters. The following is an extract from the letter which was signed by the Principal and the School Board Chair.

"We are very appreciative of the time and goodwill of the staff and officials from the City of Vincent in its consultation with various members of the school community. We are aware of several meetings involving much time and effort working with the school community to address the cycle path on Bulwer Street, along with parent drop off and pick up issues around Highgate Primary School.

As usual, these can be complex issues.

With the pending upgrade and extension of the cycle path along Bulwer Street, we are hopeful that once completed, that the cycle paths will allow many more families the ability to cycle safely to school.

To help us with the safety of our students and the management of parking in the school, we request that Council gives consideration to the following:

- *Additional parking bays to be created along Baker Avenue to offset the impact of the parking bays that will be removed when the cycle paths are installed*
- *Signage to help us create an additional Kiss N Drive zone in the current Bus Zone on Bulwer Avenue. We are hopeful that this additional Kiss N Drive capacity will further enhance traffic flow around the school. We are planning for the bus zone to become available for the purposes of a Kiss N Drive from about 2:45pm each afternoon.*
- *The strategic removal of street nibs on Lincoln Street to help the traffic access the Kiss N Drive on Lincoln Street.*
- *Creating any additional parking bays or changing current street signage to allow parking from 8:15- 8:45 and 2:45- 3:15"*

Administration Comments:

The results of the public consultation revealed a great interest in providing separated bike lanes, to provide the best protection to cyclists, separating them from traffic and also separating pedestrians from cyclists.

However, of particular concern was the section adjoining the Highgate Primary School where the removal of all parking bays was not supported by a number of residents living in the immediate vicinity.

Therefore with regards to the Segment B, between William and Beaufort Street, Option 2, is the recommended option.

Note: Plan A shows the existing no stopping zones on Bulwer Street between William and Beaufort Street (**Attachment 6**).

Additional Parking – Baker Avenue:

Currently there are approximately nine informal angle parking bays on the east side of Baker Avenue. The school's request has been investigated and there is scope to accommodate approximately 22, 90 degree angle parking bays on the eastern side of Baker Avenue.

This would result in a net increase of 13 bays. The estimated cost of implementing the parking bays is \$75,000. Should paid parking be implemented, this cost would be increased by \$20,000. This could be funded from the Cash in Lieu of Parking reserve.

Converting this area into a paid parking, or restricted parking area, requires further investigation, with several residents requesting this action and consultation with residents of Baker Avenue i.e. city workers parking all day/high usage on weekends/people camping overnight.

Kiss N Drive Zone Signage in Bus Zone on Bulwer Street:

Administration is currently attending to this.

Removal of Street Nibs on Lincoln Street:

This has been investigated and is supported by Administration (refer Plan B at **Attachment 7**).

Additional Parking Bays/Changing Current Restrictions to Allow Parking from 8:15- 8:45 and 2:45- 3:15:

This matter will be further investigated.

Project Staging:

The City has undertaken a range of bike lane projects. Although it can be beneficial to stage the works, if funding permits, it is considered that all three segments should be undertaken at the one stage to minimise overall disturbance to road traffic and residents.

Timeline:

Once approved by Council, it is envisaged the works would commence in February 2016. A tentative implementation timeline is as follows:

- February 2016 – Full set out of bike lanes.
- March 2016– embaying of parking and re-kerbing works and red asphalt bike lanes installed.
- April 2016 – advanced start box installation and final line marking by Main Roads WA

CONSULTATION/ADVERTISING:

The City developed a comprehensive consultation package outlining the proposal for bike lanes on Bulwer Street, between Palmerston and Lord Streets.

A total of 700 packs were delivered to properties on Bulwer Street and to properties up to 100 metres either side of Bulwer Street, between the 4 and 7 September 2015.

In addition, an additional 300 packs were posted to absentee landlords. Respondents could use either a feedback form or webmail form to supply feedback and the City's technical officers also responded to several calls and attended site meetings.

Also, two separate meetings were held with the Highgate Primary School Principal, Acting Principal and P&C Board members.

Of the 1,000 packs sent out, at the close of consultation, 66 residents provided feedback (6.8% response rate). A summary of comments is available at **Attachment 1**:

The Bulwer Street Bike Lanes in General:

In favour:	42 (64% of total responses)
Against:	15 (23% of total responses)
Neither support nor object:	9 (13% of total responses)

Option 1 (William to Beaufort) – loss of all parking bays / both sides separated bike lanes:

In favour:	30 (77% of responses specific to Option 1)
Against:	5 (13% of responses specific to Option 1)
Neither support nor object:	4 (10% of responses specific to Option 1)

Option 2 (William to Beaufort) – loss of 26 parking bays / mix of non/separated bike lanes:

In favour:	16 (67% of responses specific to Option 2)
Against:	3 (12% of responses specific to Option 2)
Neither support nor object:	5 (21% of responses specific to Option 2)

Note: This was the preferred option of the school and directly impacted residents, i.e. retaining some on street parking

Administration Comments:

Of the 66 responses received, 42 (64%) were in favour of the bike lanes proposal. Two options were canvassed for the proposed section of bike lanes between William Street and Beaufort Street. Option 1, fully protected bike lanes with all parking removed and Option 2 predominately fully protected with some parking remaining.

While the majority of respondents preferred option 1, those residents immediately impacted by the loss of all on road parking including those without any off street parking presented a strong case for Option 2.

In addition the Highgate primary School expressed concerns regarding the loss of on road parking. Option 2 is the recommended option as it retains some on road parking while still creating a safe cycling environment (predominantly protected bike lanes).

Also some additional parking in Baker Ave is being proposed to counter the loss of on road parking in Bulwer Ave.

LEGAL/POLICY:

The initiative aligns with the City's *Strategic Plan 2013-23*, *Physical Activity Plan 2009-2013* and the *Sustainable Environment Strategy 2011-2016*.

STRATEGIC IMPLICATIONS:

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

- "1.1: *Improve and maintain the natural and built environment and infrastructure*
- 1.1.5 *Take action to improve transport and parking in the City and mitigate the effects of traffic. (d) Promote alternative methods of transport."*

In accordance with the City's Sustainable Environment Strategy 2013-2016, Objective 1 states:

"Contribute to cleaner air by encouraging the use of and promoting alternative modes of transport (other than car use)"

SUSTAINABILITY IMPLICATIONS:

An increased cycling participation rate by both residents and the wider community should lead to improved general health and wellbeing of the community, while reducing carbon emissions and the dependence on motorised transport.

RISK MANAGEMENT IMPLICATIONS:

Low. The design of the bike lane infrastructure has included input from Aurecon consultants; Bicycle Network; Bicycling WA; Bicycle Transportation Alliance; Department of Transport and Main Roads WA.

FINANCIAL/BUDGET IMPLICATIONS:

The 2015/2016 includes an amount of \$800,000 for the implementation of the Bulwer Street project. The following costs have been estimated based on costs to implement the bike lanes completed in 2014/2015.

Bike lanes

Section	Estimated cost	Comment
Palmerston to William	\$320,000	Proposed embayed parking and non-protected bike lanes One advanced start box
William to Beaufort Option 2	\$300,000	Fully protected (except for nine embayed parking bays) with two advance start boxes. Balance of on road parking removed.
Beaufort to Stirling	\$100,000	Fully protected both sides, some on road parking north side only. One advance start box
Stirling to Smith	\$80,000	Fully protected both sides, some on road parking north side only
Smith to Lord	\$160,000	Fully protected both sides, some on road parking north side only
Total	\$960,000	

Other

Section	Estimated cost	Comment
Formalise parking Baker Ave	\$75,000	Provision of parking to compensate for some of the loss of parking on Bulwer Street. To be funded from cash in lieu of parking
Ticket Machines	\$18,000	Two ticket machines
Removal of nibs Lincoln Street	\$5,000	Remove three nibs and make good. To be funded from miscellaneous Traffic Management account
Total	\$98,000	

COMMENTS:

The community consultation received reflected a strong interest in delivering protected bike lanes on Bulwer Street, but with a vocal contingent strongly concerned about the loss of parking.

In respect to Segment B (between Beaufort and William Streets), immediately impacted residents and representatives from the Highgate Primary School expressed concern at the significant loss of parking in this area and have requested consideration be made to providing substantially more parking on Baker Avenue, preferably prior to other works commencing, and considering making this a paid parking area.

Conclusion:

The feedback received by the City supports the roll out of protected bike lanes wherever possible. The view of the City's Technical Officers is that Segment B Option 2 be selected so as some on-street parking is maintained in the vicinity to service those without any off street parking and the elderly, and that additional parking be developed in Baker Avenue (residential and paid parking).

5.2.2 Roads to Recovery Program - AUSLINK Funding Program Update - Further Report

Ward:	Both	Date:	30 October 2015
Precinct:	Precinct 12 – Hyde Park	File Ref:	FY67-03, SC1883
Attachments:	1 – Plan No's 3228-CP-01B and 3228-CP-02A		
Tabled Items:	Nil		
Reporting Officer:	R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

- NOTES the increased Roads to Recovery funding allocation in 2015/2016 and 2016/2017, as outlined in the report;**
- APPROVES BY ABSOLUTE MAJORITY, in accordance with Section 6.8 (1) of the *Local Government Act 1995*, the additional expenditure associated with the 2015/2016 Roads to Recovery Program by including the following project, as shown on attached Plan No's 3228-CP-01B and 3228-CP-02A (Attachment 1);**

Road	Section	Budget
Anzac Rd	Powis St to Sasse Ave	\$148,652

- NOTES the following budget adjustment to reconcile the increase in grant funding and expenditure associated with the above project.**

Description	Amount
Grant	\$148,652
Expenditure	\$148,652

PURPOSE OF REPORT:

To consider the allocation and expenditure of \$148,652 of additional (unbudgeted) funding that has been provided to the City by the Australian Government, under the Roads to Recovery Program.

BACKGROUND:

In November 2000 the Australian Government created a new four year funding program entitled "Roads to Recovery" to be spent on infrastructure improvements on "Local Roads". The program was extended several times and is still running with the City receiving \$173,115 per annum.

In late 2014 the Australian Government advised the City that its annual Roads to Recovery allocation for 2015/2016 would be \$346,630.

On 24 June 2015 the Australian Government announced additional funding for Roads to Recovery funding for the City of Vincent, with the total funding awarded to the City in 2015/16 now increased to \$495,282 and in 2016/17 to \$572,197.

Ordinary Meeting of Council – 22 September 2015:

Council considered the addition of an additional Roads to Recovery project i.e. Anzac Road Powis to Sasse Avenue and deferred consideration of the matter. The justification for the project was as follows:

- The section of road is in poor condition and in need of rehabilitation;

- Extensive planting is planned along the centre of the road as part of the greening plan (separate budget allocation). This lends itself to implementing a red asphalt central flush island to complement the planting and a reduction in the road width to two lanes (currently a dual carriageway)

Council deferred consideration of the item and requested that the proposal to reduce the west bound carriageway of Anzac Road be further investigated due to build-up of traffic during peak periods.

DETAILS:

Approved 2015/2016 Roads to Recovery Program:

Council's approved program, based on an allocation of \$346,630 is outlined below:

Road	Section	Budget
Marian St	Loftus St to Shakespeare St	\$ 62,000
Alfonso St	Vincent St to Claverton St	\$ 40,000
Anzac Rd	Shakespeare St to Oxford St	\$ 48,000
Raglan Rd	Fitzgerald St to Leake St	\$ 18,000
Salisbury St	Loftus St to Shakespeare St	\$ 63,630
Paddington St	Walcott St to Hunter St	\$ 115,000
	Total	\$ 346,630

Additional Project/Revised program:

The 2015/2016 Roads to Recovery allocation for Vincent has increased from \$346,630 to \$495,282, an increase of \$148,652.

As mentioned above, Administration undertook an assessment of potential additional projects and it is recommended that the additional funding be allocated to undertaking improvements to the section of Anzac Road between Powis Street and Sasse Avenue for the following reasons:

- The road is in poor condition and in need of rehabilitation;
- Extensive planting is planned along the centre of the road as part of the greening plan. This lends itself to implementing a red asphalt central flush island to complement the planting and reduce the road to two lanes (currently a dual carriageway)
- The section of road comprises over 5,000 m² of dual carriageway and therefore the additional allocation of \$148,652 would be adequate to complete this project i.e. improve the level of service of the asset while at the same time improving the streetscape and providing traffic safety improvements.

Proposed Design:

In response to queries raised by Council Members, Administration undertook a number of site inspections, in October between 7.00am to 9.15am to assess traffic flow, west bound, on Anzac Road between Sasse Avenue and Powis Street.

During this time, it was observed that there are two distinct peak periods. The first between 7.45am to 8.20am and the second between 8.50am and 9.15am.

During both these peak periods it was observed that traffic banked from the left turn lanes at the traffic signals of Powis Street through the intersection of Lynton Street approximately 20m.

Based on these observations the plans previously presented to Council have been revised (Refer to Plan No's 3228-CP-01B and 3228-CP-02A as shown on **Attachment 1**).

Administration Comments:

Payments under the program may be used for any project for the construction and/or maintenance of a road and as defined by the *Roads to Recovery Act 2000*. The term 'road', includes each of the following:

- Traffic signals and control equipment
- Street lighting equipment
- Vehicular ferries
- Bridges/tunnels
- Separate cycle paths (within a road reserve or providing a shorter route between points on a road (separate approval required)).

The additional funding needs to be expended in 2015/2016. The Anzac Road proposal can be achieved in this timeframe, although other project funding categories that might also be eligible for this expenditure it is highly likely that they would not be completed within the required timeframe.

The City has predominantly used the Roads to Recovery funding to maintain its extensive road network.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The roads listed in the program are under the care, control and management of the City of Vincent.

STRATEGIC IMPLICATIONS:

In keeping with the City's *Strategic Plan 2013-2023*, Objective's 1 and 2 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."*

FINANCIAL/BUDGET IMPLICATIONS:

The City's Roads to Recovery allocation is \$173,115 per annum. For the financial years 2015/2016 and 2016/2017 the allocation will be increased to \$495,282 and \$572,157 respectively.

This project is reflected in the proposed (revised) Roads to Recovery Program summarised in the following table:

Road	Section	Budget
Marian St	Loftus St to Shakespeare St	\$ 62,000
Alfonso St	Vincent St to Claverton St	\$ 40,000
Anzac Rd	Shakespeare St to Oxford St	\$ 48,000
Raglan Rd	Fitzgerald St to Leake St	\$ 18,000
Salisbury St	Loftus St to Shakespeare St	\$ 63,630
Paddington St	Walcott St to Hunter St	\$ 115,000
Anzac Rd	Powis St to Sasse Ave	\$ 148,652
	Total	\$ 495,282

COMMENTS:

It is recommended that Council notes the increased Roads to Recovery allocation to the City in the current and next financial year, and approves the additional project (for 2015/16) as detailed in the report.

5.2.3 Proposed Traffic Management and Streetscape Improvement - Intersection of Angove and Woodville Streets, North Perth

Ward:	North	Date:	30 October 2015
Precinct:	Precinct 9 - North Perth Centre	File Ref:	SC1005, SC671
Attachments:	<u>1</u> – Plan No. 3236-CP-01A		
Tabled Items:	Nil		
Reporting Officer:	C Wilson, Manager Asset and Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council;

- 1. ADVERTISES the proposed traffic management and streetscape improvement at the intersection of Angove and Woodville Streets, North Perth, estimated to cost of \$45,000, as shown on attached Plan No. 3236-CP-01A;**
- 2. NOTES that an amount of \$60,000 has been included in the 2015/2016 Budget for intersection Improvements at Angove Street and Woodville Street; and**
- 3. RECEIVES a further report at the conclusion of the public consultation.**

PURPOSE OF REPORT:

To consider the proposed modification of the intersection of Angove and Woodville Streets as a road safety, traffic management and streetscape improvement.

BACKGROUND:

With the increasing popularity of the Angove Street strip as a destination the subject of road safety and parking is regularly raised by local business proprietors and patrons alike.

In respect of parking the City is looking to engage a suitably qualified consultant to undertake a comprehensive parking survey of the wider North Perth area including Angove Street and the immediate surrounds. However the intersection, while not technically a 'black spot', has constraints from a road safety perspective, and the City is looking to make modifications that improve both road safety, and the streetscape, while limiting the impact upon access.

DETAILS:

Site Description:

The junction of Angove and Woodville Streets is not a typical four-way intersection, in which the streets intersect at right angles, but rather it forms an 'off-set' intersection. To improve the intersection geometry to current road design standards, Woodville Street should intersect with Angove Street, a Local Distributor B Road, at 90° on both legs. The existing line-marking reflects this requirement, however it does not form a physical barrier that prevents vehicles from taking the wrong path through the intersection.

The intersection is just below the crest of a hill. Balustrading and landscaping on all four corners, was installed as part of a streetscape upgrade some years ago.

Traffic and Accident data:

While the posted speed limit is 50kph, the 85% speed through the café strip (Daphne Street to Fitzgerald Street) is 36.4 kph, with an average speed is 29.3 kph.

The five year accident data for the period 1 January 2010 to 31 December 2014 indicates that there were four reported accidents at the intersection, none of which resulted in injury. All were property damage and all four accidents were during day light hours in dry weather, indicating driver error as the major factor.

In each instance the accident involved either a right angle accident (turning across an approaching vehicle) or rear end accident where a car turning right was hit by the car following.

Community Concerns:

Irrespective of the low accident rate the City continues to receive complaints and comments about the safety of the intersection. Two of the four corners are now occupied by cafes' with alfresco seating situated close to the road, adding to the concerns of the business proprietors, primarily that a traffic accident may result in a vehicle being deflected or 'shunted' into the alfresco area.

In addition motorists tend to undertake U turn manoeuvres at the intersection, further compromising the safety of café patrons, pedestrian and other road users.

Proposal:

The simplest means of eliminating the potential for accidents is to block the right turn in and out of Woodville Street by extending the median island through. However this would significantly impact upon access for the residents and businesses alike and force local traffic to take significant diversions and/or use surrounding streets.

The recommended proposal, to install a '1/2' seagull island in Woodville Street to prevent the right turn out into Angove Street west bound as shown on Plan No. 3236-CP-01A (**Attachment 1**) maintains most vehicle movements, except for the right turn out from Woodville Street south into Angove Street west. This is the movement with the most restrictive sight distance.

The median island would also ensure that vehicle movements through the intersection follow the correct path of travel.

The island has been designed to accommodate a standard single unit truck, i.e. the City's waste collection, and therefore will accommodate the majority of delivery trucks and provide a protected pedestrian crossing for east/west movement. In addition an 'oriental' plane tree will be planted in the island in keeping the adopted theme and will effectively fill the void, or gap, between the existing trees.

Impact on surrounding streets:

While the proposal will have some impact in terms of access on residents of Woodville Street (between Angove Street and Farmer Street) and Menzies Street (between Woodville and Fitzgerald Street), the proposed modifications will reduce the volume of through traffic using both Woodville Street (Angove Street to Menzies Street) and Menzies Street.

Currently these sections are subject to an AM and PM 'rat run' with motorists trying to avoid the Fitzgerald and Angove Streets traffic signals. The afternoon is generally more pronounced (Angove/Woodville/Menzies into Fitzgerald Street north) than the morning peak (Fitzgerald/Menzies/Woodville into Angove Street west). Table 1 below outlines the traffic data for Woodville and Menzies Street.

	Woodville Street Angove to Menzies	Woodville Street Menzies to Farmer	Menzies Street Woodville to Fitzgerald	
85% speed-kph	25.9	47.2	40.7	
Average speed-kph	21.2	37.9	33.7	
Average weekday	1280	385	829	
			West bound	240
			East bound	589
AM Peak (8.00 to 9.00)	106	30	West bound	27
			East bound	17
PM Peak (5.00 to 6.00)	138	43	West bound	45
			East bound	74

Table 1 – Traffic Data Woodville and Menzies Streets

As can be seen from the above table, if the west bound movement from Fitzgerald Street to Angove Street (via Menzies and Woodville Streets) is eliminated by the proposed intersection treatment, the volume of traffic using Menzies Street could fall in the order 20%+ (which still allows for local traffic).

For Woodville Street (Angove to Menzies) it would be a lesser impact but still potentially >10% reduction. It should be noted that the majority of the Woodville Street traffic from Menzies Street to Farmer Street could be accounted for by the residents.

Existing Balustrading:

The balustrading was installed in the early 2000's when the Angove Street streetscape was upgraded and was a recommendation of the landscape architect engaged specifically for the project at the time. The balustrading on corners was deemed to be a safety intervention, separating vehicle space from pedestrian space and assisting to direct pedestrians to designated crossing points.

It should be noted that the balustrade on the north-eastern and south-western corners are not 'crash' rated whereas the other two corners are (replaced as a consequence of being hit by turning vehicles).

The community will be canvassed regarding the possible removal of the balustrading as it is now widely expected that balustrading restricts the ability for pedestrians to move freely in spaces, and can as a result reduce driver concentration and increase vehicle speeds.

CONSULTATION/ADVERTISING:

Residents and businesses will be consulted regarding the proposal.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: The recorded 85% speeds are low, the traffic volumes are well within the criteria while the accidents statistics are below the metropolitan average.

STRATEGIC IMPLICATIONS:

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The 2015/2016 Budget includes an allocation of \$60,000 for the intersection modifications. The initial budget was based upon a potentially more complex design than the current proposal. The proposed works, if approved, are estimated to cost in the order of \$45,000.

COMMENTS:

The City receives many requests for traffic management and road safety improvements. The accidents statistics alone do not warrant intervention, nor does the traffic speed. However with the increasing popularity of the Angove Street café strip there is a 'case' to implement the recommended improvements.

5.2.4 Old Aberdeen Place, West Perth - Proposed Parking Restriction

Ward:	South	Date:	30 October 2015
Precinct:	Precinct 5 - Cleaver	File Ref:	SC1847, SC1095
Attachments:	1 – Plan No: 3253-PP-01		
Tabled Items:	Nil		
Reporting Officer:	A Brown, Engineering Technical Officer		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

- 1 **NOTES** the comments received regarding the implementation of parking restrictions in old Aberdeen Place, West Perth, as shown in the report;
2. **APPROVES** the introduction of the following restrictions in Old Aberdeen Place, as shown on attached plan No 3253-PP-01, at Attachment 1;
 - 2.1 **two, 15 minute parking bays, restricted to 8.00am to 5.30pm Monday to Friday; and**
 - 2.2 **2P parking restrictions, 8.00am to 5.30pm Monday to Friday on the south side of the street; and**
3. **ADVISES** the residents of Old Aberdeen Place of its decision.

PURPOSE OF REPORT:

To inform Council of the outcome of the public consultation with businesses regarding the proposed parking restrictions in Old Aberdeen Place, West Perth.

BACKGROUND:

The City received two separate requests regarding parking along the southern side of Old Aberdeen Place, West Perth. The first was from a café requesting the implementation of 15 minute parking to better service the clientele frequenting the business.

The second request received was for the implementation of 2P parking restrictions along the same section Old Aberdeen Place, due to commuters into the CBD using this section of road as a convenient free parking zone, making it difficult for patrons of the local businesses to find parking in the street during the week.

DETAILS:

In response to these concerns Administration investigated the introduction two, 15 minute parking bays closest to Cleaver Street, adjacent the café and a 2P 8.00am to 5.30pm Monday to Friday parking restriction from the 15 minute bays to the cul-de-sac

Please note the entire northern side of Old Aberdeen Place is restricted 'No Stopping'.

With the majority of the surrounding streets already having similar restrictions this would bring continuity to the area. The proposal is mainly to provide amenity improvements for the businesses and their customers.

CONSULTATION/ADVERTISING:

Consultation was undertaken in accordance with the City's Community Consultation policy.

Required by legislation	No	Required by City of Vincent Policy	Yes
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Consultation period	5 October 2015 – 19 October 2015
Comments Received	Seven consultation packs were distributed in Old Aberdeen Place, West Perth. At the close of consultation three responses were received with all in favour of the proposal with no additional comments.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The cost to install signage is estimated to be \$200.

COMMENTS:

The businesses have voiced concerns that commuters to the CBD are using Old Aberdeen Place as a convenient free parking zone to catch public transport, making it difficult for patrons visiting the local businesses to find parking in the street during the week.

Conclusion:

It is recommended that Council approves the introduction of parking restrictions as outlined in the report.

5.2.5 Brentham Street Reserve – Request to Use a Portion of the Reserve for the Re-injection of Groundwater – Further Report

Ward:	North	Date:	30 October 2015
Precinct:	Precinct 3 - Leederville	File Ref:	PR11095; SC544; DD6.2014.161.1
Attachments:	<u>1</u> - Site Plan <u>2</u> – Cross section of pipework/re-injection bores <u>3</u> – Consultation Comments		
Tabled Items:	Nil		
Reporting Officers:	S Hill, Project Officer Parks and Environment J van den Bok, Manager Parks and Property Services R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

1. **NOTES** the submissions received regarding the use of a portion of Brentham Street Reserve for the re-injection of groundwater;
2. **APPROVES** the proposal to use Brentham Street Reserve as a contingency for the re-injection of groundwater for a period of 12 month from the implementation of the reinjection equipment **SUBJECT TO** the applicant;
 - 2.1 installing all of the proposed pipework and associated re-injection infrastructure within the Brentham Reserve underground;
 - 2.2 paying a refundable bond of \$20,000, prior to commencing any works within the Brentham Reserve, to ensure that the reserve is returned to an acceptable standard following completion and decommissioning of the re-injection works;
 - 2.3 undertaking dilapidation reports of all properties adjoining the reserve prior to the implementation of pipework, and associated re-injection infrastructure, and again six weeks after the completion and decommissioning of the re-injection infrastructure;
 - 2.4 entering into a licence with the City, at the applicants cost, to the satisfaction of the Chief Executive Officer, to use the reserve; and
 - 2.5 paying a licence fee of \$30,000 per annum, or part thereof; and
3. **ADVISES** MDW Environmental Services and the respondents of its decision.

PURPOSE OF REPORT:

To consider the results of the recent consultation and whether to use a portion of Brentham Street Reserve for groundwater re-injection works associated with the Rosewood Redevelopment at the corner of Wavertree Plane and Britannia Road.

BACKGROUND:

Ordinary Meeting of Council held on 28 July 2015:

A report was presented in relation to a request from MDW Environmental Services to use a portion of Brentham Street Reserve for re-injection of groundwater to allow building works to progress at the Rosewood site. The Council decision was as follows:-

“That Council:

1. *ADVERTISES the request from MDW Environmental Services, on behalf of Pindan, to use a portion of the Brentham Street Reserve for the reinjection of groundwater as a contingency measure, as shown on Attachment 1, in accordance with the City’s Community Consultation Policy No. 4.1.5, subject to the applicant:*
 - 1.1 *modifying the proposal to lay all of the proposed pipework, and associated infrastructure within the reserve, underground;*
 - 1.2 *agreeing to pay a \$20,000 (refundable) bond to ensure the reserve is returned to an acceptable standard to the City’s satisfaction, if the proposal is ultimately approved by Council;*
 - 1.3 *agreeing to undertake a dilapidation report of all properties adjoining the reserve before commencement of any works within the reserve and again within six weeks of the completion and decommissioning of the works post-injection; and*
 - 1.4 *noting that any approval by Council (if granted) will be subject to payment of a licence fee, to be determined by Council, for the use of the reserve;*
2. *RECEIVES a further report at the conclusion of the advertising period; and*
3. *ADVISES MDW Environmental Services that advertising of its request, pursuant to 1 above, does not constitute support for the proposal and will not prejudice Council’s decision on the matter following the advertising period.”*

DETAILS:

As previously reported to Council the redevelopment of the Rosewood Aged Care facility at the corner of Wavertree Plane and Britannia Road, comprises the construction of a three-storey building with a single level basement.

Works at the site were placed on hold in October 2014 due to the high ground water table and the requirement to dewater approximately 910,000kL from the site over a nine month period.

The Department of Water subsequently issued a ground water extraction licence in mid-2015 and the works are currently in progress.

Infiltration and Discharge Options:

It was always intended that the dewatering would be undertaken via a combination of onsite and offsite infiltration including the following

- Onsite Infiltration – within the construction site – currently in place.
- Offsite Infiltration – to the Main Roads Swale next to the Mitchel Freeway – currently in place
- Discharge to Sewer – contingency measure for one-off discharge approval at a maximum flow rate of 20L/sec.
- Reinjection within Brentham Street Reserve: (subject of this report). The proposal submitted for the installation and use of reinjection bores within Brentham Street Reserve includes the following:
 - Approximately 300 metres of 150mm discharge hose along the eastern edge of the reserve laid underground.
 - Recharge wells at 10-15 metre spacing along the discharge line (up to 30 recharge wells) underground in chambers;

- Dilapidation monitoring of houses within the vicinity of the reinjection bores will be undertaken; and
- All surfaces to be re-instated to original condition at the conclusion of the project.

Note: The proposed location of the pipeline is shown at **Attachment 1** and the typical cross section of the pipe work and reinjection bores is shown at **Attachment 2**.

CONSULTATION/ADVERTISING:

The City wrote to the residents surrounding Brentham Street Reserve, asking for their consideration of the proposal.

Required by legislation	No	Required by City of Vincent Policy	Yes
Consultation period	7 October 2015 to 28 October 2015		
Comments Received	759 consultation packs were distributed around Brentham Street Reserve. At the close of consultation 34 responses were received with 14 in favour, 13 against and 7 that neither were for or against the proposal (Refer Attachment 3).		

LEGAL/POLICY

If approved by Council, additional advertising in accordance with the *Local Government Act 1995*, will be required with regards to entering into a licence to use the reserve, together with any advertising requirements in relation to granting Planning Approval.

Ground Water Extraction:

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

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

City's Requirements:

To use the City's land the applicant would be required to enter into a licence agreement with the City.

RISK MANAGEMENT IMPLICATIONS:

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

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

STRATEGIC IMPLICATIONS:

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

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

As noted in the officer recommendation a licence fee of \$30,000 per annum is being charged for use of the reserve.

COMMENTS:

In view of the favourable results of the community consultation it is therefore recommended that Council approve the use of a portion of Bentham Street Reserve for re-injection of groundwater subject to the conditions outlined in the officer recommendation.

5.2.6 Highgate Primary School – Request to Upgrade Playground Area in Lieu of Shade Sail Installation

Ward:	South	Date:	30 October 2015
Precinct:	Precinct 12 - Hyde Park	File Ref:	SC1975
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	J van den Bok, Manager Parks and Property Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

- 1. APPROVES BY ABSOLUTE MAJORITY, in accordance with Section 6.8 (1) of the *Local Government Act 1995*, to change the 2015/2016 Budget line item from 'Highgate Primary School Kindergarten - Outdoor Playground Shade Sail' to 'Highgate Primary School Kindergarten –playground improvements'; and**
- 2. ADVISES the school of its decision**

PURPOSE OF REPORT:

To consider a request from Highgate Primary School to upgrade their kindergarten playground area in lieu of the shade sail installation originally requested and included in the City's 2015/16 budget.

BACKGROUND:

The City leases part of Lot 4 Broome Street, Highgate to the Minister for Education, at an annual rent of \$3,575, for the purpose of providing the Highgate Primary School Kindergarten.

The Parents & Citizens from the Highgate Primary School Kindergarten raised concerns regarding the need for shade over the play area and indicated that they would be able to contribute \$5,000 towards the cost of installing a shade sail, estimated to cost \$10,000.

Council subsequently approved a contribution of \$5,000 and this was included in the 2015/16 budget for the installation of shade sails at the Highgate Primary School Kindergarten site.

DETAILS:

Letter, from Highgate Primary School P&C:

A letter was received on 22 September 2015 advising that following discussions with teaching staff, trees planted by the City of Vincent, either side of the decking area, had addressed the shade issue.

The P & C indicated that the following items required more immediate attention considered as a priority to the original request for shade sails.

Bird Nest Swing:

The existing swing on the site failed in Term 1 and the existing framework is not suitable to simply just add the birds nest cradle. Supply and installation of a new swing dependant on the model chosen, will range between \$3,500 and \$5,500.

Playground Border:

A playground border, or barrier, around the new swing frame is required to retain the sand or mulch soft fall. The model of swing to be installed will determine how large the fall zone area around the swing will be and what length of barrier will be required. However, it is estimated from past works undertaken, that the cost will be between \$1,500 and \$3,500 dependant on materials used.

Playground Soft Fall:

Soft fall mulch is required to be replaced under the proposed new birds nest swing and topping up of mulch is required in the outdoor play area. Estimated cost is around \$1,500.

Administration Comments:

As mentioned above the City leases part of Lot 4 Broome Street, Highgate to the Minister for Education, for the purpose of providing the Highgate Primary School Kindergarten. Therefore any improvements on the site are the responsibility of the State Government.

The original request from the School P&C, to Council, was for consideration of contributory funding for the installation of a shade sail. While there was no obligation for Council to part fund this proposal, due to OH&S concerns and as a gesture of good will, Council decided to include contributory funding in the 2015/16 budget for this purpose.

Upon receiving the recent request from the P&C to consider funding other improvements in lieu of the shade sail, Administration inspected the site and consider that the trees provide adequate shade over the play area and a shade sail is not required.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Medium: Playgrounds should be maintained and inspected in accordance with AS/NZ Standards 4486.1.1997 "Playground Equipment Part 1 "Development, Installation, Inspection, Maintenance and Operation."

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:

As noted above an allocation of \$10,000 (\$5,000 City and \$5,000 Highgate P&C) has been included in the 2015/16 budget for the installation of shade sails at the Highgate Primary School Kindergarten site.

The estimated cost of the alternative proposals is indicated in the following table.

Item	Estimated minimum cost	Estimated maximum cost
Birds nest swing	\$3,500	\$5,500
Playground Border	\$1,500	\$3,500
Playground Soft fall	\$1,500	\$1,500
Total	\$6,500	\$10,500

COMMENTS:

The initial request from the School P&C was for a contribution to the installation of a shade sail and while there was no obligation for Council to part fund this, due to OH&S concerns and as a gesture of good will, Council decided to include contributory funding in the 2015/16 budget for this purpose.

There is no obligation on Council to approve funding a replacement swing in the playground and the other requested maintenance works as this is the responsibility of the Education Department.

Conclusion:

Should Council agree to provide a contribution to the alternative works it will need to agree to change the 2015/16 Budget line item from 'Highgate Primary School Kindergarten - Outdoor Playground Shade Sail' to 'Highgate Primary School Kindergarten – installation of a birds nest swing and various playground improvements'.

5.2.7 Tender No. 512/15 – Alterations and Additions to Charles Veryard Reserve Pavilion, North Perth

Ward:	North	Date:	30 October 2015
Precinct:	Precinct 6 - Smith Lake	File Ref:	SC2460
Attachments:	1 – Confidential Attachment		
Tabled Items:	Nil		
Reporting Officers:	J van den Bok, Manager Parks and Property Services K Bilyk, Project Officer		
Responsible Officer:	R Lotznicker:, Director Technical Services		

OFFICER RECOMMENDATION:

That Council **ACCEPTS** the Tender No. 512/15 from DEVCO Holdings Pty Ltd for the Alterations and Additions to Charles Veryard Reserve Pavilion as per the schedule of rates in the tender submission and general conditions of tendering.

PURPOSE OF REPORT:

To obtain approval for awarding Tender No. 512/15 – Alterations and Additions to Charles Veryard Reserve Pavilion as per the plan approved by Council at its Ordinary Meeting held on 16 December 2014.

BACKGROUND:

A report on the upgrade of the Clubrooms and Pavilion at Charles Veryard Reserve was considered by Council at it's the Ordinary Meeting held on 16 December 2014 where the following decision was made;

“That Council:

1. *NOTES* the submissions received in relation to the clubrooms and pavilion upgrade at Charles Veryard Reserve North Perth, as outlined in Attachment 001;
2. *AUTHORISES* the Chief Executive Officer to advertise a tender in January 2015 to upgrade the Clubrooms and Pavilion at Charles Veryard Reserve in accordance with the project architect's plans/specifications included as Attachment 002;
3. *ADVISES* all respondents, including the Modernians Hockey Club, Tuart Hill Cricket Club and Cardinals Junior Football Club of Council's decision; and
4. *RECEIVES* a further report at the conclusion of the tender assessment process.”

DETAILS:

Tender 512/15 - Alterations and Additions to Charles Veryard Reserve Pavilion was advertised on 2 September 2015.

Contract Type	Lump sum contract
Contract Term	Not applicable – The duration of the Construction works will be approximately 6 months.
Commencement date	Not applicable – The construction works will commence in November 2015.
Expiry Date	Not applicable – The construction works will be completed by 30 April 2016.
Extensions of contract	Not applicable.
Rise and fall included	Not applicable.

Tenders Received:

The tenders received were from the following registered companies:

- Devco Holdings Pty Ltd
- ZD Constructions Pty Ltd
- Adrina Project Management Pty Ltd
- Macfield Construction Pty Ltd
- CPD Group
- PRC Building Services Pty Ltd
- Hyde & Son Master Builders
- Solution4Building

Tender Assessment:

The tenders were assessed by a Tender Evaluation Panel and each tender was assessed using the selection criteria below in accordance with the tender documentation.

CRITERIA	WEIGHTING
Financial offer/Fee proposal.	50%
Relevant experience, expertise and project team.	30%
History and viability of the company	10%
Methodology, key issues and risk	10%
	100%

Tender Evaluation Ranking:

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

Selection Criteria	Weighting	Devco	Solutions4 Building	CPD Group	PRC Building Services	Macfield Construction	Hyde & Son	Adrina Project Management	ZD Constructions
Financial offer	50%	50	46.2	37.6	39.7	37.3	39.8	33.3	41.2
Relevant experience, expertise and project team,	30%	25.5	24	24	22.5	22.5	18	21	18.8
History and viability of the company	10%	8.5	8	8.3	7.3	7.3	6.8	7.5	5.8
Methodology, key issues and risk	10%	7.8	8	8.3	7	7	6.3	7.8	2
Total	100%	91.8	86.2	78.2	76.5	74.1	70.9	69.6	67.8
Ranking		1st	2nd	3rd	4th	5th	6th	7th	8th

Administration Comments:

Both DEVCO Builders and Solutions for Building (SB4) have submitted competitive prices for the proposed project. Both companies also have extensive experience within the building and construction industries and have extensive experience within local and state government authorities, completing similar type projects.

CONSULTATION/ADVERTISING:

The local community around Charles Veryard Reserve and the three clubs using the facilities were consulted in regard to this proposal.

LEGAL/POLICY

The tender was advertised and assessed in accordance with the *Local Government Act 1995* Tender Regulations and the City's Code of Tendering Policy 1.2.2 and Purchasing Policy No. 1.2.3.

RISK MANAGEMENT IMPLICATIONS:

Medium: The proposed project works are relatively minor in complexity and do not encroach into the uncontrolled fill (former landfill) area of Charles Veryard Reserve, therefore the risks are considered minimal. The upgrade works to the existing building will ensure that compliance with current building codes and standards are achieved, reducing the potential risk of further accident or injury to patrons.

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:

With the use of Water Sensitive Urban Design (WSUD) and Sustainable Design principles in this project, the Alterations and Additions to the Charles Veryard Reserve Pavilion will align with the City's sustainability objectives.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$575,000 was allocated in the 2015/16 budget to upgrade the Clubrooms and Pavilion at Charles Veryard Reserve.

To date \$66,734 has been expended from this budget for the supply and installation of a storage shed.

Therefore, the funds remaining are \$508,266. The preferred tenderer has submitted a price of \$512,000. The funding shortfall of \$3,734 will either be made up from any potential saving during the project or from other parks capital works projects where savings are identified.

Provisional sums for additional works, i.e. electrical works, scoreboard (supply and install), electric BBQ (supply and install), and rendering/painting of external brickwork surfaces of \$46,500 have also been submitted (as requested in the tender).

These additional works are not critical and whilst it would be ideal to undertake, in particular the rendering/painting of external brickwork as part of the overall project, these works can be deferred and funds listed for consideration in the 2016/17 draft budget.

The electrical works were listed as a result of the electrical consultant's inspection and included an upgrade of the existing wiring and electrical fixtures in the older part of the building. However, since installation of the new pavilion switchboard (as part of the sports lighting project upgrade) various wiring circuits have already been replaced within the building and it is envisaged that only minimal electrical upgrade works will have to be undertaken.

COMMENTS:

Reference checks revealed that all tenderers are capable of providing the required services to complete this project. Devco Holdings Pty Ltd have however provided the most competitive pricing schedule and have successfully completed similar projects within the City of Vincent and other local governments with excellent results.

Conclusion:

Devco Holdings Pty Ltd have completed various projects within the City including the upgrade of Mount Hawthorn Community Centre, Britannia Reserve Clubrooms and the recent upgrade of the Hyde Park (west) toilet block. Their work has been most satisfactory, with projects completed within the specified timeframes and budgets.

It is requested that the officer's recommendation to award Tender No. 512/15 to DEVCO Holdings Pty Ltd for the Alterations and Additions to Charles Veryard Reserve Pavilion, North Perth, be supported.

5.3 CORPORATE SERVICES

5.3.1 Investment Report as at 31 October 2015

Ward:	Both	Date:	4 November 2015
Precinct:	All	File Ref:	SC1530
Attachments:	1 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	N Makwana, Accounting Officer B Wong, Accountant G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

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

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

DETAILS:

Total funds held for the period ended 31 October 2015 were \$32,212,324 as compared to \$22,991,704 at the end of 31 October 2014.

Total Investments for the period ended 31 October 2015 were \$30,701,564 as compared to \$31,361,000 at the end of September 2015. At 31 October 2014, \$22,411,000 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

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

	Annual Budget	Budget Year to Date	Actual Year to Date	% of FY Budget
Municipal	\$320,000	\$106,668	\$159,285	49.78
Reserve	\$203,680	\$67,892	\$86,107	42.28

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

Long Term Rating (Standard & Poor's) or Equivalent	Short Term Rating (Standard & Poor's) or Equivalent	Direct Investments Maximum % with any one institution		Managed Funds Maximum % with any one institution		Maximum % of Total Portfolio	
		Policy	Actual	Policy	Actual	Policy	Actual
AAA Category	A1+	30%	Nil	45%	Nil	100%	Nil
AA Category	A1+	30%	29.7%	30%	Nil	90%	68.5%
A Category	A1	20%	15.5%	30%	Nil	80%	31.5%
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 prudent but sound financial management in accordance with the City's Investment Policy No. 1.2.4 to effectively manage the City's cash resources within acceptable risk parameters.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

The funds invested have decreased from the previous period due to the excess of payments to creditors, staff, etc over the receipts of cash (e.g. Rates). Most of the cash for rates is received in August to September. Traditionally the amount of cash held by the City peaks in September or October, and then gradually reduces until the rates are raised at the start of the next financial year. It is anticipated that the City will continue to receive interest earnings in excess of the budget for the remainder of the financial year due to:

- Increased levels of investment of around \$6 - \$7 million over the budget assumptions - due to a delay in capital budget spend in the first four months of the financial year; and an increase of about \$2 million in the surplus carried-forward from the previous financial year; and
- Interest rates – the average rates quoted to the City have been reducing. However, we have been able to select institutions who have had specific needs for increased funds and have therefore offered a rate significantly higher than the average being quoted. This has increased our average interest rates for term deposit investments over the amounts used in the budget assumptions.

The City has obtained an average interest rate for investments of 2.72% which includes the City's operating account. When the investments are calculated excluding the operating account, the average investment rate achieved is 2.85% as compared to the Reserve Bank 90 days Accepted Bill rate of 2.15%. As of 31 October 2015, the City's actual investment earnings are exceeding budget estimates.

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

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

5.3.2 Authorisation of Expenditure for the Period 1 to 31 October 2015

Ward:	Both	Date:	4 November 2015
Precinct:	All	File Ref:	SC347
Attachments:	1 – Creditors Report – Payments by EFT 2 – Creditors Report – Payments by Cheque 3 – Credit Card Transactions		
Tabled Items:	-		
Reporting Officers:	R Tang, Accounts Payable Officer; G Garside, Manager Financial Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

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

Cheque numbers 78973 - 79079	\$192,525.46
EFT Documents 1851 - 1864	\$4,713,132.17
Payroll	\$1,102,093.75

Direct Debits

• Lease Fees	\$192,211.25
• Loan Repayment	\$144,402.56
• Bank Fees and Charges	\$11,363.71
• Credit Cards	\$6,851.18

Total **\$354,828.70**

Total Accounts Paid **\$6,362,580.08**

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

DETAILS:

The Schedule of Accounts paid, covers the following:

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account (Attachment 1 and 2)		
Automatic Cheques	78822-78972	\$193,025.46
Cancelled Cheques	79074, 79075,79076	- \$500
EFT Payments	1851 - 1864	\$4,756,907.20
Sub Total		\$4,905,657.63
Transfer of Payroll by EFT		
	02/10/2015	\$11,407.94
	06/10/2015	\$528,127.18
	21/10/2015	\$562,558.63
	October 2015	\$1,102,093.75
Corporate Credit Cards (Attachment 3)		\$6,851.18
Bank Charges & Other Direct Debits		
Lease Fees		\$192,211.25
Loan Repayment		\$144,402.56
Bank Charges – CBA		\$11,363.71
Total Bank Charges & Other Direct Debits		
Less GST effect on Advance Account		0.00
Total Payments		\$6,362,580.08

LEGAL/POLICY:

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

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

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

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

13. *Lists of Accounts*

(1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared –*

- *the payee's name;*
- *the amount of the payment;*
- *the date of the payment; and*
- *sufficient information to identify the transaction.*

(3) *A list prepared under sub regulation (1) is to be —*

- *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
- *recorded in the minutes of that meeting.*

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2013-2023:

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

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

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

SUSTAINABILITY IMPLICATIONS:

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

ADVERTISING/CONSULTATION:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENT:

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

5.4 COMMUNITY SERVICES

5.4.1 Community Sporting and Recreation Facility Fund (CSRFF) – Floreat Athena Soccer Club

Ward:	North	Date:	30 October 2015
Precinct:	Leederville	File Ref:	SC2466
Attachments:	1 – CONFIDENTIAL: Floreat Athena Soccer Club CSRFF Application 2 – CONFIDENTIAL: Master plan and change room drawings		
Tabled Items:	Nil		
Reporting Officers:	M Haley, Community Development Officer J Anthony, Manager Community Development		
Responsible Officer:	R Hall, Acting Director Community Services		

OFFICER RECOMMENDATION:

That Council;

1. **SUBMITS** the application by Floreat Athena Soccer Club included as Confidential Attachment 1 to the Department of Sport and Recreation (DSR) to benefit from the Community Sport and Recreation Facility Fund (CSRFF), with the following classification:

Ranking	Facility	Project	Assessment	Project Rating	Amount
1 of 1	Floreat Athena Soccer Club	Replacement of south east change rooms and player's race	Unsatisfactory	Category: E Idea has merit, more planning work needed	\$962,725 (exclusive of GST)

2. **DOES NOT SUPPORT** a funding allocation to the Club's requested CSRFF application on the basis that the application is premature and prejudicial to the City's future negotiations as a landowner; and
3. **ADVISES** the DSR that the City does not support Floreat Athena Soccer Club's CSRFF application for the following reasons:
 - 3.1 The proposal for change rooms would exceed the term of the existing lease, being until 31 December 2016 and there is no agreed tenure beyond this time;
 - 3.2 A master plan has not been developed for the subject site to the satisfaction of the City;
 - 3.3 There has been no demonstrated benefit to the Vincent community; and
 - 3.4 The financial records provided as part of the application do not demonstrate the financial viability of the Club to support their allocation of funding and ability to fund on-going maintenance and up-keep of the facility to the City's satisfaction.

PURPOSE OF REPORT:

To consider a funding request from Floreat Athena Soccer Club (the Club) towards the DSR Community Sport and Recreation Facility Fund (CSRFF) Forward Planning Grant scheme, as shown in **Confidential Attachment 1**.

BACKGROUND:

Floreat Athena Soccer Club was established in 1951 and is based at Litis Stadium, adjacent to Britannia Reserve, in Mount Hawthorn. The Club has been in the National Premier League (NPL) competition for the past six decades and has continued to grow in size through its membership base. The Club has 21 registered teams with three semi-professional teams in the NPL.

The City conducted an audit of its reserve users in 2014. From this audit it was determined that Floreat Athena has 320 club members in their Junior and Senior teams. Of these members approximately 80 (25%) are City of Vincent residents. It should be noted that this figure is not conclusive and has not been considered in the recent Council decision at the Ordinary Meeting of Council (OMC) held on 10 March 2015 (Item 9.2.8) that *"...all sporting clubs to sign a statutory declaration at the commencement of each sporting season accurately stating the number of Vincent members within their club"*.

In June 2015, the City of Vincent decommissioned the use of the primary Floreat Athena change rooms and players race. This was as a result of a Structural Condition Assessment that verified structural damage and deemed the building unsafe for operation. The report commissioned by the City revealed the change rooms on site were structurally unsound and as a consequence posed a safety risk to its users.

The purpose of the CSRFF is to help the Western Australian Government provide assistance to community groups and Local Government Authorities to develop well planned facilities for sport and recreation. The types of projects that will be considered for funding include the construction of new facilities and upgrading, modifying or adding to existing facilities to better suit community needs and provide greater opportunities for participation.

The maximum grant funded by the Department of Sport and Recreation will be no greater than one third of the total cost of the project. Applicants must be able to demonstrate that they can fund the remaining balance of the total cost of the project.

It should be noted that the Local Government is not required to contribute funds in submitting the CSRFF grant application. Lodging an application does not imply that the LGA will provide funding assistance.

On 1 July 2015, the Forward Planning Grants round opened for funding request for the 2016/2017 financial year. Applications were due to be lodged with the City by 17 August 2015 and to DSR by 30 September 2015. Floreat Athena were unable to submit all relevant information in this timeframe. An agenda item was presented to Council at the OMC held on 22 September (Item 9.4.2) the report was deferred for further consideration until further supplementary information could be provided.

Since this time DSR granted the Club an extension on the Club's application until the end of November. All additional information required by DSR have now been provided by the Club to assist with the assessment application.

Council resolved at the OMC held on 22 September 2015 (Item 9.3.4) on another matter pertaining to Floreat Athena as follows:

That Council:

1. *NOTES it has been necessary for the City to close the existing changeroom facilities at Litis Stadium to ensure the safety of members of the Floreat Athena Soccer Club and visiting teams;*
2. *Subject to 3. Below AUTHORISES the Chief Executive Officer to make the necessary arrangements to provide suitable replacement changeroom facilities at Litis Stadium for the remaining term of the Lease with Floreat Athena Soccer Club, in accordance with 4. below;*
3. *APPROVES BY ABSOLUTE MAJORITY, in accordance with Section 6.8(1) of the Local Government Act 1995 the unbudgeted expenditure associated with the costs in 2 above; and*
4. *NOTES the 2015/16 Budget includes \$150,000 for remedial works on the Grandstand at Litis Stadium, however it is proposed that the works will be restricted to those required to secure, sure-up or make safe the portions of the grandstand that are determined to be in need of such work, with the balance of the funds being freed up to facilitate the following budget reallocation;*

<i>PROJECT/ACCOUNT</i>	<i>CURRENT BUDGET</i>	<i>REALLOCATION</i>
<i>Litis Stadium – Grandstand Remediation Works</i>	<i>\$150,000</i>	<i>(\$60,000)</i>
<i>Litis Stadium - Temporary Change Rooms</i>	<i>\$0</i>	<i>\$60,000</i>

The above resolution will allow the Club to have temporary change rooms that comply with National Premier League (NPL) standards for the 2016 season and for the remaining duration of their lease on Litis Stadium, due to expire 31 December 2016. This resolution ensures the City complies and adheres to the current lease over Litis Stadium. Football West, Floreat Athena and the City have all agreed on a temporary solution and the refitting of the change rooms in the northern corner will be repurposed in the coming months.

The City has been a strong supporter of the CSRFF grant initiative and proactively seeks sport and recreation clubs within the City to consider funding. The City has supported the following projects in the past two financial years:

Financial Year	Sporting Club	Project	City Contribution
2015/2016	Leederville Tennis Club	Repair and resurfacing of six tennis courts	\$33,676
2015/2016	Perth Soccer Club	Replacement of natural turf to synthetic turf	\$250,000
2014/2015	North Perth Tennis Club	Redevelopment of internal clubrooms	\$13,380

The above applications were all awarded funding due to their demonstrated positive contribution to the Vincent community and the Club's financial viability to appropriately service and maintain the proposed facilities.

DETAILS:

Floreat Athena have submitted a CSRFF funding proposal for new change rooms to replace the decommissioned change rooms currently on site. The need for change rooms and related facilities is being driven primarily by the need for the Club to comply with Football West and the National Premier Leagues (NPL) Compliance By-Laws regarding the provision of adequate facilities for the welfare of those directly involved in the game.

The intended location of the proposed change rooms in the south-eastern corner was based on maximising the potential for other users of Britannia Reserve. However, Administration is concerned with the building of a new asset at this location until geotechnical investigations into the soil quality on site occur.

The new facility is proposed to have the following features:

- Four adult-sized dressing rooms;
- Referees' room;
- Physiotherapy/first aid room;
- Ice baths;
- Increased storage area;
- Multipurpose room; and
- Kiosk.

The new facility is shown in Floreat Athena's Master Plan included as **Confidential Attachment 2**. However, it must be noted that; the 'Master Plan' has been prepared by the Club in isolation, does not form part of the Club's existing lease and has never been considered or endorsed by Council. As such, consideration of this report is not an endorsement of the proposed Master Plan submitted by the Club. Administration is not satisfied with the level of consideration and consultation that the Club undertook in the development of their submitted 'Master Plan' with no linkages between the overall site and Britttana Reserve.

Assessment of Application

The Club's application was evaluated against the DSR CSRFF Assessment Principles and the following applicable Categories:

Category	Principle
A	Well planned and needed by the municipality
B	Well planned and needed by the applicant
C	Needed by municipality, more planning required
D	Needed by the applicant, more planning required
E	Idea has merit, more planning work needed
F	Not recommended

Table 1: Department Sport and Recreation CSRFF Assessment Principles

Administration has assessed the Club's CSRFF application and rated it as Category "E", "*Idea has merit, more planning work needed*". The City acknowledges that Floreat Athena needs to find a long term solution to continue at an NPL level. However in the assessment of the application Administration considered the broader value of the proposed change rooms to the Vincent community and current demand for such a facility within Vincent. It is recommended that further consultation and planning is required before a financial contribution can be committed by the City.

The most immediate consideration is the short term tenure remaining on the Club's current lease, due for expiry on 31 December 2016. Further to the short term lease the following points need to be considered by Council in the review of the Club's application:

- The Club's plans for the future;
- Club membership details;
- Infrastructure condition of the overall site;
- Capital expenditure requirements and funding implications/expectations on the City; and
- The Club's financial capacity to meet Lease obligations and ability to generate funding for capital contributions and maintenance of the proposed facility.

These points will be considered in future negotiations around the Club's occupation of the site and resulting tenancy arrangements.

Administration is of the view that the application is premature and prejudicial to the City's future negotiations as a landowner. Such a significant capital investment is not recommended at this time until further lease negotiations, development of a considered master plan and financial viability and community benefit can be demonstrated by the Club. This will include consultation and communication with other key stakeholders who utilise Britannia Reserve ensuring a multifaceted and functional approach. In the interim the City will provide the Club with temporary change rooms that will ensure the City adheres to its requirements as Lessor of the site.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

High: This is a major investment and represents a high financial risk to the City with regard to the Club's comparatively small financial contribution and lack of demonstrated financial and management capacity for the proposed project. As a result, Administration is reluctant to support a new change room facility without clear justification and management plans from the Club. In addition, the redevelopment of the change rooms and player's race in isolation of a holistic and sustainable Master Plan for the entire site, could expose the City to significant financial risk.

STRATEGIC IMPLICATIONS:

The CSRFF grant application for new change rooms are in keeping with the following *Strategic Community Plan 2013-2023* objectives:

"Natural and Built Environment

- 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.*

Community Development and Wellbeing

- 3.1 *Enhance and promote community development and wellbeing:*
 - 3.1.3 *Promote health and wellbeing in the community*
 - 3.1.6 *Build capacity within the community to meet its needs."*
-

Currently Administration does not have a comprehensive community development strategy or plan that addresses the needs and demand for sport and recreation space within the City. Administration has identified that the development of such a plan would help assist in the assessment of future CSRFF applications ensuring that pragmatic resolutions can be made.

SUSTAINABILITY IMPLICATIONS:

The CSRFF allows for the ongoing investment in the upgrading of the City's sport and recreation facilities to ensure their sustainability in providing quality recreational opportunities for the community.

FINANCIAL/BUDGET IMPLICATIONS:

Floreat Athena Football Club's current lease over the area is valid until 31 December 2016. The Club pays all outgoings as well as \$2,869.82 per annum for the lease over Litis Stadium.

The Project budget, as shown in **Confidential Attachment 1**, outlines the overall cost and breakdown of funding sought by the Club, exclusive of GST, as follows:

Funding	Amount
Amount sought from City of Vincent	\$ 318,181
Applicant cash	\$ 190,000
Volunteer Labour	\$ 45,454
Other (fundraising and gate sales)	\$ 90,909
Amount sought from DSR (CSRFF)	\$ 318,181
TOTAL	\$ 962,725

Table 2: Budget Allocation of Funding Sought by the Floreat Athena Soccer Club

The Club has not provided strong financial justification of their ability to fund the outgoings of the proposed development.

COMMENTS:

A funding allocation has not been recommended based on there being no long term tenure of the site with the Club, a lack of financial viability, an insufficient master plan and limited justification on the added benefits to the Vincent community.

Should a lease be renegotiated with the Club, it is open that the Club reconsider their CSRFF application in a following CSRFF funding round. Administrations consideration of future applications would be based on the addressment on the above listed points.

It should be noted that Floreat Athena provides a community value to the City. However, in this instance the Club has not proved the necessary justification for a significant capital investment. Further consultation and communication between the Club and the City needs to occur to ensure both parties are satisfied with the future direction of the site.

5.4.2 Manna Inc. – Continued Use of Weld Square

Ward:	South	Date:	30 October 2015
Precinct:	Beaufort	File Ref:	SC1789
Attachments:	1 – Weld Square Site Map		
Tabled Items:	Nil		
Reporting Officers:	J Grundy, Community Development Officer J Anthony, Manager Community Development		
Responsible Officer:	R Hall, Acting Director Community Services		

OFFICER RECOMMENDATION:

That Council:

1. **NOTES** that Manna Inc. has revised its hours of operation to reduce the impact and disturbance to the nearby amenities and environment, and that Manna Inc. has not found an alternative venue;
2. **APPROVES** Manna Inc.'s use of Weld Square to provide a free meal service for people who are homeless or at risk of homelessness for a period of 12 months, concluding 7 December 2016, and **APPROVES** the waiving of associated fees of \$13,125 subject to the following conditions:
 - 2.1 **Hours of operation shall be between 1.30pm and 2:30pm, six days a week excluding Saturdays;**
 - 2.2 **An afterhours contact number for Manna Inc. shall be provided to the City of Vincent;**
 - 2.3 **Manna Inc. shall ensure that the service provision will have minimal impact and disturbance to the nearby amenities and environment, and comply with all relevant legislation;**
 - 2.4 **No more than two vehicles shall be allowed access on the Square at any time;**
 - 2.5 **Manna Inc. will enter the Square via the new Newcastle Street crossover and provide its meal service at the southern side of the park;**
 - 2.6 **Manna Inc. staff shall pick up all rubbish and litter pertaining to its client group before leaving the Square;**
 - 2.7 **Permission to operate within the Square may be withdrawn by the City at its discretion; and**
 - 2.8 **Manna Inc. must maintain public liability and endorse to indemnify the City against any accident, injury and damage resulting from or incidents arising from Manna Inc.'s use of Weld Square as per Policy No. 2.1.7 Parks, Reserves and Hall Facilities;**
3. **NOTES** that Administration will report back to Council on the outcome of the revised hours of operation and future suitability of Manna Inc. remaining located at Weld Square before December 2016; and

PURPOSE OF REPORT:

To consider the use of Weld Square by Manna Inc. to carry out of a free meal service for people who are homeless or at risk of homelessness.

BACKGROUND:

Manna Inc. is a not for profit organisation that provides a free meal service six days a week (excluding Saturday) to people who are homeless or at risk of homelessness. Manna Inc. provides on average 200 meals a day. The meals are prepared by volunteers and corporate groups in Manna Inc.'s Kitchen in Victoria Park. The meals are transported to the Square and distributed from a van. The meals are packed in disposable containers.

In August 2008, the City approved the in-kind use of Weld Square on a temporary basis subject to conditions until Manna Inc. was able to secure a suitable, permanent premises. Prior to this, Manna Inc. operated from the Aboriginal Advancement Council (AAC) premises however, they were unable to continue from this location.

Manna Inc. has continued to use Weld Square since 2008. At the Ordinary Meeting of Council (OMC) held on 2 December 2014, Council resolved:

"That the Council;

1. *APPROVES Manna Inc. to carry out a free meal service for people who are homeless or at risk of homelessness in Weld Square for a period of twelve (12) months, concluding 4 December 2015, subject to the following conditions:*
 - 1.1. *The hours of operation shall be between 5.00pm and 6.00pm, six (6) days per week excluding Saturdays;*
 - 1.2. *An afterhours contact number for Manna Inc. shall be made available for the City of Vincent and local residents should any problems occur;*
 - 1.3. *All steps shall be taken to minimise any disturbance and impact to the nearby amenity and environment, considering the proximity to residents;*
 - 1.4. *No more than two (2) vehicles shall be allowed access on the Reserve at any given time;*
 - 1.5. *Manna Inc. will enter the reserve on the Newcastle Street side of the park, and carry out their meal service in the centre of the park, once the installation of a crossover at the Newcastle Street entrance is completed;*
 - 1.6. *Manna Inc. staff shall pick up all rubbish and litter pertaining to their client group;*
 - 1.7. *Permission to operate within Weld Square may be withdrawn by the City at its discretion, should any problems occur that are not effectively and quickly resolved; and*
 2. *LISTS for consideration an amount of \$10,000 on the Draft 2015/2016 Annual Budget, for the installation of a crossover at the Newcastle Street entrance to Weld Square for the purpose of vehicle entry and exit.*
 3. *REQUESTS Manna Inc. to begin the process of finding an alternative venue in 2015."*
-

On 22 June 2015 the Mayor attended a community meeting with residents from No. 177 Parry Street (the apartment block opposite Weld Square) and nearby businesses to address concerns and recent media attention in response to a number of complaints received by the City about anti-social behaviour predominately at night in Weld Square, many of which, have been allegedly linked to Manna Inc. The meeting was attended by the (former) Director Community Services, Manager Ranger and Community Safety Services, Safer Vincent Officers and WA Police.

The Mayor noted that there were several contributing factors to safety concerns and anti-social behaviours including; intoxicated late night customers to McDonald's Restaurant, timing of Manna Inc.'s meal service, and a crackdown at Wellington Square in the City of Perth. It was clear that a number of concerns raised were not directly attributed to Manna Inc. and in relation to the overall anti-social behaviour issues at Weld Square. The residents were also advised to report any incidents to WA Police so there would be a permanent record.

As a result of the community meeting, the City's Parks Working Group (PWG) set up a subcommittee in order to find solutions to residents' concerns. The PWG is facilitated by the City's Safer Vincent Section to address homelessness and anti-social behaviour in parks. The PWG includes representation from the Salvation Army, Nyoongar Outreach Services (NOS), Manna Inc., WA Police as well as other stakeholders.

On 14 August 2015, the subcommittee endorsed changing the time of the meal service from 5:00pm to 1.30pm on a trial basis. This decision aimed to reduce pressure on Weld Square. There would be less of Manna Inc.'s clients in the Square when residents returned home from work and the earlier time would mean intoxication of some clients would be reduced. Council's approval has not been amended to operate outside the original agreement of 5.00pm. Manna Inc. has also moved the location of the meal service to the Newcastle Street side of Weld Square and therefore further away from the residents' apartments (see **Attachment 1**).

On 25 August 2015, the Mayor sent a letter to approximately 600 nearby residents to update them on the City's efforts in Weld Square. From the few (three) responses received, one supported Manna Inc.'s services, and two from residents in nearby apartments sought to have the current service moved elsewhere.

In October 2015, Administration held a meeting with Manna Inc. to discuss its ongoing use of Weld Square. Manna Inc. requested to use Weld Square on a more permanent basis taking into account the positive feedback received since they modified the hours of its meal service from 5.00pm to 1.30pm.

Since the implementation of an earlier meal service, feedback from WA Police, Manna Inc., NOS and the City's Rangers report that incidents of anti-social behaviour have dropped significantly.

DETAILS:

Manna Inc. is seeking Council approval for an extension of two years to remain at Weld Square on a more permanent basis. Recent changes to the meal service times has seen positive feedback from service providers such as WA Police, NOS and the City's Rangers.

Council requested that Manna Inc. begin the process of finding an alternative venue for its service in 2015. Distributing meals in Weld Square was not considered a long-term solution and consideration was also given to the increase in development to the area. Manna Inc. was offered the AAC premises again under favourable arrangements with the City. At a meeting held between Administration and Manna Inc. in September 2014, Manna Inc. advised that the AAC was not a suitable location for meal distributions because the number of clients had increased, the additional cost of hiring of security guards and an indoor location would increase the time of meal service.

Subsequently, Manna Inc. engaged an external consultancy, Planning Solutions to help source a permanent facility to operate from. However, numerous challenges have been identified with finding an indoor dining area. The main challenge is the extra cost which would be associated with having an indoor venue considering it would only be used for an hour a day. Manna Inc. would incur the following additional expenses:

- Venue cost;
- Maintenance;
- Security guards; and
- Cleaning.

Manna Inc.'s current operating costs to distribute meals from Weld Square only involve the upkeep of its service van although Manna Inc. is still required to remove rubbish pertaining to its client group from Weld Square. It would also stretch the capacity of the volunteers as extra duties would be required such as cleaning toilets and there would be additional safety concerns of the volunteers in a confined space. An outdoor venue allows meals to be distributed in a timely manner.

Another challenge is finding a venue of an appropriate size (up to 300 people) otherwise it would see people queuing outside the venue. An outdoor venue allows Manna Inc. to deal with fluctuations in clients. Also, clients would form a queue or wait outside before the venue opened. This could potentially lead to resident complaints which highlights that moving venues is effectively moving the issue rather than resolving it. Manna Inc. has also stated that there are mental health concerns to be considered with clients such as being in a confined space.

Manna's Inc.'s preference is to operate from Weld Square or in an outdoor location, and not from an indoor dining hall. Manna Inc. has stated that they would respond quickly to any future issues and work in collaboration with the PWG. It is unlikely that Manna Inc. would be able to source another venue before the end of the current agreement. Therefore, Administration recommends that Council extend the agreement for the next 12 months in order to maintain this service.

There are three options in regards to Manna Inc.'s future at Weld Square to be considered:

1. Manna Inc. to operate from Weld Square with the view that if the current service time operates peacefully, Manna Inc. can remain in Weld Square on a long term basis. The next 12 months will provide enough time to assess whether the modified service time has reduced the issues associated with Manna Inc.'s presence long-term. Council could then make an informed decision on Manna Inc. use of Weld Square.
 2. Manna Inc. has 12 months to find an alternative indoor venue and is not permitted to operate from Weld Square after this period. This would provide a clear message that Manna Inc. needs to finalise another location before the end of the requested agreement. This resolution may potentially see Manna Inc. unable to operate in the future unless another outdoor location is found, as an indoor location may not be a viable option due to additional expenses, particularly if extra funding is not sourced. Also, an indoor location may not reduce resident complaints.
 3. Manna Inc. operates from another outdoor area either in the City or elsewhere. Considering the ongoing pressure on Weld Square recently moving the service to another park may reduce the focus on Manna Inc.'s service. Manna Inc. is often anecdotally linked to incidents in the Square. However, this could also been seen as moving the issue rather than resolving it. Weld Square is a central location which enables people to access the service more easily.
-

Administration recommends option 1. A report to Council can then be submitted to discuss the long-term future of Manna Inc.'s meal service in Weld Square prior to December 2016.

It is important to provide an indication of Council's future intent to help Manna Inc. effectively plan for the future and provide stability for the organisation. It will allow the City to develop a long-term strategy to manage the concerns of local residents and businesses, and support the needs of a vulnerable group in the community. Administration acknowledges the ongoing temporary use prolongs the frustrations for all stakeholders concerned and would recommend a longer term solution for Manna Inc.'s service taking into account Manna Inc.'s requirements to deliver the service and the needs of people who are homeless.

CONSULTATION/ADVERTISING:

Council requested that Manna Inc. find an alternate venue considering this, if Council resolve to extend Manna Inc's use of Weld Square, it is advised that a communication strategy is developed to inform the local community.

The PWG will continue to consult and work with Manna Inc. to address any future issues that may arise. The Nyoongar Outreach Service monitors the lunch service each Thursday and Friday to support Manna Inc.

LEGAL/POLICY:

- Policy No. 2.1.7 – Parks, Reserves and Hall Facilities – Conditions of Use; and
- Policy No. 3.10.5 – Donations, Sponsorship and Waiving of Fees.

RISK MANAGEMENT IMPLICATIONS:

Moderate: Upon careful assessment of this project, it has been deemed as moderate risk. The previous Council decision extended Manna Inc.'s use of Weld Square for 12 months on the undertaking that Manna Inc. found an alternate venue. This could potentially lead to further resident complaints and media attention.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2013-2023* where the following Objectives state:

"Economic Development

2.1.2 *Develop and promote partnerships and alliances with key stakeholders.*

Community Development and Wellbeing

3.1 *Enhance and promote community development and wellbeing.*

3.1.1 *Celebrate, acknowledge and promote the City's cultural and social diversity.*

3.1.2 *Promote and foster community safety and security.*

3.1.3 *Promote health and wellbeing in the community.*

3.1.6 *Build capacity within the community to meet its needs."*

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The in-kind use of Weld Square by Manna Inc. from Sunday through to Friday from 1:30pm to 2.30pm has a financial cost of \$13,125. The cost to hire the park for one hour is \$42 which is a weekly cost of \$252. Manna Inc. will require an extra 1.5 hours for a Christmas Party and will not be operating on Christmas day.

$\$42 \times 6 \text{ days a week} \times 52 \text{ weeks} = \$13,104$
 $\$13,104 - 1 \text{ hour on Christmas day} = \$13,062$
 $\$13,062 + 1.5 \text{ hours for a Christmas Party} = \$13,125$

COMMENTS:

Administration recognises that the meal service Manna Inc. provides is an essential service for those in need. Weld Square fits the requirements of Manna Inc.'s meal service needs and the modified service time has seen positive feedback. Administration believes it would be premature for Manna Inc. to find an alternate venue until the effects of the modified service time can be demonstrated properly as this may provide a solution for all stakeholders concerned. Changing the venue would not necessarily mean that the City would cease to receive complaints from surrounding residents and businesses. The financial cost to Manna Inc. to provide this service in an indoor venue would be significant and could prevent the service from being viable.

Administration recommends the waiving of fees of \$13,125 for Manna Inc.'s conditional use of Weld Square for a period of 12 months to deliver its meal service. A report will be presented to Council before December 2016 assessing the outcome of the modified service time before a more long-term recommendation can be made on Manna Inc.'s use of Weld Square.

5.4.3 Community Support Grants

Ward:	All	Date:	9 October 2015
Precinct:	All	File Ref:	FY20-03, SC393
Attachments:	1 – Homeless Healthcare Funding Request		
Tabled Items:	Nil		
Reporting Officers:	J Grundy, Community Development Officer		
Responsible Officer:	R Hall, Acting Director Community Services		

OFFICER RECOMMENDATION:

That Council:

- 1. AUTHORISES Administration's expenditure of the Community Support Grants budget item in line with Policy No. 3.10.5-Donations and Sponsorship and Waiving of Fees and Charges and Policy No. 3.10.6-Community and Welfare Grants, which includes the Cultural Development Seeding Grants Programme;**
- 2. NOTES that Administration intends to submit a further report to Council in 2016 reviewing Policy No. 3.10.5-Donations and Sponsorship and Waiving of Fees and Charges and Policy No. 3.10.6-Community and Welfare Grants; and**
- 3. NOTES that Proposals for funding requests beyond the City's Policy will be considered as part of the mid-year budget review and (in the longer term) a proposed Community Development Strategy and associated annual budget planning in future financial years.**

PURPOSE OF REPORT:

To consider the expenditure of the City's Community Support Grants budget.

BACKGROUND:

At the Ordinary Meeting of Council held on 27 October 2015 Council considered the matter and resolved to defer the Item to allow time for a Council Member Workshop which was held on 4 November 2015 and attended by four Elected Council Members.

The 2015/2016 budget process introduced a Community Support Grants budget account of \$47,500. This removed line items from the 2014/2015 Budget for specific organisations to obtain Community and Welfare Grants. This was done to provide flexibility in the budget for the City to fund the current demands and needs of community organisations. The previously listed Cultural Development Seeding grants of \$6,000 was also removed.

The City has two policies that provide guidance on how funding requests will be considered: Policy No. 3.10.5-Donations and Sponsorship and Waiving of Fees and Charges and Policy No. 3.10.6-Community and Welfare Grants. In recent months Administration has received requests for funding from various organisations that fall outside these Policies. This has highlighted a potential misalignment between the funding principles set out in these two policies (for smaller amounts of funding to be shared among a higher number of recipients) and the funding principles and intent underpinning the new Community Support Grants budget account (for the City to be able to offer greater funding to fewer recipients, to support programs that deliver deeper change and long-lasting results).

Cultural Development Seeding Grants Programme

Administration has identified a potential conflict with the current Budget and the City's Policy No. 3.10.5-Donations and Sponsorship and Waiving of Fees and Charges. This Policy specifies that funding will be available through the City's Cultural Development Seeding Grants Programme, yet there isn't any specific budget set aside for that programme. The City's position needs to be clarified so that the requests for funding can be determined.

The Cultural Development Seeding Grants Programme has been well utilised in the past to support small cultural events within the City. This financial year, the City has so far received an application from Mount Hawthorn Community Church for its Carols in the Park and has been approached by Aranmore Catholic College for a multicultural food and concert event. The requests for funding have not been processed as no budgeted amount has been allocated to specifically fund such initiatives.

Community and Welfare Grants

The Community and Welfare Grants Policy objective is to provide financial assistance in a fair and equitable manner to eligible community groups and organisations whose services directly benefit the City and its residents and whose objectives and activities focus on long term community development as well as individuals who are disadvantaged due to social isolation, socio-economic status, race or disability. Under this Policy, not-for-profit groups and organisations are eligible to apply for a Community and Welfare Grant up to \$6,324 (indexed according to July 2015 CPI). Grants are limited to one organisation per financial year.

This financial year, Administration granted the WA Aids Council \$3,500 to administer 'The HIV Assistance Fund' to 27 clients within the City of Vincent, leaving a balance of \$44,000 available from the budget. The City offers subsidies to other community groups, including YMCA, which is specified as a line item in the City's current budget, however the City has received requests from organisations which were not contemplated by the current budget, and do not meet the City's Policy.

Administration has received a request from Homeless Healthcare (formerly Mobile GP) (See **Attachment 1**) for the maximum value under the current Policy (\$6,324) towards homeless support services as well as a larger funding request (for \$20,000 per annum for four years) which includes capital items that are not permitted by the City's Policy. Administration is also anticipating funding requests from Manna Inc, Salvation Army and Ruah to fund homeless services. Administration has identified that these organisations may not meet the requirements of the City's Policy because their funding requests do (or are likely to) exceed the maximum permitted amount.

DETAILS:

Administration is seeking direction from Council on how to expend the remainder of the Community Support Grants budgeted amount of \$44,000. Administration has identified two possible options below for Council to consider.

Option 1

To expend the Community Support Grants budgeted amount using the current Community and Welfare Grants Policy and Cultural Development Seeding Grants Programme for the 2015/16 financial year.

The City could continue to support various community organisations and events, and be responsive to demand from community organisations. Requests that cannot be met by the current policy would not be funded in full but could be funded in part to the maximum value (\$6,324) in this financial year.

Organisations seeking funding beyond the maximum value specified in the Policy would still be eligible up to a maximum amount of \$6,324. Option 1 would also provide funding for the Cultural Development Seeding Grant Programme as currently there is no budget to support this Programme. By pursuing this option the City could potentially fund six (\$1,000) cultural development seeding grants and further fund at least five organisations to the maximum amount of \$6,324 for community and welfare purposes.

The requests for funding beyond the maximum amount permitted by the City's Policy could be considered as part of a comprehensive and evidence-based community development strategy and/or through the mid-year budget review annual budget planning process in following years.

Option 2

To expend the Community Support Grants budgeted amount in a manner differently to that intended by the City's Policy.

If Council is inclined to support funding requests that fall outside the City's Community and Welfare Grant Policy, then the amount of funding these provided to successful organisations needs to be carefully considered because these requests may involve a greater amount of money than is currently available in the budget. Homeless Healthcare has requested the maximum value under the current Policy of \$6,324 to provide homeless support services as well as a larger funding request for \$20,000 per year over four years. Ruah has requested significant funding (up to approximately \$200,000) from the City this financial year for the 50 Lives 50 Homes Campaign and other anticipated requests from Manna Inc. and Salvation Army have not yet been specified. Therefore if Council were inclined to support Option 2, guidance would be needed on how Administration would process these requests.

If the remaining budgeted amount is exhausted on the requests received so far, then the City would not have the financial capacity to support any other funding requests from other organisations, until or unless the budget is adjusted through either the reallocation of funds or at the mid-year budget review. However, by pursuing this option the City would provide a greater level funding concentrated on one issue, homelessness, rather than lesser amounts of funding being provided to more organisations for a variety of purposes.

In terms of refunding requests received so far, it is relevant to note that Ruah and Homeless Healthcare is essentially a partnership. The City's Policy specifies that an organisation already receiving funding through the City of Vincent is not eligible for further funding from other programs or initiatives.

In assessing requests for funding, it is difficult to evaluate competing requests for funding based on the benefit to the City due to an absence of data and identified community need. Administration is intending to prepare a comprehensive and evidence-based community development strategy that would inform the annual budget planning process and guide the review of the City's policies with the aim of putting in place a more relevant and streamlined Grants system.

CONSULTATION/ADVERTISING:

If Option 1 is adopted, the City's grants and donations programmes will be advertised to agencies servicing Vincent residents to encourage more applications to increase the quality and diversity of programmes that would benefit the community.

LEGAL/POLICY:

Policy No. 3.10.5-Donations and Sponsorship and Waiving of Fees and Charges; and
Policy No. 3.10.6-Community and Welfare Grants.

RISK MANAGEMENT IMPLICATIONS:

Low: If Option 1 is adopted, the City would be following existing policies and programmes. Administration is recommending to postpone significant funding requests to be considered at the mid-year budget review or (in the longer term) as part of an overall strategy to minimise any potential risks to the City. However, if Option 2 is adopted, the City would be funding organisations in a manner different to its adopted policies and in the absence of an evidence-based strategy. Whilst, this is entirely Council's prerogative there may be potential complaints/criticisms or perceived issues around opportunity and equity of the way in which grant funding is administered by the City.

STRATEGIC IMPLICATIONS:

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

“Community Development and Wellbeing

- 3.1.1 *Celebrate, acknowledge and promote the City's cultural and social diversity.*
- 3.1.2 *Promote and foster community safety and security.*
- 3.1.3 *Promote Health and Wellbeing in the community.*
- 3.1.5 *Promote and provide a range of events to bring people together and to foster a community way of life.*
- 3.1.6 *Build capacity within the community to meet its needs.”*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

This report outlines two options for the expenditure of the Community Support Grants budgeted amount of \$47,500 of which \$44,000 is available.

COMMENTS:

It is recommended that the City's current Policy approach is followed and the Community Support Grant budgeted amount be expended using the Community and Welfare Grants and Cultural Development Seeding Grants Programme. In doing so the City would have the capacity to support multiple community organisations and events and have the flexibility to respond to demand from the community.

The budgeted amount of \$47,500 for Community Support Grants is insufficient to accommodate all of the funding requests the City has received or is anticipating and therefore it is not recommended to support the larger funding request at this time. Administration recognises homelessness as an important issue, however it is recommended to maintain the current approach to provide flexibility for the City to fund a variety of programmes/projects which meet the diverse needs of the community within the City of Vincent.

It is intended that the requests for funds beyond the limitations of the City's Policy be considered as part of the mid-year budget review and (in the longer term) a comprehensive evidence-based community development strategy and annual budget planning process for following years to provide greater equity amongst all community groups and programmes within the City of Vincent. Community focused organisations that are seeking funding beyond the maximum amount permitted by the Policy are still currently able to apply for Community and Welfare Grants up to \$6,324 (July 2015 CPI) which would go some way to meeting their needs.

5.5 CHIEF EXECUTIVE OFFICER

5.5.1 Use of the Council's Common Seal

Ward:	-	Date:	30 October 2015
Precinct:	-	File Ref:	SC406
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	L Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

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

BACKGROUND:

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

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

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

Date	Document	No of copies	Details
26/10/2015	Withdrawal of Caveat	2	City of Vincent and HWL Ebsworth Lawyers of Level 11, 167 St Georges Terrace, Perth re: Nos. 35-49 Franklin Street, Leederville (Aranmore College) – <i>To satisfy Conditional Approval of the Ordinary Meeting of Council held on 27 February 2007 and Western Australian Planning Commission (WAPC) approval for amalgamation dated 30 March 2015</i>
26/10/2015	Easement	4	City of Vincent and D J Mitsikas of 1 Cascade Avenue, Dianella and Pirsos Pty Ltd of Unit 4, Level 1, 330 Fitzgerald Street, North Perth re: Nos. 324-326 Fitzgerald Street, North Perth – Easement (Right of Access) – <i>To satisfy Clause 6.6 of Conditional Approval granted by the City of Vincent under Delegated Authority on 15 July 2015</i>

5.5.2 LATE ITEM: Approval of Council Meeting and Forum Dates for 2016

REPORT TO BE ISSUED PRIOR TO MEETING.

5.5.3 Revised Terms of Reference for Various Advisory Groups

Ward:	-	Date:	15 September 2015
Precinct:	-	File Ref:	-
Attachments:	<u>1</u> – Revised Terms of Reference for Arts Advisory Group <u>2</u> – Revised Terms of Reference for Children and Young People Advisory Group <u>3</u> – Revised Terms of Reference for Road Safety Advisory Group <u>4</u> – Revised Terms of Reference for Environmental Advisory Group <u>5</u> – Revised Terms of Reference for Business Advisory Group		
Tabled Items:	Nil		
Reporting Officer:	Len Kosova, Chief Executive Officer		
Responsible Officer:	Len Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

That Council **ADOPTS** the Revised Terms of Reference included as Attachments 1-5 (respectively) for the following Advisory Groups:

- **Arts Advisory Group;**
- **Children and Young People Advisory Group;**
- **Road Safety Advisory Group;**
- **Environmental Advisory Group; and**
- **Business Advisory Group.**

PURPOSE OF REPORT:

To consider revisions to the Terms of Reference for various Advisory Groups, consistent with Council’s resolution from 22 September 2015.

BACKGROUND:

Council at its meeting on 27 October 2015 considered a report on the revised Terms of Reference for Various Advisory Groups (Item 9.5.3) and resolved to defer the Item and for the report to be resubmitted to Council on 17 November 2015.

Council at its meeting on 22 September 2015 considered a report on the review of Advisory and Working Groups and Committees (Item 9.5.3) and resolved (among other things) to require a further report to be submitted to Council in October 2015 to:

- a) *Change the Terms of Reference of the Arts Advisory Group to expressly include membership of persons with arts expertise who have the ability to provide expert advice on public art commissions and percent for art acquisitions;*
- b) *Change the Terms of Reference of the Children and Young People Advisory Group to expressly include membership of persons from leading Youth Organisations within or operating within the City of Vincent, the 18-25 year age group, each of the Town Centres, and local schools;*
- c) *Change the Terms of Reference of the Integrated Transport Advisory Group to rename the Group to the Road Safety Advisory Group and to ensure the Terms of Reference accurately reflect the Group’s core focus on road safety and traffic issues;*
- d) *Change the Terms of Reference of the Sustainability Advisory Group to rename the Group to the Environmental Advisory Group and to ensure the Terms of Reference provide improved direction, purpose and bona fide input into the City’s actions and decisions that affect the attraction, retention and growth of businesses in the City of Vincent;*

- e) *Change the Terms of Reference of the Local Business Advisory Group to rename the Group to the Business Advisory Group and to ensure the Terms of Reference reflect the Group's core focus on reviewing water and energy efficiency initiatives, environmental programs and improved waste minimisation and management practices in the City of Vincent;*

DETAILS:

Changes have now been made to the respective Advisory Group Terms of Reference in accordance with Council's decision from September 2015. The revised Terms of Reference (showing tracked changes) are included in **Attachments 1-5**.

CONSULTATION/ADVERTISING:

The (former) Sustainability Advisory Group (to now be named the Environmental Advisory Group) is the only affected Advisory Group to have met, considered and agreed to the changes to its Terms of Reference since Council's decision on 22 September 2015.

LEGAL/POLICY:

The Audit Committee is the City of Vincent's only Statutory Committee, as prescribed by the *Local Government Act 1995*. All Committees, Advisory and Working Groups have Terms of Reference and can only deal with matters referred to them by the City. The City's various Advisory Groups and Working Groups can only make recommendations, which are reported to Council for information and/or consideration.

Membership of all Advisory Groups expires at each local government election. It is therefore opportune for Council to establish revised Terms of Reference for the five affected Advisory Groups referenced in this report, prior to calling for Expressions of Interest for community membership to those Groups (which will occur once Council has made a decision on the Terms of Reference) and ultimately appointing the members.

Importantly, Council's adoption of revised Terms of Reference for the affected Advisory Groups in no way prevents those Groups (once members have been appointed) putting forward recommendations to Council to make further changes to their Terms of Reference.

RISK MANAGEMENT IMPLICATIONS:

Low/Medium: Advisory and Working Groups play an advisory role, however do not have any legal status under the *Local Government Act 1995*. The operation of the Groups must be monitored to ensure compliance with the City's Policy No. 4.2.12 – Advisory Groups.

STRATEGIC IMPLICATIONS:

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

SUSTAINABILITY IMPLICATIONS:

Nil

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

The changes shown in the revised Terms of Reference accord with Council's decision from 22 September 2015.

5.5.4 LATE ITEM: Appointment of Council Members to various Committees, Statutory Authorities, Advisory and Working Groups

REPORT TO BE ISSUED PRIOR TO MEETING.

5.5.5 Information Bulletin

Ward:	-	Date:	30 October 2015
Precinct:	-	File Ref:	-
Attachments:	1 – Information Bulletin		
Tabled Items:	-		
Reporting Officer:	J Highfield, Executive Assistant		
Responsible Officer:	Len Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council **RECEIVES** the Information Bulletin dated 30 October 2015 as distributed with the Agenda.

DETAILS:

The items included in the Information Bulletin dated 30 October 2015 are as follows:

ITEM	DESCRIPTION
IB01	State Administrative Tribunal Orders for Cedar Property Group v City of Vincent, DR 140 of 2015 (Nos. 125-127 Richmond Street, Leederville)
IB02	State Administrative Tribunal Orders for Martdee v City of Vincent, DR 403 of 2014 (Nos. 236-240 Lake Street, Perth)
IB03	Minutes from Safer Vincent Crime Prevention Partnership (SVCPP) Meeting on 2 September 2015.
IB04	Minutes from Parks Working Group (PWG) Meeting held on 16 September 2015
IB05	Mindarie Regional Council Minutes Ordinary Council Meeting held on 8 October 2015
IB06	Unconfirmed Minutes of the Integrated Transport Advisory Group (ITAG) held on 14 October 2015
IB07	Tamala Park Regional Council Meeting of Council Minutes held on 15 October 2015
IB08	Register of Petitions – Progress Report – November 2015
IB09	Register of Notices of Motion – Progress Report – November 2015
IB10	Register of Reports to be Actioned – Progress Report – November 2015
IB11	Register of Legal Action (Confidential – Council Members Only) – Monthly Report as at 29 October 2015
IB12	Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 28 October 2015
IB13	Register of Applications Referred to the Design Advisory Committee – 2015
IB14	Register of Applications Referred to the MetroWest Development Assessment Panel – Current
IB15	Forum Notes – 29 September 2015

6. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

7. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

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

8.1 CONFIDENTIAL REPORT: Leederville Gardens Retirement Village – Board Appointments

Ward:	North	Date:	30 October 2015
Precinct:	Leederville	File Ref:	SC1670; SC313
Attachments:	Confidential – Leederville Gardens Inc. Board Member Nominations		
Tabled Items:	Nil		
Reporting Officer:	J Anthony, Manager Community Development		
Responsible Officer:	R Hall, Acting Director Community Services		

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning the personal affairs of any person, in accordance with Section 5.23 (20 (b) of the *Local Government Act 1995*.

LEGAL:

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

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

“2.14 *Confidential business*

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

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

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

At the conclusion of these matters, the Council may wish to make some details available to the public.

9. CLOSURE
