



CITY OF VINCENT

ORDINARY COUNCIL MEETING

2 JUNE 2015

Notice of Meeting and Agenda

Notice is hereby given that an Ordinary Meeting of the Council of the City of Vincent will be held at the Administration and Civic Centre, at 244 Vincent Street (corner Loftus Street) Leederville, on **Tuesday 2 June 2015** at 6.00pm.

Len Kosova
CHIEF EXECUTIVE OFFICER

29 May 2015

ENHANCING AND CELEBRATING OUR DIVERSE COMMUNITY

This document is available in other formats and languages.

DISCLAIMER

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

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

Copyright

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

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

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

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

RECORDING OF COUNCIL MEETINGS

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

ORDER OF BUSINESS

1. (a) **Declaration of Opening**

(b) **Acknowledgement of Country Statement**

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

2. **Apologies/Members on Approved Leave of Absence**

Nil.

3. (a) **Public Question Time and Receiving of Public Statements**

(b) **Response to Previous Public Questions Taken On Notice**

3.1 Ms L Wilson Questions taken on Notice at Ordinary Meeting of Council held on 5 May 2015.

3.2 Ms D Saunders Questions taken on Notice at Ordinary Meeting of Council held on 5 May 2015.

4. **Applications for Leave of Absence**

Nil.

5. **The Receiving of Petitions, Deputations and Presentations**

5.1 Petition received from Mrs F Caldwell of Wavertree Place, Leederville, along with 11 signatures, requesting a community meeting be held to discuss residents' concerns relating to the Rosewood Care Group redevelopment site at No. 5 Britannia Road, Corner Wavertree Place, Leederville WA 6007.

5.2 Petition received from Mr C Watt of Stomping Ground Coffee on 7 May 2015, along with 110 signatures, requesting that Council extends Stomping Ground Coffee's (SCG) Permit beyond 5 May 2015 while the City of Vincent reviews the Food Truck Trial and potential for Annual Permits in July 2015.

5.3 Petition received from Ms N Gomersall of Wilberforce Street, Mount Hawthorn, along with 20 signatures from the residents of Wilberforce Street requesting that Council allows the residents of Wilberforce Street to park on the street in which they reside without being penalised and proposing that Council fairly assigns two residential parking permits and two visitors parking permits per property, without restriction based upon garages and other structures. If parking restrictions are placed upon the street, they should be designed to protect residents rather than penalise them.

6. **Confirmation of Minutes**

6.1 Ordinary Meeting of Council held on 5 May 2015.

7. **Announcements by the Presiding Member (Without Discussion)**

Nil.

8. **Declarations of Interest**

Nil.

9. **Reports**

As listed in the Index.

10. Motions of which Previous Notice has been given

Nil.

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

Nil.

12. Representation on Committees and Public Bodies

Nil.

13. Urgent Business

Nil.

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

- 14.1 CONFIDENTIAL REPORT: No. 125 & 127 (Lot: 12 & 102 D/P: 854 & 49899) Richmond Street, Leederville – Proposed Demolition of Existing Single House and Construction of 17 Multiple Dwellings – Reconsideration under s31 of the State Administrative Tribunal (SAT) Act 2004 (DR 140 of 2015) (PR25043; 5.2014.540.1)

15. Closure

**INDEX
(2 JUNE 2015)**

ITEM	REPORT DESCRIPTION	PAGE
9.1	PLANNING SERVICES	
9.1.1	No. 145 (Lot: 4 D/P 3984) Oxford Street, Leederville – Proposed Change of Use from Office to Eating House Including Alterations, Additions and Signage (PR24342; 5.2015.118.1)	1
9.1.2	No. 124 (Lot: 41 D/P 1879) Wright Street, corner of Phelps Lane, Highgate – Proposed Demolition of Existing Single House and Construction of Four Grouped Dwellings (PR27428; 5.2014.506.1)	8
9.1.3	No. 27 (Lot: 6 D/P 80925) Jugan Street, Mount Hawthorn – Proposed Demolition of Existing Single House and Construction of Eight Multiple Dwellings (PR52980; 5.2015.115.1)	20
9.1.4	No. 54 (Lot: 23, D/P 3845) Bondi Street, Mount Hawthorn – Proposed Demolition of Existing House and Construction of Two Grouped Dwellings (PR10760; 5.2014.639.1)	33
9.1.5	No. 231-233 (Lot: 100 D/P 74591) Bulwer Street, Perth – Proposed Change of Use from Office to a Recreational Facility (PR19274; 5.2015.75.1)	42
9.1.6	No. 4 (Lot: 153 D/P: 66846) Florence Street, West Perth – Proposed Construction of Three-Storey Single House (PR21341; 5.2014.636.1)	52
9.1.7	No. 1 (Lot: 506 D/P 24972) Bold Court, Leederville – Two Grouped Dwellings (PR18523; 5.2014.667.1)	64
9.1.8	Nos. 63 (Lot: 701 D/P: 73321) & 65 (Lot: 700 D/P: 73321) Alma Road, Mount Lawley – Proposed Change of Use from Two Grouped Dwellings to Unlisted Use (Short Term Accommodation) (PR53052; 5.2015.19.1)	77
9.1.9	Amendment to Planning Policy No. 7.5.1 – Minor Nature Development (SC2315)	83
9.1.10	Amendment to Policy No. 7.5.11 – Exercise of Discretion for Development Variations (SC1878)	86
9.2	TECHNICAL SERVICES	
9.2.1	Proposed 2015/16 State Black Spot Improvement Projects (SC1248)	90
9.2.2	Traffic Related Matters Considered by the City's Integrated Transport Advisory Group (ITAG) May 2015 – Randell Street Additional Traffic Calming, Bondi/Egina Streets Intersection & Anzac Road Additional Traffic Calming (SC926; SC697; SC768; SC673)	94
9.2.3	Proposed Parking Changes – Grosvenor and Raglan Roads, Mount Lawley (SC923; SC738; SC228)	98
9.2.4	Loton Park Tennis Club – Building Upgrade and Refurbishment (SC623) [Absolute Majority Decision Required]	101
9.3	CORPORATE SERVICES	
9.3.1	Investment Report as at 30 April 2015 (SC1530)	104
9.3.2	Authorisation of Expenditure for the Period 1 to 30 April 2015 (SC347)	107
9.3.3	Financial Statements as at 30 April 2015 (SC357)	110

**INDEX
(2 JUNE 2015)**

ITEM	REPORT DESCRIPTION	PAGE
9.3.4	City of Vincent Elections 2015 (SC280) [Absolute Majority Decision Required]	118
9.3.5	Approval Of Lease - Lee Hops Cottage No. 176 (Lot 229) Fitzgerald Street, Perth – Department for Child Protection and Family Support (SC351)	121
9.3.6	2015/16 Draft Budget (SC245) [Absolute Majority Decision Required]	124
9.4	COMMUNITY SERVICES	
9.4.1	Proposed Introduction of Paid Parking and Amendments to Time Restriction in the Fitzgerald Street Carpark and South Side of Lawley Street, West Perth (SC1072)	135
9.4.2	Festivals Programme 2015/2016 (SC1452) [Absolute Majority Decision Required]	139
9.4.3	North Perth Community Gardens (Inc.) – Portion of No. 10 (Lot 2545) Farmer Street, North Perth (Woodville Reserve) – Approval of Lease (SC2091)	153
9.5	CHIEF EXECUTIVE OFFICER	
9.5.1	Use of the Council’s Common Seal (SC406)	158
9.5.2	Draft Policy: Council Member Contact with Developers	159
9.5.3	Information Bulletin	162
10.	COUNCIL MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	
	Nil.	163
11.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (Without Discussion)	
	Nil.	164
12.	REPRESENTATION ON COMMITTEES AND PUBLIC BODIES	
	Nil.	163
13.	URGENT BUSINESS	
	Nil.	163
14.	CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“Behind Closed Doors”)	
14.1	CONFIDENTIAL REPORT: No. 125 & 127 (Lot: 12 & 102 D/P: 854 & 49899) Richmond Street, Leederville – Proposed Demolition of Existing Single House and Construction of 17 Multiple Dwellings – Reconsideration under s31 of the State Administrative Tribunal (SAT) Act 2004 (DR 140 of 2015) (PR25043; 5.2014.540.1)	164
15.	CLOSURE	164

9.1 PLANNING SERVICES

9.1.1 No. 145 (Lot: 4 D/P 3984) Oxford Street, Leederville – Proposed Change of Use from Office to Eating House Including Alterations, Additions and Signage

Ward:	South	Date:	15 May 2015
Precinct:	Precinct 4 – Oxford Centre	File Ref:	PR24342; 5.2015.118.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicant’s letter dated 13 March 2015 4 – Applicant’s letter responding to submissions dated 30 April 2015 5 – Car and Bicycle Parking Tables		
Tabled Items:	Nil		
Reporting Officer:	R Narroo, Senior Planning Officer (Statutory)		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by PTS Town Planning Pty Ltd on behalf of the owner Telmor Pty Ltd, LLT Miller and JK Miller, for the proposed Change of Use from Office to Eating House including Alterations, Additions and Signage at No. 145 (Lot 4) Oxford Street, Leederville as shown on amended plans date stamped 26 March 2015, included as Attachment 2, subject to the following conditions:

1. **Interactive Front**

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

2. **Maximum Occupancy**

The maximum number of patrons allowed within the cafe at any one time shall not exceed 70 patrons;

3. **Building Appearance**

3.1 All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Oxford Street and The Avenue; and

3.2 The Monarch bi-fold window to Oxford Street shall not encroach into the road reserve at any point when opening or when in the opened position;

4. **Signage**

All signage that does not comply with the City’s Policy No. 7.5.2 – Signs and Advertising shall be subject to a separate Planning Application, and all signage shall subject to a separate Building Permit application, being submitted to and approved by the City prior to the erection of the signage;

5. Within 28 days of the issue date of this 'Approval to Commence Development, the owner or the applicants on behalf of the owner shall comply with the following requirements:

5.1 **Cash in Lieu for Car Parking**

Pay a cash in lieu contribution of \$26,364 for the equivalent of 5.07 commercial car bays, based on the cost of \$5,200 per bay;

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

6.1 **Waste Management**

A plan showing a bin store of sufficient size to accommodate the City's bin requirements and that is adequately fitted out to the satisfaction of the City; and

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

7.1 Two Class 1 or 2 bicycle bays are to be provided for the development.

ADVICE NOTES:

1. In relation to Condition 4, the proposed signs shall:

1.1 Not have flashing or intermittent lighting;

1.2 Be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site; and

1.3 Not extend beyond any lot boundary, therefore not protruding over Council property, including footpaths or a neighbour's property;

2. With regard to Condition 5:

2.1 the cash-in-lieu amount may be reduced if additional car bays are provided on-site or in conjunction with any other arrangement acceptable to the City;

2.2 Alternatively to the payment of cash in lieu, 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(s)/applicant following receipt by the City of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or

2.2.3 To the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired;

2.3 the applicant may request the City to approve a payment plan;

3. **The adjacent footpath and verge in Oxford Street is not available for lease; and**
4. **With reference to Condition 6.1, the bin store is required to be adequate in size to accommodate the required bin numbers such that all bins are directly accessible.**

PURPOSE OF REPORT:

To consider a development application for a change of use from Office to Eating House including a shortfall of 5.07 car bays and payment of cash-in-lieu for the shortfall of car parking spaces.

BACKGROUND:

History:

Date	Comment
17 December 2003- 9 February 2004	Planning approval issued under delegated authority for alterations and additions to existing office (bank).

DETAILS:

Landowner:	Telmor Pty Ltd, LLT Miller and JK Miller
Applicant:	PTS Town Planning Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): District Centre Draft Town Planning Scheme No. 2 (TPS2): Regional Centre
Existing Land Use:	Office
Use Class:	Eating House
Use Classification:	"P"
Lot Area:	239 square metres
Right of Way:	Not applicable
Date of Application:	16 March 2015

The proposal is for change of use from office to eating house. The tenancy was until recently used as a bank. The proposal includes internal alterations and signage. The alterations and additions involve the following:

- additional toilets;
- a new kitchen and cool room;
- a new bin store; and
- new bifold window and door.

Additional changes are:

- a space for tables and benches;
- repainting of the front and rear facades; and
- new signs on the front and rear walls.

The proposed change of use results in a shortfall in car parking as no car parking bays are provided for the development.

The applicant has requested that the cash-in-lieu requirement is waived. Please refer to the letter of justification in **Attachment 3**.

ASSESSMENT:

Summary Assessment

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

Design Element	Complies	Requires the Exercise of Discretion
Car Parking		✓
Bicycle Parking		✓
Signage		✓

Detailed Assessment

Acceptable Variations

Issue/Design Element:	Car Parking
Requirement:	<p>Policy No. 7.7.1 – Parking and Access</p> <p>Eating House (1 space per 5 persons)-proposed 70 persons Total Car bays required= 14 car bays</p> <p>Apply the adjustment factors.</p> <ul style="list-style-type: none"> • 0.80 (within 400 metres of a bus route) • 0.80 (within 200 metres of public car park with more than 50 bays) • 0.8 (within 400 metres of a train station) • 0.9 (provides on-site end of trip facilities) (0.4608) <p>Car bays required= 14 x 0.4608= 6.45 car bays</p> <p>Car bays provided on site= Nil</p> <p>Resultant shortfall= 6.45 car bays</p> <p>Existing shortfall for the office= 1.38 car bays</p> <p>Overall resultant shortfall= 6.45 car bays – 1.38 car bays= 5.07 car bays</p>
Applicant's Proposal:	Car bays = Nil provided
Design Principles:	Not applicable.
Summary of Applicant's Justification:	Refer to Attachment 4 .
Officer Technical Comment:	As the subject site is in close proximity to public transport (bus and train) and car parks (Leederville car park) a cash in lieu payment for the provision of carparking can be considered.

Issue/Design Element:	Bicycle Parking
Requirement:	<p>Policy No. 7.7.1 – Parking and Access</p> <p>Bicycle Bays:</p> <p>2 Class 1/2 4 Class 3</p>

Issue/Design Element:	Bicycle Parking
Applicant's Proposal:	Nil.
Performance Criteria:	Not applicable.
Summary of Applicant's Justification:	Not submitted.
Officer Technical Comment:	As there is no space to accommodate the required Class 3 bicycle parking facility in the existing building, it is recommended that 2 Class 1 or Class 2 bays are provided on site.

Issue/Design Element:	Signage
Requirement:	Policy No. 7.5.2 – Signs and Advertising Maximum of two signs on any one wall
Applicant's Proposal:	Policy No. 7.5.2 – Signs and Advertising – Wall Sign Three signs are proposed on the wall elevation facing Oxford Street (External Elevation Drawing Number E101). The three signs are two circular signs and one vertical sign which includes lettering.
Performance Criteria:	Not applicable.
Summary of Applicant's Justification:	Not submitted.
Officer Technical Comment:	As the site is located within a District Centre one additional sign is acceptable as it is not expected to have an adverse visual impact on the streetscape.

CONSULTATION/ADVERTISING:

Required by Legislation:	No	Required by City of Vincent Policy:	Yes
--------------------------	----	-------------------------------------	-----

Consultation Period:	7 April 2015 to 28 April 2015
Comments Received:	Three submissions including two support and one neither support or object but have concerns.

No comments were provided with the two letters of support.

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

Summary of Comments Received:	Officer Technical Comment:
<u>Parking</u> The shortfall in parking is significant which will impact on the amenity of the area. The staff will have to park off-site.	Given that the site is in close proximity to public transport as well as existing public car parks, which would accommodate the parking needs of patrons and staff, a shortfall in carparking can be considered.
<u>Facades</u> Both facades (front and rear) are dark and not keeping with the established streetscape.	The City does not have guidelines for wall colours. The front façade will have a mix of 2 colours (black and yellow paints) which will provide a point of difference to the streetscape. There is also additional glazing provided within the front facades. Together this treatment of the façade will make a positive contribution to the streetscape.

Summary of Comments Received:	Officer Technical Comment:
<u>Number of Patrons</u> The number of patrons proposed is excessive when compared to the public floor area and no parking is provided on site.	The applicant has satisfied all the requirements to accommodate the 70 patrons as requested and Council has the ability to consider a shortfall of carparking.
<u>Liquor Licence/Hours of Operation</u> Query whether the eating house will be licensed and hours of operation.	The applicant has advised the operator of the eating house will apply for a liquor licence and the hours/days of operation are 11.00am to 10.00pm Sunday to Wednesday and 11.00am to 11.00pm Thursday to Saturday.
<u>Use</u> “ <i>This type of change of use seems at odds with Council’s wish for a mix of retail and food businesses in city centres.</i> ”	The proposed eating house will contribute to the mix of businesses within Leederville Centre.

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

The applicant has responded to the above submission which is included in **Attachment 4**.

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

The following legislation and policies apply to the change of use from Office to Eating House including Alterations and Additions and Signage.

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 7.1.4 – Oxford Centre Precinct;
- Policy No. 7.5.7 – Licenced Premise;
- Policy No. 7.7.1 – Parking and Access; and
- Leederville Masterplan Built Form Guidelines Appendix No. 19.

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City’s Strategic Plan 2013-2023 states:

“Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

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

SOCIAL	
Issue	Comment
The development will act as a social meeting place location providing a variety of food and beverage for the immediate and surrounding community.	

ECONOMIC	
Issue	Comment
The development will offer a new service option, expanding the economic potential of the business with the possibility of creating local employment opportunities within the area.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Eating House is an appropriate use in this location as the area is zoned District Centre. The use is also consistent with the objectives of the Leederville Masterplan and is consistent with the existing mixed uses along the Oxford Street strip.

Supporting the Eating House in this location will benefit Oxford Street as a whole as it will contribute to the vibrancy of the area and activate more of the street throughout the day and night, where previously it was only open during ordinary business hours.

Given the site's proximity to public transport links (bus and train) and public car parks, a cash-in-lieu contribution is considered appropriate. It is therefore recommended that a condition requiring a cash-in-lieu payment for the resulting car parking shortfall of 5.07 car bays is imposed.

The applicant's request to waive the cash-in-lieu payment is not supported as the contribution to the cash-in-lieu will assist in the ongoing maintenance of the existing transport infrastructure in the area.

The variations to the bicycle parking and signage will not have any detrimental impact on the amenity of the area.

CONCLUSION:

This development will provide an additional food and beverage outlet for the local community to enjoy and will contribute to the vibrancy of Oxford Street. It is recommended that the proposal be approved subject to conditions.

9.1.2 No. 124 (Lot: 41 D/P 1879) Wright Street, corner of Phelps Lane, Highgate – Proposed Demolition of Existing Single House and Construction of Four Grouped Dwellings

Ward:	South	Date:	15 May 2015
Precinct:	Precinct 14 – Forrest	File Ref:	PR27428; 5.2014.506.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicants Justification Submission dated 24 October 2014 4 – Marked up plans showing proposed versus required setbacks 5 – Design Advisory Committee Meeting Minutes 4 March 2015		
Tabled Items:	Nil		
Reporting Officer:	A Groom, Planning Officer (Statutory)		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by Inspired Property Group Pty Ltd on behalf of the owner Tiger Developments WA Pty Ltd, for the proposed demolition of an existing Single House and construction of a three-storey Grouped Dwelling at No. 124 (Lot 41) Wright Street, corner of Phelps Lane, Highgate as shown on plans date stamped 17 April 2015, included as Attachment 2, subject to the following conditions:

1. **Demolition**

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

2. **Boundary Wall**

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 16 Turner Street, in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork to the satisfaction of the City;

3. **Verge Treatment**

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

4. **Building Appearance**

4.1 **External Fixtures**

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

4.2 **External Finishes**

The external finishes (including materials, colours schemes and details) shown on the perspective that forms part of this approval must be used and any proposed changes to these finishes requires further approvals;

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

5.1 Landscape and Reticulation Plan

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

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

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

5.2 Construction Management Plan

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

5.3 Storm Water

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

5.4 Revised Plans showing:

5.4.1 Waste Collection Points

The landscaping area adjacent Phelps Lane is required to be modified to provide space for bins on collection days; and

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

6.1 Landscaping

With regard to Condition 5.1, all works shall be undertaken in accordance with the approved plans, and maintained thereafter to the satisfaction of the City at the owner's expense.

ADVICE NOTES:

- 1. With regard to Condition 2, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
 - 2. With regard to Condition 5.1, Council encourages landscaping methods and species selection which do not rely on reticulation;
-

3. 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;
4. With regard to Condition 5.3, no further consideration shall be given to the disposal of storm water 'off site' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of storm water 'off site' be subsequently provided, detailed design drainage plans and associated calculations for the proposed storm water disposal shall be lodged together with the building permit application working drawings;
5. With regard to Condition 5.4.1, adequate space for 2 bins per unit, each with dimensions 900mm deep and 850mm in width must be shown; and
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 1.5m) shall be maintained for all users at all times during construction works. If the safety of the path is compromised resulting from either construction damage or as a result of a temporary obstruction appropriate warning signs (in accordance with AS1742.3) shall be erected. Should a continuous path not be able to be maintained, an 'approved' temporary pedestrian facility suitable for all path users shall be put in place. If a request to erect scaffolding, site fencing etc. or if building materials is required to be stored within the road reserve, once a formal request has been received, the matter will be assessed by the City and if considered appropriate a permit shall be issued by the City's Ranger Services Section. No permit will be issued if the proposed encroachment into the road reserve is deemed to be inappropriate.

PURPOSE OF REPORT:

To consider an application for four three-storey grouped dwellings.

BACKGROUND:

Nil.

History:

Nil.

Previous Reports to Council:

Nil.

DETAILS:

Landowner:	Tiger Developments WA Pty Ltd
Applicant:	Inspired Property Group Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R80 Draft Town Planning Scheme No. 2 (TPS2): Residential R80
Existing Land Use:	Single House
Use Class:	Grouped Dwellings
Use Classification:	"P" Permitted Use
Lot Area:	551 square metres
Right of Way:	Not applicable
Date of Application:	16 September 2014

The application is for the demolition of an existing single house at No. 124 Wright Street, corner of Phelps Lane, and the construction of four three storey grouped dwellings.

Unit A has direct frontage to Wright Street with Units B, C and D fronting Phelps Lane.

All properties have three bedrooms with living and dining areas on the ground floor and the bedrooms and activity areas on the first floor. The master bedroom and reading retreat is located on the top floor. Each unit is provided with a double garage with access from Phelps Lane.

ASSESSMENT:

Summary Assessment

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

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

Detailed Assessment

Acceptable Variations

Issue/Design Element:	Front Setback
Requirement:	<p>Policy No. 7.2.1 – Residential Design Elements</p> <p>SADC 10. Dual Street Frontages and Corner Sites</p> <p><u>Wright Street (Unit A)</u></p> <ul style="list-style-type: none"> The average of the five adjoining properties either side of the development – 5.3 metres for the ground floor; Walls on upper floor are to setback a minimum of 2 metres behind each portion of the ground floor setback which equates to 7.3 metres from the street boundary; and Balconies on upper floor are to setback a minimum of 1 metre behind the ground floor setback which equates to 6.3 metres from the street boundary.

Issue/Design Element:	Front Setback
	<p><u>Phelps Lane (Units B, C and D)</u></p> <ul style="list-style-type: none"> • Porches – 1.5 metres; • Building walls on the ground floor – 2.5 metres; • Balconies on upper floors – 3 metres; and • Building walls on upper floors – 1.5 metres behind each portion of the ground floor setback.
Applicant's Proposal:	<p><u>Wright Street (Unit A):</u> Ground floor – 2.5 metres (variation of 2.8 metres); Walls on upper floors – Directly above ground floor (variation of 2 metres and 4.5 metres from street boundary); and Balcony – Directly above ground floor (variation of 1 metre and 3.8 metres from street boundary).</p> <p><u>Phelps Lane (Units B, C and D):</u> Porches – 1 metre (variation of 0.5 metres); Ground floor – 1.1 metres (variation of 1.4 metres); Balconies – 1.6 metres (variation of 1.4 metres); and Walls on upper floors – 1.1 metres (variation of 2.9 metres).</p>
Design Principles:	<p>Policy No. 7.2.1 – Residential Design Elements</p> <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.
Summary of Applicant's Justification:	<p><i>“The site is a corner location on the corner of Wright Street and Phelps Laneway and the proposed design showcases an enhanced grouped dwelling development which has been specifically designed to provide the suburb of Highgate with a high quality sustainable design which would significantly contribute towards a visually prominent façade. All four dwellings are oriented towards the primary street (Wright Street and Phelps Laneway) to take full advantage of the northern aspect of the corner block and views of Forrest Park”.</i></p>
Officer Technical Comment:	<p>The proposed development is located on the corner of Wright Street and Phelps Lane with Unit A fronting Wright Street and Units B, C and D fronting Phelps Lane.</p> <p>The road network in the area contributes to a range of setbacks distances including front and side setbacks.</p> <p>The property adjacent to the development site has a street frontage to both Harold and Wright Streets with Wright Street being the secondary street with a setback of approximately only 1 metre. Due to this secondary street setback, the proposed development sits between the average front setback for Wright Street and the reduced secondary street setback.</p>

Issue/Design Element:	Front Setback
	<p>The 'wrap around' design of the development incorporates features from the existing streetscape on Wright Street and contemporary design features from Phelps Lane. This results in a cohesive design that is generally consistent with the surrounding residential developments.</p> <p>The development also incorporates a mix of materials and varied building setbacks to both Wright Street and Phelps Laneway. This allows for visual articulation and enhanced surveillance to Phelps Lane.</p> <p>Various design elements including the building form, window treatments, wall cladding and wall finishes of natural texture and colour are sympathetic to the existing surrounding developments and given the mix of streetscapes in close proximity to the subject site, the proposed setback variations are considered to be appropriate.</p>

Issue/Design Element:	Lot Boundary Setbacks
Requirement:	<p>Residential Design Codes 2013 Clause 5.1.3</p> <p><u>Eastern Boundary</u> First floor – 1.5 metres</p>
Applicant's Proposal:	<p><u>Eastern Boundary</u> First floor – 1.309 metres and 1.323 metres (variation of 0.191 metres and 0.177 metres)</p>
Design Principles:	<p>Residential Design Codes 2013 Clause 5.1.3</p> <p>Buildings setback from lot boundaries so as to:</p> <ul style="list-style-type: none"> • Reduce impacts of building bulk on adjoining properties; • Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.
Summary of Applicant's Justification:	<p><i>"The bulk, scale and footprint of the proposed building envelope has been significantly reduced and the dwellings area have gotten small as a result of the increased setback from the North, West and Southern Boundaries".</i></p>
Officer Technical Comment:	<p>The proposed reduced eastern setback is adjacent an existing garage at No. 16 Turner Street.</p> <p>The building walls have been articulated with a reduction in bulk to the boundaries where possible. Highlight and obscure windows are provided to habitable spaces facing the adjoining properties, to ensure visual privacy is maintained.</p> <p>The proposed development is setback from the boundary adjacent to the adjoining property's outdoor living areas. This is to ensure that adequate daylight, direct sun and ventilation for the buildings and the open space associated with them is maintained, further limiting any detrimental impact on these adjoining properties.</p>

Issue/Design Element:	Building Height and Storeys
Requirement:	<p>Policy No. 7.2.1 – Residential Design Elements</p> <p>The maximum height of a dwelling is to be 2 storeys (including any garage, loft or the line) with a maximum height of 7 metres to the top of external wall (concealed roof).</p>
Applicant's Proposal:	<p>Top of external wall (concealed roof) – 8.7 metres and 3 storeys</p>
Design Principles:	<p>Policy No. 7.2.1 – Residential Design Elements</p> <p>BDPC 10</p> <p>(i) Building height is considered to:</p> <ul style="list-style-type: none"> • Limit the height of dwellings so that no individual dwelling dominates the streetscape; • Limit the extent of overshadowing and visual intrusion on the private space of neighbouring properties; and • Maintain the character and integrity of the existing streetscape.
Summary of Applicant's Justification:	<p>Nil.</p>
Officer Technical Comment:	<p>The proposed development is surrounded by a mix of housing types.</p> <p>While the subject site is located on a portion of Wright Street that is predominately single storey dwellings, there are some 2 storey plus loft terrace style properties in the vicinity. To the west, there are 2 storey grouped dwellings along Lord Street.</p> <p>Within close proximity of the subject lot there are 2 storey plus lofts developments that are between 8 metres to 8.8 metres high due to their pitched roofs (No. 37 Harold Street and Nos. 387-389 Lord Street).</p> <p>The overall height of this proposal is 8.7 metres and the upper floor has been setback from the lot boundaries to restrict its visual appearance and bulk on the adjoining properties.</p> <p>The subject site is zoned Residential R80. This permits development of a higher intensity. Although the site currently only permits a height of 2 storeys plus loft, under the City's draft Town Planning Scheme No. 2 the R80 zoning would permit development to a height of 4 storeys where multiple dwellings are proposed.</p> <p>The proposed 3 storey development recognises features of the existing streetscape to create a design that is consistent with the adjoining properties including contemporary design elements of properties along Phelps Lane.</p> <p>It is also noted that overshadowing complies with the requirements of the 2013 Residential Design Codes 2013 which provides that overshadowing of 50 per cent of the adjoining lot is permissible.</p>

Issue/Design Element:	Roof Forms
Requirement:	Policy No. 7.2.1 – Residential Design Elements The use of roof pitches between 30 degrees and 45 degrees (inclusive) being encouraged.
Applicant's Proposal:	Flat roof.
Design Principles:	BDPC 3 (i) The roof of a building is to be designed so that: <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.
Summary of Applicant's Justification:	Nil.
Officer Technical Comment:	The flat roof is considered acceptable as it makes a positive contribution to the streetscape. The roof form aligns with the contemporary design of the proposed development and will assist to limit any additional overshadowing to the adjoining properties.

Issue/Design Element:	Outdoor Living Area
Requirement:	Residential Design Codes 2013 Clause 5.3.1 An outdoor living area to be provided behind the street setback area with a minimum length and width dimension of 4 metres.
Applicant's Proposal:	Unit A: Outdoor living provided within front setback area with dimensions of 3.5m x 4.1m.
Design Principles:	Residential Design Codes 2013 Clause 5.3.1 P1.1 Outdoor living areas which provide spaces: <ul style="list-style-type: none"> • Capable of use in conjunction with a habitable room of the dwelling; • Open to winter sun and ventilation; and • Optimise use of the northern aspect of the site.
Summary of Applicant's Justification:	Nil.
Officer Technical Comment:	Although the outdoor living area is provided within the front setback area it is in an ideal location for the Unit as it is directly accessible from a habitable room and orientated north. The area is also large enough to be functional and assist to provide surveillance of Wright Street and Phelps Lane. On balance therefore the proposed variation for the location of the outdoor living area is considered to be acceptable.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	3 November 2014 to 17 November 2014		
Comments Received:	Seven objections were received.		

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

Summary of Comments Received:	Officer Technical Comment:
<p><u>Streetscape</u></p> <p><i>“The 3 other houses on that Wright Street block have street setbacks and this new development filling up the entire lot will make an aggressive contrast”.</i></p> <p><i>“The height, bulk and scale of the proposed development does not maintain the character of adjacent dwellings in this section of Wright Street nor the immediate area, which comprise largely single storey dwellings. It is poorly designed and does not constitute responsible development”.</i></p>	<p>Due to the corner location of the development along Wright Street and Phelps Lane, the property is surrounded by developments which have different street frontages some of which are primary street frontages and some are secondary street frontages. The property adjacent to the development site has frontage to both Harold Street and Wright Street with a secondary street setback of approximately 1 metre to Wright Street. Due to this secondary street setback, the proposed development sits between the average front setback for Wright Street and the reduced secondary street setback for the property adjacent to it that fronts Harold Street.</p> <p>The front elevation to Wright Street has incorporated varied articulation and different materials and finishes to break up its appearance and reduce its visual dominance to the surrounding properties.</p> <p>Given the R80 zoning of the area it is inevitable that the streetscape will change as future development occurs.</p>
<p><u>Building Height</u></p> <p><i>“Three storeys will clash with the streetscape and the other existing house as well as create long shadows and privacy issues. No. 116 Wright Street at the other end is only 2 storeys. To maintain balance, only 2 storeys should be allowed”.</i></p> <p><i>“Our home is designed to get a maximum of southern via a full length window which faces and will be overlooked by any of the top floor windows and at least two balconies with their adjoining windows. All of these will be able to see extensively into our main living area and our back garden. We therefore object strenuously to the 3rd floor and the loss of privacy from the other overlooking windows and balconies”.</i></p>	<p>The existing streetscape is predominantly single storey along Wright Street and double storey with lofts along Phelps Lane. The property has been designed to take features from all of the surrounding developments to yield a design that is sympathetic and consistent with the existing streetscapes.</p> <p>The upper floors have been setback along the lot boundaries to reduce the overall bulk and scale of the development and reduce any overshadowing or loss of visual privacy.</p> <p>The Residential Design Codes 2013 permit an overshadowing percentage of 50 per cent to the adjoining properties. The proposed development will result in 45 per cent shadow to No. 120 Wright Street which complies with the requirements.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><i>"All proposed units will be overlooking our entire back yard and kitchen/living area. This will create no privacy in the entire back yard, specifically and most importantly our pool area and alfresco area. We therefore object profusely to the second and third floor of the proposed development as this will create total loss of our privacy from the overlooking balconies and windows. We are highly concerned about the precedent that will be set if these multiple requested variations are approved over current planning constraints".</i></p>	<p>The visual privacy requirements of the Residential Design Codes 2013 have been met in relation to all openings.</p>
<p><u>Garages</u></p> <p><i>"The impact of 4 double garages/carports along Phelps Lane will greatly impact traffic noise and impede safe pedestrian passage along the laneway. This will add to the existing hazardous exit of the laneway onto Wright Street".</i></p> <p><i>"Concerned about access to garage and access from Phelps Lane. Turning Circle already restricted".</i></p>	<p>Phelps Lane is a dedicated road and its purpose is to serve vehicular traffic. The setback to Phelps Lane has been increased to 1.1 metres and 1.5 metres to allow visual truncation requirements to be met and permit greater movement for both vehicles and pedestrians.</p> <p>The proposed garages meet the 6 metre manoeuvring distance required.</p>
<p><u>Bins</u></p> <p><i>"No management plan has been provided for rubbish collection. Placement overnight of rubbish/recycling bins to cater for this increased number of dwellings will further impede traffic flow and increase the existing hazardous nature of Phelps Lane".</i></p>	<p>A management plan is not required for this size development. In addition, as Phelps Lane is a dedicated road, rubbish collection is permitted to occur from the lane. Although the development has been setback off the lane there is an area of landscaping adjacent the lane that is required to be modified to all space for bins to be provided. This has been conditioned accordingly.</p>
<p><u>Parking</u></p> <p><i>"Visitor Parking for the proposed development will add to existing 24/7 parking problems in the local area which [we] already have to contend with:</i></p> <ul style="list-style-type: none"> • Tafe Students; • City workers who park daily in our streets with impunity; • Week night/weekend soccer at Forrest Park; • Services at the Indo-Chinese Temple on Harold Street; and • NIB Stadium event". <p><i>"Car parking is often in ROW – 2 bays per unit. Unnecessary. Overbuilding for ROW. Where do visitors park?"</i></p>	<p>Under the Residential Design Codes 2013, a visitor parking bay is only required when the number of dwellings exceeds 4. This proposal does not require the provision of a visitor bay.</p> <p>The development is required to only provide 1 car parking bay per dwelling but each dwelling has been provided with 2 car bays.</p>

Summary of Comments Received:	Officer Technical Comment:
<u>Lot Boundary Setbacks</u> <i>“Overlooking on properties on Harold Street”.</i>	The visual privacy requirements of the Residential Design Codes 2013 have been met in relation to all openings and as a result there will be no loss of visual privacy to the adjoining landowners.

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

Design Advisory Committee:

Referred to Design Advisory Committee: Yes

The proposal was referred to the DAC on 4 March 2015. The full extract of the minutes of the meeting on 4 March 2015 is contained in **Attachment 5**.

The DAC is supportive of the development subject to architectural detailing on materials to demonstrate consistency with imagery provided of surrounding developments. The materials were submitted to the City as part of the development applications as shown on the perspectives provided within **Attachment 2**. A condition is recommended to be imposed on this approval to ensure that this development will incorporate the finishes as proposed.

LEGAL/POLICY:

The following legislation and policies apply:

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes 2013;
- Policy No. 7.1.14 – Forrest Precinct; and
- Policy No. 7.2.1 – Residential Design Elements.

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City’s Strategic Plan 2013-2023 states:

“Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City’s Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL	
Issue	Comment
The design of the building allows for adequate light and ventilation to all affected properties.	

SOCIAL	
Issue	Comment
The proposal provides for an increase in housing diversity and provides housing for smaller households within the City which are anticipated to grow and become a significant proportion of the households.	

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

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

The subject site is zoned Residential R80. This zoning permits development of a higher intensity that currently exists in the area.

Although the site currently only permits a height of two-storeys plus loft, under the City's draft Town Planning Scheme 2 the R80 zoning of the subject site would permit development to a height of 4 storeys for multiple dwellings in accordance with the Residential Design Codes 2013. This zoning sets a new vision for the area.

In this context the proposed height and front setback variations are acceptable as is the variation to roof form. The proposed building setback variation to the eastern boundary is minor.

Overall the proposed dwellings are not expected to adversely affect the existing streetscape.

CONCLUSION:

The proposed construction of four 3 storey grouped dwellings is supported subject to the relevant conditions and advice notes.

9.1.3 No. 27 (Lot: 6 D/P 80925) Jugan Street, Mount Hawthorn – Proposed Demolition of Existing Single House and Construction of Eight Multiple Dwellings

Ward:	North	Date:	15 May 2015
Precinct:	Precinct 1 – Mount Hawthorn	File Ref:	PR52980; 5.2015.115.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Design Advisory Committee Comments 4 – Car Parking and Bicycle Tables 5 – Marked up plans showing proposed versus required setbacks		
Tabled Items:	Nil		
Reporting Officer:	T Wright, Planning Officer (Statutory)		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by Amanda Giauci on behalf of the owner Jugan 27 Pulse Pty Ltd, for the proposed demolition of an existing Single House and construction of a two storey Development comprising of eight Two Bedroom Multiple Dwellings and associated car parking at No. 27 (Lot: 6) Jugan Street, Mount Hawthorn as shown on plans date stamped 8 May 2015, included as Attachment 2, subject to the following conditions:

1. **Demolition**

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

2. **Boundary Wall**

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 25, 29 and 31 Jugan Street, in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork to the satisfaction of the City;

3. **Car Parking and Accessways**

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

4. **External Fixtures**

All external fixtures shall not be visually obtrusive from Jugan 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. Prior to the issue of a building permit, the following shall be submitted to and approved by the City:

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

The owner shall agree in writing to:

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

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

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

5.2 **Acoustic Report**

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

5.3 **Landscape and Reticulation Plan**

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

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

5.3.2 Areas to be irrigated or reticulated;

5.4 **Schedule of External Finishes**

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

5.5 **Construction Management Plan**

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

5.6 Waste Management

5.6.1 A Waste Management Plan prepared to the satisfaction of the City;

5.6.2 A bin store area of sufficient size to accommodate the City's bin requirements shall be provided, to the satisfaction of the City; and

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

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

6.1 Clothes Drying Facility

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

6.2 Car Parking

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

6.3 Stormwater

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

6.4 Acoustic Report Certification

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

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

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

6.6 Landscape Plan and Verge Upgrade Plan

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

6.7 Bicycle Bays

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

ADVICE NOTES:

1. With regard to Condition 2, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
2. With regard to Condition 3.5, 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 3.6 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 \$3,000 shall be lodged with the City by the applicant, prior to the issue of a building permit, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City's Technical Services Directorate. An application for the refund of the security bond shall be made in writing. The bond is non-transferable;
5. With regard to Condition 5.3, Council 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 1.5m) shall be maintained for all users at all times during construction works. If the safety of the path is compromised resulting from either construction damage or as a result of a temporary obstruction appropriate warning signs (in accordance with AS1742.3) shall be erected. Should a continuous path not be able to be maintained, an 'approved' temporary pedestrian facility suitable for all path users shall be put in place. If there is a request to erect scaffolding, site fencing etc., or if building materials are required to be stored within the road reserve, once a formal request has been received, the matter will be assessed by the City and if considered appropriate a permit shall be issued by the City's Ranger Services Section. No permit will be issued if the proposed encroachment into the road reserve is deemed to be inappropriate; and
7. With reference to Condition 6.3, no further consideration shall be given to the disposal of stormwater 'off site' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'off site' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings.

PURPOSE OF REPORT:

To consider an application for eight multiple dwellings.

BACKGROUND:

Nil.

DETAILS:

Landowner:	Jugan 27 Pulse Pty Ltd
Applicant:	Amanda Giauci
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R100 Draft Town Planning Scheme No. 2 (TPS2): Residential R100
Existing Land Use:	Single House
Use Class:	Multiple Dwellings
Use Classification:	"P"
Lot Area:	813 square metres
Right of Way:	N/A
Date of Application:	3 March 2015

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

The proposed building is divided into three blocks, separated by a central communal driveway and car parking area.

ASSESSMENT:

Summary Assessment

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

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

Detailed Assessment

Acceptable Variations

Issue/Design Element:	Front Setback
Requirement:	<p>Policy No. 7.2.1 – Residential Design Elements</p> <p>Buildings are to be setback from the street alignment such distance as is generally consistent with the building setback on adjoining land and in the immediate locality.</p> <p>This equates to:</p> <ul style="list-style-type: none"> • 7 metres for the ground floor; • Walls on upper floors are to be setback 2 metres behind each portion of the ground floor setback, which equates to a setback of 9 metres from the street boundary; and • Balconies on upper floor are to setback 1 metre behind each portion of the ground floor setback which equates to a setback of 8 metres from the street boundary.
Applicant’s Proposal:	<ul style="list-style-type: none"> • 4 metres for the ground floor, (variation of 3 metres); • Upper floor is 0.5 metres forward of the ground floor setback, (variation of 2.5 metres and variation of 5.5 metres from the street boundary); and • Upper floor balcony is 1.8 metres forward of the ground floor setback, (variation of 2.2 metres and variation of 5.8 metres from the street boundary).
Design Principles:	<p>Policy No. 7.2.1 – Residential Design Elements</p> <p>SPC 5</p> <p>(i) Development is to be appropriately located on site to:</p> <ul style="list-style-type: none"> • Maintain streetscape character; • Ensure the amenity of neighbouring properties is maintained; • Allow for the provision of landscaping and space for additional tree plantings to grow to maturity; • Facilitate solar access for the development site and adjoining properties; • Protect significant vegetation; and • Facilitate efficient use of the site. <p>(ii) Variations to the Acceptable Development Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development.</p>

Issue/Design Element:	Front Setback
Summary of Applicant's Justification:	<p><i>The site location has in its recent history been re-coded to R100. The setback provision of the R-Codes permits a 2 metre setback. With the higher coding along Jugan Street, we can expect to see a transition to high density developments. We have proposed a medium density development that presents to the street as a low impact building with minimal impact to the streetscape. The proposed setbacks are in keeping with the Design Principles of the RDE Policy No. 7.2.1. The amenity of the neighbourhood as it transitions into a high density development has been maintained. Landscaping and additional trees have been provided to meet policy requirements. Access to sunlight has been enhanced due to the reduced potential size of the development.</i></p>
Officer Technical Comment:	<p>By reducing the front setback as proposed the design achieves greater solar access to the rear units of the development than would otherwise be possible.</p> <p>The proposed setbacks will maintain the existing streetscape character and the amenity of neighbouring properties by providing sufficient open space for private and communal landscaping to grow to maturity within the front setback area and will not affect solar access to neighbouring properties.</p> <p>Multiple dwelling developments with reduced street setbacks of 2.7 metres and 2 metres were recently approved by Council at No. 22 Jugan Street and No. 13 Anderson Street respectively.</p>

Issue/Design Element:	Building Setbacks
Requirement:	<p>Residential Design Codes 2013 Clause 6.1.4</p> <p>4 metres.</p>
Applicant's Proposal:	<p><u>Northern Boundary</u></p> <ul style="list-style-type: none"> • Ground floor setback 0 – 1.5 metres, (variation of 2.5 – 4.0 metres). • First floor setback 1.2 – 2.2 metres, (variation of 1.8 – 2.8 metres). <p><u>Western Boundary</u></p> <ul style="list-style-type: none"> • Ground floor setback 0 – 3.9 metres, (variation of 0.1 – 4.0 metres). • First floor setback 1.2 – 3.7 metres, (variation of 0.3 – 2.8 metres). <p><u>Southern Boundary</u></p> <ul style="list-style-type: none"> • Ground floor setback 0 - 1.0 metres, (variation of 3 – 4 metres). • First floor setback 1.2 – 2.8 metres, (variation of 1.2 – 2.8 metres).

Issue/Design Element:	Building Setbacks
Design Principles:	<p>Residential Design Codes 2013 Clause 6.1.4</p> <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><i>Although the site is coded R100 and has the ability to support a 4 storey building, we have proposed a 2 storey development more in line with the R60 type developments nearby. The controls for the setback provision for R100 surrounds the 4 storey plus height normally encountered for the coding. As we have proposed a 1 to 2 storey building, we should be assessed under the R60 provisions, where the proposed setbacks comply.</i></p>
Officer Technical Comment:	<p>The required 4 metre setback reflects the R100 zoning, which anticipates four storey developments where a greater boundary setback would be required to offset the visual bulk and scale impact of height.</p> <p>The proposed setbacks are acceptable in relation to the proposed 2 storey height and adequately serve to moderate the visual impact of building bulk on neighbouring properties.</p> <p>The variation will have no impact on access to natural ventilation and direct sun for neighbouring properties and the proposed development is fully compliant with the privacy requirements.</p>

Issue/Design Element:	Boundary Walls
Requirement:	<p>Residential Design Codes 2013 Clause 6.1.4</p> <p>Boundary walls to one side boundary only.</p>
Applicant's Proposal:	<p>Boundary walls to three side boundaries along the southern, northern and western boundaries.</p>
Design Principles:	<p>Residential Design Codes 2013 Clause 6.1.4</p> <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.

Issue/Design Element:	Boundary Walls
<p>Summary of Applicant's Justification:</p>	<p><i>The R100 provisions of the R-Codes permit a boundary wall of 7 metres in height with an average height of 6 metres for two thirds of the length of the boundary. This is a significant wall and would greatly impact the amenity of one of the adjoining neighbours. We have proposed single storey high walls (generally 3 metres high) and the aggregate walls proposed are significantly less in area than if we were to comply with the R-Codes. By providing single storey boundary walls in lieu of one 2 storey boundary wall, we have enhanced daylight access and ventilation and minimised the building bulk. The proposed boundary walls are well setback from the habitable rooms of the neighbouring properties, thus reducing their perceived impact and maintaining daylight access and ventilation.</i></p>
<p>Officer Technical Comment:</p>	<p>As the southern boundary wall is considered to be the permitted wall under the Residential Design Codes 2013, the impact of this variation in relation to the northern and western boundary walls is assessed.</p> <p><u>Northern Boundary Wall</u></p> <p>The proposed boundary wall has a maximum height of 3.8 metres, an average height of 3.5 metres and the total length of 19 metres or 45% the length of the northern boundary. This is well under the requirements that would be permitted at the R100 density coding which is a maximum height of 7 metres, an average height of 6 metres and 66.6% of the length of the boundary.</p> <p>In this location the boundary wall does not have any overshadowing impact on the adjoining northern neighbour, or directly impact on the structure on the adjoining site.</p> <p><u>Western Boundary Wall</u></p> <p>The proposed boundary wall has a maximum height of 3.7 metres, an average height of 3.7 metres and the length of 2 metres or 1.1% the total length of the western boundary. This is also well under the permitted requirements that would be permitted at the R100 density code which is a maximum height of 7 metres, an average height of 6 metres for a length of two-thirds or 66.6% the length of the boundary.</p> <p>The wall faces an existing grouped dwelling development. The common boundary between these two sites runs at an angle with the result that the setback between the structures on the neighbouring development and the subject site is a minimum of 3.5 metres.</p> <p>As the proposed boundary walls will not visually impact the neighbouring properties or have any impact on access to natural ventilation and direct sun for the neighbouring properties the variation of the walls on the western and northern boundaries are supported.</p> <p>The proposed development fully complies with the privacy requirements.</p>

Issue/Design Element:	Roof Forms
Requirement:	Policy No. 7.2.1 – Residential Design Elements Roof pitch to be between 30-45 degrees.
Applicant's Proposal:	Skillion Roofs
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.
Summary of Applicant's Justification:	<i>The proposed skillion roof compliments the emerging character of the locality. The locality is undergoing significant redevelopment with the majority of developments proposing contemporary developments with varying roof forms. The use of a skillion roof reduces the perceived building bulk if compared with a 30-45 degree pitched roof.</i>
Officer Technical Comment:	As the area contains a variety of roof forms the proposed roof form is considered to be acceptable. The proposed skillion roofs also assists to reduce the overall height of the development as a pitched roof would add height and bulk to the development.

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	1 April 2015 to 18 April 2015		
Comments Received:	Two objections.		

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

Summary of Comments Received:	Officer Technical Comment:
<p><u>Boundary wall</u></p> <p>The lack of setback along the northern side boundary means there will be no softening of the impact of the building to the neighbouring property.</p> <p>The lack of a fence in these areas will deny us a buffer and we will lose a sense of private space.</p> <p>The developer should respect the current boundary and setback the building to allow a fence in-between the properties to have a setback so future occupiers can access their outside northern wall for maintenance reasons.</p>	<p>Boundary walls to one side boundary in a Residential R100 zone are allowed to be a maximum height of seven metres and an average height of six metres for a length of two-thirds the length of the boundary.</p> <p>The proposed northern boundary walls have a maximum height of 3.8 metres, an average height of 3.5 metres and a total length of 19 metres or 45% the length of the northern boundary and the proposed western boundary wall has a maximum height of 3.7 metres, an average height of 3.7 metres and a length of 2 metres or 1.1% the total length of the western boundary.</p>

Summary of Comments Received:	Officer Technical Comment:
	<p>Compared with the extent of walls on the boundary possible under this density coding the proposed walls will have a reduced impact to the neighbouring properties.</p> <p>It is recommended that a condition is imposed on the approval that the owners of the subject land finish and maintain the surface of the boundary (parapet) walls facing Nos. 25, 29 and 31 Jugan Street, in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork to the satisfaction of the City. The owners of the subject land obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls.</p> <p>This condition will ensure the initial and ongoing quality and maintenance of the boundary wall façades facing the neighbouring properties.</p>
<p><u>Fencing</u></p> <p>The existing fence will need to be removed to build the boundary walls. This will impact us as we have a dog and we will be directly exposed to the dust and noise of the building site.</p>	<p>It is recommended that a condition is imposed on the approval that requires a Construction Management Plan be prepared and approved by the City, and that the development is implemented in accordance with this plan, which will address temporary fencing and noise and dust emissions during construction.</p>
<p><u>Traffic and Parking</u></p> <p>There are not enough onsite car bays proposed for the amount of units and parking, which is already a serious problem in the area, will increase.</p> <p>The increase in traffic in the area is also a major issue, which will worsen as on-street parking intensifies.</p>	<p>The development proposes eight resident bays and two visitor bays, which is compliant with the requirements of the Residential Design Codes 2013.</p> <p>The local roads have the capacity to carry the traffic generated by additional development in the area.</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: Yes

The proposed development does not require design excellence.

The applicant presented an initial proposal for the site to DAC prior to lodging this application, which was completely different to this current proposal.

The applicant was not willing to present the current proposal to the DAC.

Refer to **Attachment 3** for a summary of the DAC comments.

LEGAL/POLICY:

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

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes 2013;
- 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 Dwelling.

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City’s Strategic Plan 2013-2023 states:

“Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City’s Strategic Plan 2013-2023 states:

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

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

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

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

The proposed development is consistent with other medium density infill development within this locality. The density coding of this lot allows a four storey building height together with four metre side setbacks. The development is seeking to compromise by proposing reduced side setbacks for reduced building height. This is acceptable in the context of this location, which is characterised by primarily one and two storey developments, which are unlikely to change in the future as they are strata developments.

Multiple dwelling developments are a permitted use on this site and the proposed two storey height is permitted. The variations proposed in relation to boundary walls and boundary setbacks are as a result of the reduced building height. The impact of the both variations on neighbouring properties is less significant than the impact that could have been if the applicant proposed to develop to the permitted four storey height.

The remaining variations proposed in relation to the reduced street setback and roof form are acceptable as they will not have a detrimental impact on the character of the streetscape. The street setbacks proposed provide sufficient open space to accommodate soft landscaping that can grow to maturity.

The development bulk is mediated by the separation of the building bulk into three blocks, which serves to reduce the impact of bulk and scale on neighbouring properties and the streetscape.

All of the units have good solar access and natural ventilation. The units are well sized to accommodate a range of different household types and create diversity of housing stock in the local area.

CONCLUSION:

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

9.1.4 No. 54 (Lot: 23, D/P 3845) Bondi Street, Mount Hawthorn – Proposed Demolition of Existing House and Construction of Two Grouped Dwellings

Ward:	North	Date:	15 May 2015
Precinct:	Precinct 1- Mt Hawthorn	File Ref:	PR10760; 5.2014.639.1
Attachments:	1 – Consultation Map 2 – Revised Development Application Plans 3 – Marked up plans showing proposed versus required setbacks		
Tabled Items:	Nil		
Reporting Officer:	P Stuart – Planning Officer		
Responsible Officer:	G Poezyn - Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by Peter Strawson on behalf of the owner Clare Skender, for the proposed demolition of an Existing House and Construction of Two Two-Storey Grouped Dwellings at No. 54 (Lot 23) Bondi Street, Mount Hawthorn as shown on the revised plans date stamped 1 May 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. 56 Bondi Street and 175 Egina Street, Mount Hawthorn in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork;

2. **Demolition**

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

3. **Building Appearance**

All external fixtures shall be designed integrally with the development and shall not be visually obtrusive from Bondi and Egina 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. **Stormwater**

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

5. **Street Verge Trees**

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

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

6.1 **Amended Plans**

To show that required site truncations; and

7. Prior to occupation of the development, the following shall be completed to the satisfaction of the City:
 - 7.1 All privacy screening shown on the approved plans shall be installed; and
 - 7.2 Redundant or “blind” crossovers shall be removed and the verge and kerb made good to the satisfaction of the City, at the applicant/owner’s full expense.

ADVICE NOTES:

1. With regard 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 4, no further consideration shall be given to the disposal of stormwater ‘off site’ without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater ‘off site’ be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings;
 3. A Road and Verge security bond for the sum of \$3,000 shall be lodged with the City by the applicant, prior to the issue of a building permit, and will be held until all building/development works have been completed and any disturbance of, or damage to the City’s infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City’s Technical Services Directorate. An application for the refund of the security bond shall be made in writing. The bond is non-transferable;
 4. All new crossovers to lots are subject to a separate application to be approved by the City. All new crossovers shall be constructed in accordance with the City’s Standard Crossover Specifications, which specify that the portion of the existing footpath traversing the proposed crossover (subject to the footpath being in good condition as determined by the City), 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; and
 5. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5m) shall be maintained for all users at all times during construction works. If the safety of the path is compromised resulting from either construction damage or as a result of a temporary obstruction appropriate warning signs (in accordance with AS1742.3) shall be erected. Should a continuous path not be able to be maintained, an ‘approved’ temporary pedestrian facility suitable for all path users shall be put in place. If a request to erect scaffolding, site fencing etc., or if building materials are required to be stored within the road reserve, once a formal request has been received, the matter will be assessed by the City and if considered appropriate a permit shall be issued by the City’s Ranger Services Section. No permit will be issued if the proposed encroachment into the road reserve is deemed to be inappropriate.
-

PURPOSE OF REPORT:

To consider a proposal for the demolition of the existing house and construction of 2 grouped dwellings.

BACKGROUND:

History:

Date	Comment
10 February 2015	Council received a petition against the above proposal citing grounds that the proposal has adverse building bulk and scale, particularly in reference to boundary walls.

Previous Reports to Council:

Nil.

DETAILS:

Landowner:	Clare Skender
Applicant:	Peter Strawson
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R30 Draft Town Planning Scheme No. 2 (TPS2): Residential R30
Existing Land Use:	Two Storey Single House
Use Class:	Grouped Dwellings
Use Classification:	"P" – Permitted Use
Lot Area:	611 square metres
Right of Way:	Not Applicable
Date of Application:	21 November 2014

The proposal is for the demolition of an existing single house and the construction of two two-storey grouped dwellings.

The property is located on the corner of Bondi and Egina Streets in Mount Hawthorn. The site slopes from the north-eastern corner on Egina Street by approximately four metres towards the south-western corner on Bondi Street.

The proposed dwellings are of a masonry and steel construction with pitched roofs. The buildings have large south facing balconies to maximise City views, as well as terraced planter areas that are intended to serve as garden beds. When viewing the proposal from Egina Street, 'House 1' appears as a single storey dwelling, with primary access from Egina Street resulting in Bondi Street becoming the secondary street. The Bondi Street elevation confirms both dwellings as two storey detached homes, which is common to the streetscape. 'House 2' proposes garage access from the south-western corner. Permeable fencing is proposed surrounding the homes to provide privacy to the dwellings as well as minimise the impacts of the retaining walls.

Revised plans were received on 1 May 2015 reducing the height of the boundary wall on the northern boundary to 'House 1', and with modifications to the overall design to ensure compliance with the Residential Design Codes 2013 and City's Policies.

ASSESSMENT:

Summary Assessment

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

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

Detailed Assessment

Acceptable Variations

Issue/Design Element:	Front Fence
Requirement:	<p>Residential Design Elements Clause SADC13 C6.4.4</p> <p>Street walls and fences to secondary streets are to comply with the following:</p> <ul style="list-style-type: none"> Solid portion of wall may increase to a maximum height of 1.8 metres above adjacent footpath level provided that the wall or fence has at least two significant appropriate design features (as determined by the City of Vincent) to reduce the visual impact – for example, significant open structures, recesses and/or planters facing the road at regular intervals and varying materials, finishes and/or colours.
Applicant's Proposal:	Secondary Street walls to a maximum height of 2.5 metres, (variation of 0.7 metres above the standard 1.8 metres).
Design Principles:	<p>Street walls and fences are to be designed so that:</p> <ul style="list-style-type: none"> Buildings, especially their entrances, are clearly visible from the primary street; A clear line of demarcation is provided between the street and development; They are in keeping with the desired streetscape; and Provide adequate sightlines at vehicle access points.

Issue/Design Element:	Front Fence
Summary of Applicant's Justification:	<i>"(The) proposed screen wall with infill panels helps to visually tie in whole design and (disguise) retaining wall behind."</i>
Officer Technical Comment:	<p>The proposed screen fence walls along the secondary street (Bondi Street) at 2.5 metres comprises of up to 1.14 metres of retaining wall with the remaining height including 1.4 metres of open style fencing.</p> <p>The proposed boundary wall/fence has been designed to minimise the impact of the retaining walls while providing additional privacy for the occupants of the building.</p> <p>Due to the significant slope in levels the retaining wall facing the street are necessary and serve to provide the demarcation between street and private property. The open style fencing component maintains a desired streetscape as it is visually permeability. The entry points to both homes are clear from the respective streets, and this contributes to a positive interface between the built form and the public realm.</p> <p>The additional fence heights as a result of the retaining walls are considered to satisfy the required Design Principles and it is therefore recommended that the variation is supported.</p>

Issue/Design Element:	Boundary Wall
Requirement:	<p>Residential Design Codes 2013 Clause 5.1.3 C3.2</p> <p>Walls located behind the street setback not higher than 3.5 metres with an average height of 3 metres for two-thirds the length of the balance of the lot boundary.</p> <p>Wall to one side only.</p>
Applicant's Proposal:	<p><u>House 1</u> Garage wall proposes a maximum height of 3.9 metres at an average of 3.4 metres (variation of 0.4 metres above maximum height and average);</p> <p><u>House 2</u> Garage wall proposes a maximum height 3.07 metres, average 2.88 metres (complies).</p>
Design Principles:	<p>Buildings set back from lot boundaries so as to:</p> <ul style="list-style-type: none"> • reduce impacts of building bulk on adjoining properties; • provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • minimise the extent of overlooking and resultant loss of privacy on adjoining properties.
Summary of Applicant's Justification:	<i>"The Proposed Garage wall for House 1 abuts the dead side of the neighbouring property which has a very similar height wall for the carport. The neighbour's house is built on 4 blocks of limestone that, assuming a ceiling height of 2.7m, results in the wall height being approximately 3.9m above ground level at the boundary. We propose a wall on average at three metres high when viewed from the neighbouring property."</i>

Issue/Design Element:	Boundary Wall
Officer Technical Comment:	<p>As the boundary wall for House 2 complies with the requirements of the Residential Design Codes 2013, the only variation is in relation to the boundary wall for House 1 to the northern boundary.</p> <p>In relation to the garage wall for 'House 1', the affected neighbouring property's levels are higher having been modified as part of the development. When viewing the garage from the neighbouring property, the height of the garage wall is a maximum 3.6 metres at an average of 3 metres. In this respect the average height is compliant when considered from these neighbouring ground levels while the maximum height is exceeded by 0.1 metres.</p> <p>The wall in this location is considered an optimal outcome from the perspective of building bulk and streetscape. The wall partially aligns with the carport on the adjoining property and does not abut any habitable spaces of the neighbouring property.</p> <p>As a result of the orientation of the properties the proposed wall on the boundary does not result in overshadowing of the adjoining lot or prevent access to natural light or ventilation.</p> <p>Accordingly the Design Principles are considered to have been met and as such the boundary wall is recommended for approval.</p>

Issue/Design Element:	Site Works
Requirement:	<p>Residential Design Codes 2013 Clause 5.3.7 C7.1</p> <p>Excavation or filling between the street and building, or within 3m of the street alignment, whichever is the lesser, shall not exceed 0.5m.</p>
Applicant's Proposal:	<p>Excavation and filling with associated retaining walls is to a maximum height of 1.144 metres (variation of 0.644 metres).</p>
Design Principles:	<p>P7.1 Development that considers and responds to the natural features of the site and requires minimal excavation/fill.</p> <p>P7.2 Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.</p>
Summary of Applicant's Justification:	<p><i>"Existing topography of the site has a 2.24 metre fall along Egina Street and a 3.91 metre fall on the diagonal from north east corner to rear south western corner of house #1. Proposed development manages this vast diversity in levels by maintaining a single storey height facing Egina Street and stepping house down along land contours to achieve a two storey house facing Bondi Street. Development avoids compromising the streetscape by providing planter boxes that articulate the corner of the block and gradually stepping down the wall heights to avoid overly high retaining. Stepped planter boxes disguise the retaining wall height of the courtyard which has been stepped back from the front boundary to soften its presence."</i></p>

Issue/Design Element:	Site Works
Officer Technical Comment:	<p>The proposed excavation, fill and associated retaining walls are required as a result of the slope of the land in order to make effective use of outdoor living areas.</p> <p>The retaining walls have been designed to minimise the amount of filling by stepping down in line with the natural slope of the land. This provides for variety in the streetscape and unique landscape opportunities.</p> <p>On the above basis, the excavation, fill and associated retaining walls are considered to satisfy the Design Principles and are supported.</p>

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	16 January 2015 – 2 February 2015		
Comments Received:	Three submissions objecting to the proposal were received, including a petition with eight signatures objecting to the proposal. One of the three individual submissions was from the convenor of the petition. The petition was received at Council's Ordinary Meeting of 10 February 2015.		

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

Summary of Comments Received:	Officer Technical Comment:
<p><u>Bulk</u></p> <p>The reduced boundary setbacks will increase the bulk and scale of the proposed houses onto the northern adjoining property.</p>	<p>With the exception of the garage wall proposed to abut the northern boundary, the revised proposal dated 1 May 2015 has been modified to comply with the deemed-to-comply standards of the Residential Design Codes 2013.</p>
<p><u>Boundary Wall</u></p> <p>The boundary wall abuts the verandah and bedroom window of the northern property, causing a negative impact on the affected adjoining property through a loss of sunlight and ventilation. It will furthermore set a precedent for the area.</p>	<p>The boundary wall is located on the southern side of the affected adjoining property and therefore will not affect access to sunlight. As the dwelling on the adjoining property has been setback by the common boundary by approximately 3 metres the proposed wall on the boundary will not obstruct the adjoining property's access to light and ventilation.</p> <p>As the bedroom window on the adjoining dwelling faces east rather than onto the proposed wall along the southern boundary, its impact on this opening in terms of bulk and scale, will be minor.</p>
<p><u>Inaccurate Plans</u></p> <p>The plans provided do not accurately indicate the neighbouring property levels.</p>	<p>Revised plans accurately indicate ground levels on the subject property as well as the neighbouring levels. These plans show that the neighbouring dwelling is marginally higher than the finished level of the proposed development. The impact of the wall is therefore less than if the levels were even.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><u>Open Space</u></p> <p>The sheer size of the development results in size and scale incompatible with the streetscape. The lack of open space reflects on the homes not having an outdoor living or landscaping areas.</p>	<p>The revised plans now indicate that the provision of open spaces complies for both dwellings. Both proposed dwellings have sufficient outdoor living area and landscaping areas.</p>
<p><u>Retaining Walls</u></p> <p>The retaining walls will cause vibration and damage to the neighbouring properties.</p>	<p>It is the responsibility of the builder/owner to rectify any damage caused to neighbouring properties as a direct result of construction works.</p>
<p><u>Noise</u></p> <p>Walls on the boundary will cause noise reverberation.</p>	<p>Walls on the boundary are assessed against the relevant Design Principles under Planning Legislation which does not take account of potential noise reverberation.</p>
<p><u>Density</u></p> <p>The development does not comply with Scheme Amendment No. 40 – Multiple Dwellings being an X-use in Mount Hawthorn.</p> <p>The elements requiring discretion are a blatant breach of the Residential Design Codes 2013 in order to achieve high density living.</p>	<p>This application is for grouped dwellings and not multiple dwellings and as such the proposal is not affected by Scheme Amendment 40. The proposal complies with the minimum and average site area for a lot coded R30 and is therefore able to support two dwellings.</p> <p>The discretionary elements have no bearing on the density of the development.</p>
<p><u>Privacy</u></p> <p>Concerns that the dwelling will be able to overlook neighbouring properties.</p>	<p>The application complies in respect of privacy.</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes 2013;
- Policy No. 7.1.1 – Mount Hawthorn Precinct;
- Policy No. 7.2.1 – Residential Design Elements; and
- Policy No. 7.6.2 – Heritage Management – Assessment.

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment"

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL	
Issue	Comment
The design of the dwelling allows for adequate natural light and cross ventilation.	

SOCIAL	
Issue	Comment
The proposal will provide a diversity of dwelling types in the area, and contributes to social sustainability.	

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

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

The application is for a grouped dwelling development which is a permitted use and the lot is sufficiently large to accommodate two dwellings.

The plans initially received by the City and advertised during the consultation period proposed a number of variations to setbacks and open space. However the City received revised plans which are the subject of this approval that have brought all but three of these variations into compliance.

The variations to boundary wall on the northern boundary, site works and the fence wall height are considered to be acceptable.

The general concern relating to an increase in building bulk is as a result of the development of two, two storey homes where there was historically only one single dwelling.

The design of the dwellings, with its traditional roof pitches and its design typology characteristics is compatible with the traditional built form of Mount Hawthorn.

CONCLUSION:

The proposed development of two two-storey grouped dwellings is considered acceptable and is recommended to be approved, subject to relevant conditions and advice notes.

9.1.5 No. 231-233 (Lot: 100 D/P 74591) Bulwer Street, Perth – Proposed Change of Use from Office to a Recreational Facility

Ward:	South	Date:	15 May 2015
Precinct:	Precinct 12 – Hyde Park	File Ref:	PR19274; 5.2015.75.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Car Parking Calculation		
Tabled Items:	Nil		
Reporting Officer:	C Sullivan – Planning Officer (Statutory)		
Responsible Officer:	G Poezyn – Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by Building Suncoast Green on behalf of the owner Diamond Oak 1977 Pty Ltd, for the proposed Change of Use from Office to a Recreational Facility at Nos. 231 – 233 (Lot 100; D/P 74591) Bulwer Street, Perth as shown on plans date stamped 19 February 2015, included as Attachment 2, subject to the following conditions:

1. **Validity of Approval**

The approval for the Recreational Facility (Gym) is valid for a period of 36 months from the date of the issue of this planning approval;

2. **Use of the Premises**

- 2.1 The proposed use of the Recreational Facility (Gym) is permitted to operate 24 hours, seven days a week;
- 2.2 The maximum number of patrons for the recreational facility (Gym) at any one time shall be limited to 35 persons; and
- 2.3 The maximum gross floor areas shall be limited as follows:
 - 2.3.1 Office – 207.47 square metres;
 - 2.3.2 Warehouse – 144.47 square metres;
 - 2.3.3 Shop – 94.53 square metres; and
 - 2.3.4 Recreational Facility (Gym) – 380.45 square metres;

3. **Building**

- 3.1 All external fixtures shall not be visually obtrusive from Bulwer Street and Lake 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; and
- 3.2 The windows, doors and adjacent floor area facing Bulwer Street and Lake Street shall maintain an active and interactive frontage to this street with clear glazing provided;

4. **Acoustic Report**

An Acoustic Report in accordance with the City's Policy No. 7.5.12 – Sound Attenuation shall be prepared, submitted and approved by the City prior to the issue of a Building Permit;

5. **Management Plan**

A Management Plan shall be prepared, submitted and approved by the City. The requirements of the Plan shall thereafter be adhered to. The Management Plan shall document that the proposed Recreational Facility (Gym) shall take all practical measures to:

- 5.1 Reduce the likelihood of excessive noise intrusion on residents and businesses in the locality;
- 5.2 Prevent the likelihood of rowdy or antisocial behaviour;
- 5.3 Consult directly with affected persons, residents and/or businesses to resolve any noise issues, and rowdy or antisocial behaviour or any other issues that may arise; and
- 5.4 Ensure the above management measures (prior to, during and post trading hours) are included as part of all staff induction and training programs; and

6. This approval is not for the proposed signs shown on the approved plans;

7. Prior to the issue of an Occupancy Permit, the following shall be provided:

7.1 In relation to condition 4, the recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, submitted to the City;

7.2 **Parking**

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

7.3 **Bicycle Facility**

Three Class 1 or Class 2 bicycle facilities and Five Class 3 bicycle facilities shall be installed within the building in accordance with the City's Policy No. 7.7.1 – Parking and Access.

ADVICE NOTES

- 1. In reference to Condition 1, should the applicant wish to continue the recreational facility use (Gym) beyond the date of validity of this approval a fresh application for planning approval must be made before this approval expires;
 - 2. Any increase in floor area or change of use shall require Planning Approval to be applied and obtained from the City; and
 - 3. In reference to Condition 6, the signage proposed is contrary to the requirements of the City's Policy No. 7.5.2 – Signs and Advertising and a separate planning application must be submitted and approved prior to the erection of any additional sign permitted by the Policy.
-

PURPOSE OF REPORT:

To consider an application for a Change of Use from Office to Recreational Facility.

BACKGROUND:

The subject site has approval for, and currently operates as an Office, Warehouse and Shop in various tenancies on the site. These uses were approved by Council further to an acknowledgement of the original non-conforming use rights of Office, Warehouse and Showroom that previously existed on the subject site.

History:

Date	Comment
20 November 2012	Council resolved to acknowledge that the property had non-conforming use rights for the use of the building as office, warehouse and showroom.
8 October 2013	Council resolved to approve an application for change of use from office, warehouse and showroom to office, warehouse and shop

Previous Reports to Council:

The Minutes from the Ordinary Meeting of Council held on 20 November 2012 and 8 October 2013 are available on the City's website.

DETAILS:

Landowner:	Diamond Oak 1977 Pty Ltd
Applicant:	Building Suncoast Green
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): R50 Draft Town Planning Scheme No. 2 (TPS2): R50
Existing Land Use:	Office, Warehouse and Shop
Use Class:	Recreational Facility
Use Classification:	"AA"
Lot Area:	947.642 square metres
Right of Way:	At rear (south west), 3.6m wide, Sealed
Date of Application:	19 February 2015

The application seeks approval for an additional use of a Recreational Facility (Gym) in place of the ground floor office area.

Located on the ground floor, the gym will have pedestrian access onto the corner of Bulwer Street and Lake Street. Vehicle parking is located to the rear of the site, as approved under the 2013 development approval.

The applicant has provided the following information to advise of the manner in which the gym will operate:

- The facility is open 24 hours per day, 7 days per week;
- The facility will be staffed by one staff member between 8.30am – 11.30am and 3.30pm – 7.00pm Monday to Friday, and between 8.30am – 11.30am on Saturdays;
- Members will have a key card to access the facility at whatever time they choose;
- All members will be provided with personal emergency alert medallions;
- Non-members can only access the site when the building is staffed;
- Members will, on average, be in the venue for 1 hour at a time;

- Peak patron numbers are expected to be a maximum of 35 persons;
- Peak hours are expected to be between the hours of 5.30am – 8.00am and 4.30pm – 7.00pm;
- It would be rare for members to use the facility between 9.00pm and 5.00am;
- No group exercise classes, steam room, sauna, large changing rooms or child care facilities are provided on site;
- Premises are fitted with video surveillance to constantly monitor inside and outside the tenancy to ensure safety and security;
- Emergency call points provided within building; and
- 10 car bays are provided on site for the use of all four tenancies.

ASSESSMENT:

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

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

Detailed Assessment

Acceptable Variations

Issue/Design Element:	Land Use
Requirement:	Town Planning Scheme No. 1 Zoning Table – Residential R50
Applicant's Proposal:	Recreational Facility (Gym)
Performance Criteria:	Town Planning Scheme No. 1 "AA" means that use is not permitted unless Council has exercised its discretion by granting planning approval.
Summary of Applicant's Justification:	<i>"To our knowledge there is no evidence to support the fact that a personal training studio will generate significantly more or less traffic than a shop of the same size. It is important to note that a Jett's tenancy does not offer class or group training options such as aerobics or pilates class that might be available in another gymnasium"</i>
Officer Technical Comment:	The proposed use of the site as a recreational facility (gym) is appropriate in this location, due to the proximity of this site to the Local Centre on the opposite side of Lake Street, and the existing non conforming uses at the subject site. Sufficient car parking is provided to accommodate the expected patron numbers at peak hours, and given that the proposed use does not provide exercise classes, there is less pressure on car parking than is generally expected with gyms as patrons arrive on a one by one basis. 2 hour street parking is also available in Lake and Bulwer Streets.

Issue/Design Element:	Land Use
	<p>The key issue is the potential impact of the proposed hours of operation of 24 hours a day, 7 days a week of which the most significant impact is likely to be noise as people arrive and leave the premises.</p> <p>During peak hours of the gym, which are expected to be between 5.30am – 8.00am and 4.30pm – 7.00pm, its impact is likely to be minor.</p> <p>Of greatest concern would be the impact during the night although it is expected that it would be rare for members to use the facilities between the hours of 9.00pm to 5.00am. In this regard, the security measures the applicant proposes to install particularly the security cameras inside and out will assist to limit any potential negative impact from this use on surrounding residents.</p> <p>In conclusion therefore it is expected that any impact from noise is likely to be manageable. However, in line with other 24/7 gyms within the City it is recommended that a 3 year time limited approval is granted.</p>

Issue/Design Element:	Bicycles
Requirement:	<p>Policy No. 7.7.1 – Parking and Access</p> <p>11 bicycle bays required</p>
Applicant's Proposal:	3 bicycle bays provided (existing)
Performance Criteria:	<p>Policy No. 7.7.1 – Parking and Access</p> <ol style="list-style-type: none"> 1. To define parking requirements that will meet the needs of the users of developments without resulting in the oversupply of parking. 2. To ensure safe, convenient, and efficient access for pedestrians, cyclists and motorists. 3. To promote a high standard of design for parking areas. 4. To ensure that parking and access facilities do not prejudice the environmental and amenity objectives of the City's Town Planning Scheme. 5. To promote alternate transport modes by including requirements to provide bicycle parking and reducing parking requirements where alternatives exist. 6. To enable the payment of cash-in-lieu for parking shortfalls and to provide a set of guidelines to enable the calculation of cash-in-lieu to be determined in a consistent and transparent manner. 7. To ensure long term viability of parking proposals by defining the circumstances in which Parking Management Plans are required and providing guidelines for their content.
Summary of Applicant's Justification:	Nil.
Officer Technical Comment:	As the proposal will result in a shortfall in the provision of bicycle bays it is recommended that a condition is imposed that 8 bicycle bays are provided.

Unacceptable Variation

Issue/Design Element:	Signage
Requirement:	Policy No. 7.5.2 – Signs and Advertising
Applicant's Proposal:	<p>The proposal seeks signage for Jetts 24/7 Gym: 3 x fascia signs (illuminated lettering) 2x window signs with graphic approx. 2300mm x 3520mm and 2300mm x 4235mm 3x window signs with frosting to 1150mm high 2x information signs on front door (hours etc.)</p>
Performance Criteria:	<p>Policy No. 7.5.2 – Signs and Advertising</p> <ol style="list-style-type: none"> 1. Standards for signs on commercial properties/uses located in Residential Zones: <ul style="list-style-type: none"> • A maximum of 2 signs per tenancy; 2. A sign attached to the fascia of an awning or verandah is to: <ul style="list-style-type: none"> • Be no more than 200mm thick provided that the sign face is not within 600mm of the kerb; • Be limited to one sign per elevation; • Be constrained in height by the dimension of the awning face; 3. A window sign is to: <ul style="list-style-type: none"> • Not cover more than 50% of the glazed area of any one window or exceed 10 square metres in area in total per tenancy on a lot; • Maintain an active and interactive presentation to the street for the balance of the window. <p>The policy allows for the City to apply discretion to vary the standard or provision subject to such conditions seen fit subject to the following principles:</p> <ol style="list-style-type: none"> i) Appropriateness of Setting: <ul style="list-style-type: none"> • The scale and design of the proposed signage is appropriate to the building and architectural detailing to which it relates; • The scale and design of the proposed signage is compatible with existing surrounding development and is appropriate to the general nature of land use in the area; • The proposed signage does not dominate the streetscape; • The proposed signage does not block important views, obscure architectural detailing or is not detrimental to the amenity of nearby properties; and • The proposed signage does not result in the destruction of important elements of the building fabric.
Summary of Applicant's Justification:	<p><i>"The amount of signage proposed is ideal from our client's perspective as it will provide signage from both street frontages. It should be noted that the red fascias are not illuminated, only the white lettering is illuminated. The illumination is static and operated by an automatic timer on a time clock. Nearby residential uses are positioned at a higher level than this tenancy and it is therefore very unlikely that the illumination will affect adjoining residents"</i></p>

Issue/Design Element:	Signage
Officer Technical Comment:	<p>The proposed signs for this development do not comply with this performance criteria.</p> <p>The site is located in a Residential Zone, albeit that it has had a commercial type use for a number of years. Therefore the location and zoning of the site restricts the amount of signage that can be supported. The applicant seeks 10 individual signs as well as some window and some fascia signs located on the edge of the awning. The proposed window signs exceed 50% coverage of each window, and overall exceed 10 square metres.</p> <p>They also do not allow for an active and interactive presentation to the street and therefore cannot be supported in their current form. The proposed fascia signs (illuminated letters only) could be supported in isolation. However, if the applicant requires a mix of both window and fascia/awning signs then the fascia signs should be reduced in size and number.</p> <p>It is recommended that the signage proposed is not supported and the applicant is advised that a separate signage application for planning approval is required to address the issue of signs.</p>

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	31 March – 17 April 2015		
Comments Received:	14 comments were received during the consultation period, including nine objections, one comment in support, and four submissions with concerns		

The application was advertised as an “AA” use for the proposed additional Recreational Facility. Letters were sent to an area within a 100 metre radius of this site and although the extent of advertising was greater than required for an “AA” use, this area is consistent with advertising for other 24/7 gyms in the City.

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

Summary of Comments Received:	Officer Technical Comment:
<p><u>Parking</u></p> <p>Insufficient Parking proposed On street parking already restricted with commercial uses competing with residents</p> <p>Existing parking restrictions are not enforced so exacerbate the parking difficulties</p>	<p>The Car Parking has been assessed for all the existing and proposed uses on the site (existing office, warehouse and shop uses, plus the proposed recreational facility) and complies although it is not possible to allocate a certain number of bays to each use as the lot has not been strata titled.</p> <p>Previous payment of cash-in-lieu for a shortfall of parking has also been taken into account. In this instance, the owner of the entire site paid the equivalent cash-in-lieu of 7.65 car bays for the previous approval.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><u>Traffic</u></p> <p>Increased traffic will increase accident risk at junction of Bulwer Street and Lake Street</p>	<p>There is no evidence that the amount of traffic generated by this proposed use will exceed the capacity of Bulwer and Lake Streets were designed to accommodate.</p> <p>The nature of the operation would create a constant movement of patrons in and out, rather than mass movement of patrons at the beginning and end of classes.</p>
<p><u>Noise</u></p> <ul style="list-style-type: none"> • Increased noise from vehicle traffic; • Increased noise from patrons arrive and leaving early/late at night; • Music played 24/7; • Lack of noise insulation in building. 	<p>A condition of any planning approval would require the applicant to provide an Acoustic Report and Management Plan to ensure that noise measures are provided and adhered to, so that patron movement does not negatively impact surrounding residents.</p>
<p><u>Signage</u></p> <p>Large illuminated signage</p>	<p>The proposed signage does not meet the City's requirements and it is recommended that a separate application for planning approval is made to address the issue of signage.</p>
<p><u>Hours</u></p> <p>Proposed 24/7 gym operation</p>	<p>The proposed use would have peak patronage between the hours of 5.30am to 9.00pm, with minimal visits outside of these hours. It is considered that a time limited approval and a requirement for the applicant to provide a Management Plan and Acoustic Plan which are to be implemented will address potential issues for surrounding residents.</p>
<p><u>Use</u></p> <p>An additional gym in the area seems unnecessary</p>	<p>The application for the proposed recreational facility was submitted to the City for assessment and is evaluated on its merits. Commercial decisions are not a valid planning consideration.</p>

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

External Consultation

Design Advisory Committee:

Referred to Design Advisory Committee: No

Department of Planning:

The proposal was referred to the Department of Planning (DoP) for comments as Bulwer Street is classified as an Other Regional Road in the Metropolitan Region Scheme (MRS). The Department has advised that there is no objection to the proposal on regional transport planning grounds.

LEGAL/POLICY:

The following legislation and policies apply to the proposed Change of Use from Office, Warehouse and Shop to Office, Warehouse, Shop and Recreational Facility at No's. 231-233 Bulwer Street, Perth

- *Planning and Development Act 2005;*
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 7.1.12 – Hyde Park Centre Precinct;
- Policy No. 7.5.2 – Signs and Advertising; and
- Policy No. 7.7.1 – Parking and Access;

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

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

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

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

The proposed change of use retains the existing first floor office area and the warehouse and shop at ground floor, while it proposes that the use of the office area at ground floor changes to a recreational facility. As a 24/7 Jetts Gym the main concern with the proposal is the potential impact of the 24 hour operation on the area.

The use as a recreational facility can be supported in this location for the following reasons:

1. the use is consistent with other approvals of similar uses in the area; and
2. the car parking is compliant.

In order to address potential impacts it is recommended that conditions are imposed requiring that the development occurs in accordance with an Acoustic Report and Management Plan and that the approval is time limited in line with other approvals for 24/7 gym uses, to enable Council to reconsider the appropriateness of this use in the future.

CONCLUSION:

Based on the reasons above the proposal is supported subject to the conditions.

9.1.6 No. 4 (Lot: 153 D/P: 66846) Florence Street, West Perth – Proposed Construction of Three-Storey Single House

Ward:	South	Date:	15 May 2015
Precinct:	Cleaver; P5	File Ref:	PR21341; 5.2014.636.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Marked up plans showing proposed versus required setbacks 4 – Streetscape Elevations		
Tabled Items:	Nil		
Reporting Officer:	S Laming, Planning Officer (Statutory)		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application submitted by the owner M Krammer, for the proposed Construction of a Three-Storey Single House at No. 4 (Lot: 153 D/P: 66846) Florence Street, West Perth as shown on amended plans date stamped 5 May 2014, as 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. 4A Florence Street, West Perth in a good and clean condition. The finish of the walls is to be fully rendered or face brickwork;

2. **Building Appearance**

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

3. **Stormwater**

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

4. **Street Verge Trees**

The verge tree shall be retained and protected from any damage including unauthorised pruning and no verge tree shall be removed;

5. **Redundant Crossovers**

Prior to the first occupation of the development, any redundant or “blind” crossover shall be removed and the verge and kerb made good to the satisfaction of the City at the applicant/owner’s expense; and

6. Construction Management Plan

A Construction Management Plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, in accordance with the requirements of the City's Policy No. 7.5.23 – Construction Management Plans and shall include pre and post – construction Dilapidation Reports (to be obtained at the applicant's cost to the satisfaction of the City) for the following properties listed on the City's Municipal Heritage Inventory:

- a. No. 14 (Lot 7) Florence Street, West Perth;
- b. No. 83 (Strata Lots 1-4) Carr Street, West Perth; and
- c. No. 87 (Lot 243) Carr Street, West Perth;

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

ADVICE NOTES:

1. With regard to Condition 1, the owners of the subject land shall obtain the consent of the owners of No. 4A Florence Street, West Perth before entering that property in order to make good the boundary walls;
 2. With reference to Condition 3, no further consideration shall be given to the disposal of stormwater 'off site' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'off site' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings;
 3. A Road and Verge security bond for the sum of \$2,000 shall be lodged with the City by the applicant, prior to the issue of a building permit, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City's Technical Services Directorate. An application for the refund of the security bond shall be made in writing. The bond is non-transferable;
 4. Any new crossover to the lot is subject to a separate application to be submitted to and approved by the City's Technical Services Directorate;
 5. All pedestrian access and vehicle driveway/crossover levels shall match into existing verge, footpath and Right of Way levels to the satisfaction of the City's Technical Services Directorate;
 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 1.5m) shall be maintained for all users at all times during construction works. If the safety of the path is compromised resulting from either construction damage or as a result of a temporary obstruction appropriate warning signs (in accordance with AS1742.3) shall be erected. Should a continuous path not be able to be maintained, an 'approved' temporary pedestrian facility suitable for all path users shall be put in place. If a request to erect scaffolding, site fencing etc., or if building materials are required to be stored within the road reserve, once a formal request has been received, the matter will be assessed by the City and, if considered appropriate a permit shall be issued by the City's Ranger Services Section. No permit will be issued if the proposed encroachment into the road reserve is deemed to be inappropriate; and
-

7. All new crossovers to lots are subject to a separate application to be approved by the City's Technical Services Directorate. All new crossovers shall be constructed in accordance with the City's Standard Crossover Specifications, which specify that the portion of the existing footpath traversing the proposed crossover (subject to the footpath being in good condition as determined by the City's Technical Services Directorate), 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.

PURPOSE OF REPORT:

To consider a proposed three-storey single house.

BACKGROUND:

Date	Comment
4 January 2008	Western Australian Planning Commission granted a freehold subdivision subject to conditions for the subdivision of Nos. 78 and 82 Carr Street, West Perth, that resulted in the creation of 6 new lots including the subject lot.
12 October 2011	The City granted planning approval for the proposed construction of a Two-Storey Single House at No. 4B Florence Street, West Perth.
17 September 2013	The City granted planning approval for the proposed construction of a Two-Storey Single House with Loft at No. 82 Carr Street, West Perth (adjoins subject site on southern side).
22 July 2014	The City granted planning approval for the proposed construction of a Two-Storey Single House on No. 4A Florence Street, West Perth (adjoins subject site on northern side).
23 September 2014	Council at its Ordinary Meeting granted approval for the proposed construction of a Three-Storey Grouped Dwelling at No. 78B Carr Street, West Perth, on the grounds that the lot was located at the rear of a battleaxe subdivision and the proposed dwelling would not be visible from the street or have any impact on the existing streetscape.
2 October 2014	The City granted planning approval for the proposed construction of a Two-Storey Grouped Dwelling at No. 78A Carr Street, West Perth.

DETAILS:

Landowner:	M Krammer
Applicant:	M Krammer
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R50 Draft Town Planning Scheme No. 2 (TPS2): Residential R50
Existing Land Use:	Vacant
Use Class:	Single House
Use Classification:	"P"
Lot Area:	200 square metres
Right of Way:	Not Applicable
Date of Application:	12 November 2014

The three-storey development comprises two floors of habitable space and a roof top terrace that is partially covered by patio roof structures.

The internal living area includes four bedrooms, an ensuite and two bathrooms, open floor kitchen, dining and lounge area and a study.

The proposal also includes an undercroft double garage with driveway access from Florence Street. Given the narrow width of the lot a double garage is only possible if it is provided partially below the ground level.

The property is also subject to a sewer easement 1.1 metres wide at the rear of the lot along its eastern boundary.

The proposals for which development approval was granted on 17 September 2013 and 22 July 2014 are located on either side of the subject site.

ASSESSMENT:

Summary Assessment

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

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

Detailed Assessment

Acceptable Variations

Issue/Design Element:	Street Setback
Requirement:	Residential Design Elements SADC 5. Street Setbacks Walls on upper floors facing the street are to be setback a minimum of two metres behind each portion of the ground floor street setback, which equates to a minimum setback requirement of 7.42 metres from Florence Street.
Applicant's Proposal:	The first floor and roof terrace walls facing the street are in line ('nil' setback) with the compliant ground floor street setback of 6.72 metres (proposed variation of 2.0 metres from the ground floor and 0.7 metres from the street boundary).

Issue/Design Element:	Street Setback
Design Principles:	<p>Residential Design Elements SPC 5. Street Setbacks</p> <p>(i) Development is to be appropriately located on site to:</p> <ul style="list-style-type: none"> • Maintain streetscape character; • Ensure the amenity of neighbouring properties is maintained; • Allow for the provision of landscaping and space for additional tree plantings to grow to maturity; • Facilitate solar access for the development site and adjoining properties; • Protect significant vegetation; and • Facilitate efficient use of the site.
Summary of Applicant's Justification:	The street setback of 6.8 metres is compliant with the average street setback.
Officer Technical Comment:	<p>The required minimum setback for the ground floor is 5.42 metres. With a setback of 6.72 metres the ground floor setback complies.</p> <p>As the upper floor is proposed to be in line with the ground floor, the setback variation for the upper floor in relation to the Florence Street is minor at 0.7 metres and is not expected to have a negative impact on the streetscape.</p> <p>Given its location in the street, the development site does not directly relate to 82 Carr Street, which has been developed to present to Carr Street and uses Florence Street as a secondary street. However the site has a very strong link to Nos. 4A Florence Street which abuts its northern boundary and 4B Florence Street one lot further to the north. The upper floors on both dwellings align with the respective ground floors.</p> <p>As the proposed development matches the character of the emerging streetscape in regard to front setback, the variation is acceptable.</p>

Issue/Design Element:	Lot Boundary Setbacks
Requirement:	<p>Residential Design Codes 2013 Clause 5.1.3 (C3.1)</p> <p><u>South</u> First floor = 1.9 metres Roof terrace = 2.4 metres</p> <p><u>East</u> First floor = 2.5 metres</p>
Applicant's Proposal:	<p><u>South</u> First floor = 1.5 metres (proposed variation of 0.4 metres) Roof terrace = 1.5 metres (proposed variation of 0.9 metres)</p> <p><u>East</u> First floor = 2.1 metres (proposed variation of 0.4 metre)</p>

Issue/Design Element:	Lot Boundary Setbacks
Design Principles:	<p>Residential Design Codes 2013 Clause 5.1.3 (P3.1)</p> <p>P3.1 Buildings set back from lot boundaries so as to:</p> <ul style="list-style-type: none"> • Reduce impacts of building bulk on adjoining properties; • Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.
Summary of Applicant's Justification:	<p>The 1.5 metre setback from the south boundary is more compliant than some of the other adjoining properties on Carr Street and Florence Street. The 1.1 metre easement setback at the rear of the property was taken into account when applying the east boundary setback of 1.36 metres.</p>
Officer Technical Comment:	<p>Given the narrow width of the lot of 7.5 metre the applicant is proposing the lot boundary setbacks variations in order to make more effective use of the site. In this way maximum living space is achieved whilst adequate open space is provided which will ensure a high standard of internal and external amenity is achieved.</p> <p>The impact of these variations is as follows:</p> <p><u>Southern boundary:</u> The adjoining property at No. 82 Carr Street presents an 8.5m boundary wall to the subject site as well as its utility areas, much of which includes walls without major openings. The parapet wall extends for a distance of approximately half of the elevation of the subject development.</p> <p>The impact of the proposed variations on the adjoining property is not significant given the development at No. 82 Carr Street is oriented away from the subject site, and as it does not affect the access to natural sunlight and ventilation to the adjoining dwelling.</p> <p><u>East boundary:</u> The impact of the proposed eastern boundary setback variations is minor as the adjoining land comprises a 3 metres wide strata driveway that services the two strata lots at Nos. 78 and 78B Carr Street, West Perth.</p>
Issue/Design Element:	Boundary Walls
Requirement:	<p>Residential Design Codes 2013 Clause 5.1.3 (C3.2)</p> <p>Boundary walls are permitted:</p> <ol style="list-style-type: none"> 1. to one lot boundary behind the street setback; and 2. where the wall abuts an existing or simultaneously constructed wall of similar or greater dimension. <p>In this instance, the southern boundary wall of the dwelling at No. 4A Florence Street has the following dimensions:</p> <ul style="list-style-type: none"> • Total length = 13.7 metres • Maximum height = 6.2 metres

Issue/Design Element:	Boundary Walls
Applicant's Proposal:	<p>The north boundary wall of the subject property has the following dimensions:</p> <ul style="list-style-type: none"> • Total length = 16.07 metres (proposed variation of 2.37 metres) • Maximum height = 6.5 metres (proposed variation of 0.3 metres)
Design Principles:	<p>Residential Design Codes 2013 Clause 5.1.3 (P3.2) P3.2 Buildings built up to boundaries (other than the street boundary) where this:</p> <ul style="list-style-type: none"> • makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas; • does not compromise the design principle contained in clause 5.1.3 P3.1; • does not have any adverse impact on the amenity of the adjoining property; • ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and • positively contributes to the prevailing development context and streetscape.
Summary of Applicant's Justification:	<p>The bulk of the north boundary wall is reduced by applying a break in the length to allow for a courtyard, which will have high bamboo screening for articulation.</p>
Officer Technical Comment:	<p>The proposed northern boundary wall will be constructed against the southern boundary wall of the adjoining property at No. 4A Florence Street, West Perth, although the proposed boundary wall will be 0.3 metres higher than the existing wall.</p> <p>The greater height of the northern boundary wall of the subject property will not cause any overshadowing or reduce sunlight and ventilation to the adjoining property to the north.</p> <p>Building up to the northern boundary makes more effective use of the site, reduces the impact of overshadowing and maximises sunlight and ventilation access at the adjoining property to the south at No. 82 Carr Street, West Perth.</p>

Issue/Design Element:	Building Storeys and Height
Requirement:	<p>Residential Design Elements BDADC 5. Building Height</p> <ul style="list-style-type: none"> • The maximum height of a dwelling is to be 2 storeys (including any garage, loft or the like) • Maximum building height of walls with flat roof form above = 7.0 metres
Applicant's Proposal:	<ul style="list-style-type: none"> • Three-storeys proposed (proposed variation of 1 storey) • Maximum building height = 9.0 metres (proposed variation of 2.0 metres)
Design Principles:	<p>Residential Design Elements BDPC 5. Building Height Building height is to be considered to:</p> <ul style="list-style-type: none"> • Limit the height of dwellings so that no individual dwelling dominates the streetscape;

Issue/Design Element:	Building Storeys and Height
	<ul style="list-style-type: none"> • Limit the extent of overshadowing and visual intrusion on the private space of neighbouring properties; and • Maintain the character and integrity of the existing streetscape.
Summary of Applicant's Justification:	As an adjoining property owner I recently received notification from the City that Council had granted approval for a three-storey house at the neighbouring property at No. 78B Carr Street, West Perth. The approved house includes a fully enclosed and habitable third floor. However, I am only proposing a roof top terrace that will be used occasionally.
Officer Technical Comment:	<p>The approved two-storey single house with loft at No. 82 Carr Street, West Perth has a maximum building height of 8.9 metres as measured from the natural ground level to the top of the pitched roof.</p> <p>The subject proposed development does not comprise a fully enclosed third floor. Instead the third floor constitutes a roof top terrace partially covered by patio roof structures. The proposed development will have a maximum building height of 9.0 metres as measured from the natural ground level to the top of the roof top terrace patio roof structures.</p> <p>Given the overall height of the adjoining property the overall building height of the proposed dwelling is in keeping with building heights in its area and will not appear unusual in the streetscape.</p> <p>The bulk of the proposed dwelling will be built up against the northern boundary, which will limit the extent of overshadowing and visual intrusion on the private space of the neighbouring property to the south at No. 82 Carr Street, West Perth.</p> <p>Given the above, the proposed variation to the height proposed is considered to be acceptable.</p>

Issue/Design Element:	Roof Form
Requirement:	<p>Residential Design Elements BDADC 3. Roof Form</p> <ul style="list-style-type: none"> • The use of appropriate materials, colour and roof pitch; • The use of roof pitches between 30 degrees and 45 degrees (inclusive) being encouraged; and • The use of lower pitched roofs where they are compatible with existing development and streetscape.
Applicant's Proposal:	Flat roof form comprising a roof top terrace that includes flat roof patio structures
Design Principles:	<p>Residential Design Elements BDPC 5. Roof Form</p> <p>The roof of a building is to be designed so that:</p> <ul style="list-style-type: none"> • It does not unduly increase the bulk of the building; • In areas with recognised streetscape value it complements the existing streetscape character and the elements that contribute to this character; and • It does not cause undue overshadowing of adjacent properties and open space.

Issue/Design Element:	Roof Form
Summary of Applicant's Justification:	No justification provided.
Officer Technical Comment:	<p>The approved two-storey single houses on the neighbouring lots at Nos. 4A and 4B Florence Street, West Perth have flat roof forms.</p> <p>The subject property's proposed flat roof form comprising a roof top terrace that includes flat roof patio structures will be in keeping with the flat roof forms in its area.</p> <p>As the flat roof form does not increase the bulk of the building and reduces the impact of overshadowing on the adjoining property to the south at No. 82 Carr Street, West Perth it is considered to be acceptable.</p>

CONSULTATION/ADVERTISING:

Required by legislation:	No	Required by City of Vincent Policy:	Yes
--------------------------	----	-------------------------------------	-----

Consultation Period:	21 January 2015 to 4 February 2015
Comments received:	Three submissions 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>Visual and Noise Privacy</u></p> <p><i>"The first floor and roof terrace 1.17 metre setback from the south boundary is not sufficient to address visual overlooking into the adjoining property and limit the transfer of noise from the terrace entertaining areas to the adjoining property's bedrooms. The terrace set back is not sufficient to maintain visual privacy especially at the rear of the property adjacent to small courtyard of the adjoining property."</i></p>	<p>Amended plans received 5 May 2015 show the proposal, including the rooftop terrace, to be compliant with Visual Privacy requirements of the Residential Design Codes 2013. Furthermore, the ground floor, upper floor and roof terrace level walls are now setback 1.5 from the southern boundary, which will reduce the transfer.</p>
<p><u>Building Height</u></p> <p><i>"The maximum overall building height of 8.9 metres may cause overshadowing that would impact the efficiency of any future solar power installation on our lower roof space. We do not strictly object to the height but ask that this factor be examined in detail."</i></p>	<p>The proposed overshadowing complies with the requirements of the Residential Design Codes 2013. The proposal will result in 36.91 percent overshadowing, which is 13.09 percent less than the 50 percent permitted for properties zoned R50 and above. As a result of the setbacks between the properties the roof area of the adjoining property will retain access to sunlight throughout the year.</p> <p>The subject development's maximum building height of 9.0 metres is very similar to the maximum building height of 8.9 metres of the adjoining property at No. 82 Carr Street, West Perth as measured from the natural ground level to the top of the roof terrace patio roof structure and the pitched roof respectively. Refer to Attachment 4.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><u>Canopy Wall</u></p> <p><i>“The canopy wall at the front of the property is mostly solid and poses a risk to pedestrians in an area where elderly people frequently pass between the nursing home and the Carr Street bus stop. We feel that this wall impairs vision especially coupled with the sloping driveway and should be modified.”</i></p>	<p>Amended plans received 5 May 2015 show the canopy walkway wall to comply with the City’s requirements for fences and walls in the front setback area.</p>
<p><u>Streetscape</u></p> <p><i>“The proposed development is not in keeping with the existing development on Carr Street and Florence Street”.</i></p> <p><i>“It is difficult to see where any trees or plants will be able to grow maturely on the site.”</i></p>	<p>The proposed development is similar in design and scale to recently approved developments on the adjoining subdivided lots on the corner of Florence Street and Carr Street. It is therefore aligned with the emerging streetscape on Florence Street.</p> <p>A landscaping plan is not required for single houses however, there is adequate space for the planting of trees and other greenery in the front setback of the site.</p>
<p><u>Overall Bulk of Building</u></p> <p><i>“There’s nothing in the plan which provides a clear and compelling rationale for the following: Why three stories, when the regulations says two? Why are height limits and setbacks being reduced? Why are privacy issues (setbacks and screening) being watered down on the terrace level? These points are raised from the docs published on the council website. I refer your attention to the “proposed” and “deemed to comply” columns under “details of aspects requiring local authority discretion”. Assuming that setbacks, height limits and privacy regulations have been designed to protect local amenity with regard to suitability of development, this application seems to be unsuitable, being notably taller and less contained (especially on upper levels) than other buildings in the area, considerably altering the character of the streetscape. It would be more suitable to the area if the building was confined to 2 levels in keeping with other buildings on the street and, if that number included a terrace level, that privacy screening and setbacks be added to limit overlooking neighbouring plots. I can see why Northern setbacks may need some allowance given the narrow lot, but suggest that South boundaries on upper floors are set back by something closer to the requirement.”</i></p>	<p>The three storey proposal comprises two floors of habitable space and a rooftop terrace, which maximises internal living space and outdoor living area. The overall design and proposed setbacks of the subject development are similar to the designs and setbacks of approved developments on the adjoining subdivided lots on the corner of Florence Street and Carr Street.</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

The following legislation and policies apply to the proposed three storey single house development:

- *Planning and Development Act 2005;*
- Residential Design Codes 2013;
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 7.1.5 – Cleaver Precinct; and
- Policy No. 7.2.1 – Residential Design Elements.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment"

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL	
Issue	Comment
The design of the dwelling allows for adequate natural light and cross ventilation.	

SOCIAL	
Issue	Comment
Nil.	

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The proposed variations relate to Street Setbacks, Lot Boundary Setbacks, Boundary Walls and Building Storeys and Height. These variations are acceptable because they result in a built form that is similar to developments on the adjoining properties and will not adversely impact the area.

Although there are a number of variations, the proposal will be a good outcome for the development of the currently vacant site. The proposal comprises a dwelling that is similar in design and character to the approved developments that have been established on the corner of Florence Street and Carr Street. The proposed development will be in keeping with the existing and proposed streetscape, with regards to the modernistic modular design and materials used, street setbacks and lot boundary setbacks.

CONCLUSION:

The proposed development of a three storey single house is supported, subject to relevant conditions and advice notes.

9.1.7 No. 1 (Lot: 506 D/P 24972) Bold Court, Leederville – Two Grouped Dwellings

Ward:	South	Date:	15 May 2015
Precinct:	Precinct 4 - Oxford Centre	File Ref:	PR18523; 5.2014.667.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Applicant Justification 4 – Marked up plans showing proposed versus required setbacks 5 – Streetscape Plan		
Tabled Items:	Nil		
Reporting Officer:	A Dyson - Planning Officer (Statutory)		
Responsible Officer:	G Poezyn - Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Mode Living on behalf of the owner Mode Living Pty Ltd, for Two Storey Grouped Dwellings at No. 1 (Lot 506; D/P 24972) Bold Court, Leederville as shown on amended plans date stamped 15 January 2015 and 16 April 2015, included as Attachment 2, subject to the following conditions:

1. Boundary Walls

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls in a good and clean condition to the satisfaction of the City as follows:

- 1.1 the wall facing No. 3 Bold Court, Leederville, shall either be fully rendered or face brickwork; and
- 1.2 the wall facing Loftus Street shall be finished in render with face brickwork inserts as shown on the approved plan;

2. Building Appearance

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

3. Street Trees

The existing street tree is to be removed, and a new verge tree is to be planted at a size of 500 litres at the full cost of the owner to the satisfaction of the City;

4. Stormwater

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

5. Crossovers

- 5.1 All new crossovers shall be constructed in accordance with the City's Standard Crossover Specifications; and
- 5.2 Redundant crossovers shall be removed at the applicant/owner's full expense and the verge and kerb made good to the satisfaction of the City; and

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

6.1 Revised Plans shall be submitted to show:

6.1.1 Privacy Screening

The alfresco to the rear on the west elevation being screened to the satisfaction of the City, at any point within the cone of vision less than 6 metres from a neighbouring boundary; and

6.2 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.

ADVICE NOTES:

1. With regard to Condition 1, the owners of the subject land shall obtain the consent of the owners of the relevant adjoining property before entering that property in order to make good the boundary walls;
 2. A Road and Verge security bond for the sum of \$2,000, 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;
 3. 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 no to create unreasonable noise. It is important that you inform mechanical equipment installers of this requirement;
 4. With regard to Condition 6.2, the applicant shall carry out a dilapidation survey and report of the adjoining property to the west of the subject site.
 5. With reference to Condition 5.1 all new crossovers to lots are subject to a separate application to be approved by the City;
 6. With reference to Condition 4, no further consideration shall be given to the disposal of stormwater 'off site' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'off site' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings;
-

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 1.5m) shall be maintained for all users at all times during construction works. If the safety of the path is compromised resulting from either construction damage or as a result of a temporary obstruction appropriate warning signs (in accordance with AS1742.3) shall be erected. Should a continuous path not be able to be maintained, an 'approved' temporary pedestrian facility suitable for all path users shall be put in place. If a request to erect scaffolding, site fencing etc., or if building materials are required to be stored within the road reserve, once a formal request has been received, the matter will be assessed by the City and if considered appropriate a permit shall be issued by the City's Ranger Services Section. No permit will be issued if the proposed encroachment into the road reserve is deemed to be inappropriate.

PURPOSE OF REPORT:

To consider an application for two, three-storey grouped dwellings.

BACKGROUND:

Nil.

DETAILS:

Landowner:	Mode Living Pty Ltd/Goss Investment Trust
Applicant:	Mode Living
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R80 Draft Town Planning Scheme No. 2 (TPS2): Regional Centre (RC)
Existing Land Use:	Vacant Site
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	315 square metres
Right of Way:	Not Applicable
Date of Application:	1 December 2014

The application is for the proposed construction of two, three storey grouped dwellings on an existing vacant site. Access to the site is via Bold Court.

Each dwelling comprises of an under croft double tandem garage, which is counted as a third storey in accordance with the definition of the City's Town Planning Scheme No. 1, as well as two levels of living space with three bedrooms each.

Conditional subdivision approval to create 2 lots was granted by the WAPC, on 20 February 2015.

ASSESSMENT:

Summary Assessment

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

Design Element	Complies	Requires the Exercise of Discretion
Density/Plot Ratio	✓	
Front Setback		✓
Front Fence		✓

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

Detailed Assessment

Acceptable Variations

Issue/Design Element:	Front Setback
Requirement:	Leederville Masterplan Built Form Area Guidelines Front Setback – 4.0 metres
Applicant's Proposal:	Front Setback - Projection – 3.75 metres (Variation of 0.25 metres)
Design Principles	Not Applicable
Applicant Justification/Summary:	<i>"Front Setback"</i> <i>The section of wall that is setback 3.75 metres in lieu of the 4.0 metres required is merely a small architectural nib wall projection. It must also be noted that this projecting wall is central to its location to the original parent lot and as such has little to no impact on adjoining owners".</i>
Officer Technical Comment:	The proposed front setback to the building itself is 4.25 metres with a small architectural intrusion of 0.25 metres into the permitted front setback. This intrusion has a face brick appearance and assists to break up the building bulk to Bold Court. The variation is minor and will not have a negative impact to the streetscape.

Issue/Design Element:	Front Fence
Requirement:	Leederville Masterplan Built Form Area Guidelines Front Fencing – 1.2 metres height (maximum). Solid to 0.5 metres
Applicant's Proposal:	Front Fencing- 1.8 metres solid (Variation of 0.6 metres)
Design Principles	Not Applicable
Applicant Justification/Summary:	<i>"Front Fence"</i> <i>We are proposing a 1.8 metres high fence within the front setback area (Unit 2) along the eastern boundary, so as to give some privacy and security to the dwelling from the footpath that runs alongside the eastern boundary. It should be noted that the front facing gate of the front fence is lowered to 1.5 metres high and only the pier adjacent to the driveway is 1.8 metres high to accommodate the metre boxes. Fencing running alongside the driveway is 1.5 metres high.</i>

Issue/Design Element:	Lot Boundary Setbacks
Applicant Justification/Summary:	<p><u>“First Floor and Second Floor Western Boundary Setbacks</u></p> <p><i>Due to the narrow nature of the site, the buildings will be built up to and with some wall setback beyond their maximum approved envelope, in order to achieve a functional design. Access to northern sunlight is not affected due to the nature and orientation of the blocks.</i></p> <p><u>Second Floor Southern Boundary Setbacks</u></p> <p><i>The rear (southern) boundary is adjacent to a commercial building/property with its car park immediately adjacent to our boundary. Therefore our proposed residential dwellings could not possibly impact negatively on such a land use.”</i></p>
Officer Technical Comment:	<p><u>Western Boundary</u></p> <p>There will be no impact from the proposed first floor setback variations on the adjoining property for the following reasons:</p> <ol style="list-style-type: none"> 1) The most significant variation ranging between 2.5 metres – 2.8 metres is the result of a major opening along the elevation that extends from the proposed tv/multi use room to the alfresco area. Without this opening the setback requirement would technically be 1.7 metres. The major opening faces into the existing garage parapet wall, and therefore does not impact on the amenity of the adjoining property. On this basis it would be more appropriate to apply the setback requirement of 1.7 metres, and in this context, the proposed setback variation is minor. 2) The setback variation that exists at the alfresco area affects the rear yard of the adjoining property and not the dwelling itself. A privacy screen is proposed along this portion of wall eliminating any privacy concerns of the neighbour. <p>The setback variations from the proposed second floor to the western boundary from the elevations to Bedrooms 1 and 3 are minor and will not have a negative effect on the adjoining property at No 3 Bold Court for the following reasons:</p> <ol style="list-style-type: none"> 1) Bedroom 1 faces the courtyard area and roof space of the adjoining property; 2) Bedroom 2 faces the upper floor of the adjoining property which contains no openings and has been setback 2.0 metres from the common boundary. <p>The variations to the western wall will not contribute to overshadowing given the north-south orientation of the dwelling.</p> <p><u>Southern Boundary</u></p> <p>As the proposed setback variation to the second floors of both dwellings is 1.05 metres and faces the car parking area of a commercially zoned lot, this variation will have no negative impact on the adjoining property.</p>

Issue/Design Element:	Boundary Walls
Requirement:	<p>Residential Design Codes 2013 Clause 5.1.3 C3.2</p> <p><u>Boundary Wall</u> A boundary Wall to one boundary only. Maximum height – 3.5 metres Average height – 3.0 metres Length – 2/3 of common boundary</p>
Applicant's Proposal:	<p><u>Boundary Wall</u> Boundary Walls to each dwelling (Variation of One boundary wall)</p> <p>Maximum Height – 5.5 metres (variation of 2.5 metres) (Eastern Elevation) 5.5 metres (variation of 2.5 metres) (Western Elevation) – Fascia Portion to front and rear of wall. Remainder of the wall at 4.4 metres) (variation of 0.9 metres) Length – compliant</p> <p>Average Height – 5.0 metres (variation of 2.0 metres) (Eastern Elevation)</p>
Design Principles:	<p>Residential Design Codes 2013 Clause 5.1.3 P3.2</p> <p>P3.2 Buildings built up to boundaries (other than the street boundary) where this:</p> <ul style="list-style-type: none"> • makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas; • does not compromise the design principle contained in clause 5.1.3 P3.1; • does not have any adverse impact on the amenity of the adjoining property; • ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; • positively contributes to the prevailing development context and streetscape; and • orderly and proper planning of the locality.
Applicant Justification/Summary:	<p><u>"Boundary Walls R-Codes</u> <i>Boundary Wall heights have been exacerbated by the City's Engineering recommendations requiring us to raise the finished floor levels of the dwellings, in order to achieve the requested driveway gradients. We believe that these boundary wall heights will not impact so greatly on the neighbouring lot (Lot 505), as they have their garage, with its own boundary wall, located on the same western boundary.</i></p>
Officer Technical Comment:	<p>The proposed development includes boundary walls on both the eastern and western boundaries.</p> <p>Although the western boundary wall is considered the as of right boundary wall in accordance with the Residential Design Codes 2013 and its length complies with the requirement of the Residential Design Codes 2013, it proposes a maximum height variation of 2.5 metres on the fascia to the front and rear. The remainder of the wall was originally proposed at the same wall height, but has since been amended to a height of 4.4 metres (variation of 0.9 metres) following the conclusion of the advertising period.</p>

Issue/Design Element:	Boundary Walls
	<p>The western boundary wall abuts an area of the adjoining western property at No. 3 Bold Court which includes bedrooms and a dining area, setback 1.5 metres from the boundary. Even with the construction of the wall on the boundary these existing setbacks ensure that the rooms of the adjoining dwellings have access to light and ventilation.</p> <p>The proposed eastern boundary wall abuts the Loftus Street verge and is therefore of less concern in relation to bulk and scale as it is considered in the context of its appearance from Loftus Street.</p> <p>A mix of render and face brick inserts is proposed on the façade of this boundary wall, which will present an aesthetically pleasing appearance from Loftus Street.</p> <p>Overall, the proposed boundary walls allow for effective use of space on a narrow 5.9 metre wide lot.</p>

Issue/Design Element:	Retaining Walls
Requirement:	<p>Residential Design Codes 2013 Clause 5.3.8 C8.1</p> <p>0.5 metres</p>
Applicant's Proposal:	0.85 metres (variation of 0.35 metres)
Design Principles	<p>Residential Design Codes 2013 Clause 5.3.8 P8</p> <p>P8. Retaining Walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to Clause 5.3.7 and 5.4.1.</p>
Applicant Justification/Summary:	<p><u><i>Retaining Levels</i></u> <i>Finished floor levels and associated ground level heights have been raised to accommodate the required driveway gradients into the undercroft garage, as per City's Engineering recommendations. These FFL increases have meant slightly over height retaining levels along the boundaries. However, we feel, that given the residential neighbour to the west has no objections to these slightly over height retaining walls it will allow for an excellent, workable outcome, which will deliver a very useable home.</i></p>
Officer Technical Comment:	<p>The proposed retaining walls are located to the rear of the property and adjacent to an open rear yard area of the adjoining property. At a height of a maximum of 0.85 metres, the scale of these retaining walls will not affect the visual aspect of the adjoining property or create an undue bulky aspect. Therefore the variation is acceptable.</p>

Issue/Design Element:	Site Works
Requirement:	Residential Design Codes 2013 Clause 5.3.7 C7.1 0.5 metres
Applicant's Proposal:	1.503 metres excavation (variation of 1.03 metres)
Design Principles:	Residential Design Codes 2013 Clause 5.3.7 P7.1 and P7.2 P7.1 Development that considers and responds to the natural features of the site and requires minimal excavation/fill. P7.2 Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.
Applicant Justification/Summary:	<u><i>"Excavation/Fill"</i></u> <i>We have opted to build a under croft garage scenario, because this provides the best outcome for the parking of vehicles given the site. Under croft garages inherently provide for excavation beyond the 0.5 metres permitted in the R-Codes. It should be noted that we will be undertaking a dilapidation report on the adjoining neighbour (Lot 505). We will be consulting the neighbours at a time that is suitable, prior to construction commencing."</i>
Officer Technical Comment:	The proposed excavation of the lot is to accommodate the undercroft garage and provide a consistent floor level across the site. The City's Technical Services have supported the proposed gradient into the garage. As a result of the amount of excavation to the site to accommodate the proposed undercroft garages the development will vary in appearance from the existing two storey dwellings in the street. However, the additional storey is permitted under the Leederville Masterplan.

Issue/Design Element:	Surveillance
Requirement:	Leederville Masterplan Built Form Area Guidelines Balcony to be provided on the façade facing the street.
Applicant's Proposal:	No balcony provided.
Design Principles	Not Applicable
Applicant Justification/Summary:	<u><i>"Balcony to Front"</i></u> <i>A study of the existing streetscape reveals that none of the recently built existing houses along Bold Court have a balcony to the front. They do however have numerous windows allowing for surveillance of this small private road."</i>
Officer Technical Comment:	Whilst the Leederville Masterplan Built Form Guidelines require a balcony to be provided to enhance surveillance of the street, there are contemporary dwellings along the southern side of Bold Court that have been constructed without balconies. The subject site is the last site to be developed in this location and requesting a balcony, when the other dwellings along the street do not have one, will result in the streetscape being slightly altered in appearance. Given the above, and as the subject dwelling has good surveillance to the street with large windows provided on the first and second floors, this variation is acceptable.

Unacceptable Variation

Issue/Design Element:	Privacy
Requirement:	<p>Residential Design Codes 2013 Clause 5.4.1 C1.1</p> <p>First Floor – Alfresco – 6.0 metres</p>
Applicant’s Proposal:	<p>First Floor – Alfresco - 3.2 metres (Variation of 2.8 metres)</p>
Design Principles:	<p>Residential Design Codes 2013 Clause 5.4.1 P1.1</p> <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 Justification/Summary:	<p><i>“Alfresco Privacy Setback</i> <i>Again due to the relatively small site we have had to work with, we have attempted to maximise our design. By creating a useable alfresco area leading out from the living room. The rear (southern) property is currently a commercial building/property with its car park overlooking a commercial car park, as such this proposal could not possibly impact negatively on such a land use. Also it must be noted that we cannot make concessions or allowances within our property for what future development might or might not occur on this adjacent southern boundary.”</i></p>
Officer Technical Comment:	<p>The only overlooking proposed is across the western boundary into the rear yard area of the adjoining property. Although the overlooking is minor it is recommended that a condition is included to address this variation to ensure the privacy of the adjoining property.</p>

CONSULTATION/ADVERTISING:

Required by Legislation:	Yes	Required by City of Vincent Policy:	Yes
Consultation Period:	30 January 2015 – 12 February 2015		
Comments Received:	Three comments received with two 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>Streetscape</u></p> <p>Consider the proposal does not positively contribute to the streetscape given the adjoining dwellings are two storey houses.</p>	<p>The development appears as a two storey building as the proposed undercroft level is primarily below street level and will be utilised as a basement for car parking. The rear is also a two storey development.</p> <p>Whilst the development will be greater in height than the existing dwellings along Bold Court, it complies with the provisions of the Leederville Masterplan Built Form Guidelines which apply to this area since in 2009.</p> <p>The proposed height of three storeys is permitted, in accordance with the prominent location of the site within a Town Centre and a future Regional Centre zoning in Town Planning Scheme No. 2.</p> <p>Given the site abuts Loftus Street and the proposed development is the last to be developed along this area of Bold Court, there is the opportunity for the scale of the development to be more reflective of the future desired built form in the area and to bookend the street.</p>
<p><u>Height</u></p> <p>The proposed height is out of context with the street.</p>	<p>The three storey height proposed is in accordance with the provisions of the Carr Place Residential Precinct of the Leederville Masterplan Built Form Guidelines.</p>
<p><u>Car Parking</u></p> <p>Concern over any visitor parking that will be derived from the proposal, which will impact an already congested street.</p>	<p>As with all properties in the street visitors to this property would have the ability to park in the street.</p>
<p><u>Setbacks</u></p> <p>Note the proposed setbacks to the rear and height will impact the adjoining property to the south and any future development of this block.</p>	<p>The proposed rear elevation of the dwelling appears as a double storey to the rear and is setback adequately to reduce scale and bulk to the adjoining property to the rear. The adjoining property to the rear is an office use on a commercially zoned lot and the portion of the site that abuts the subject site is utilised for car parking.</p> <p>Based on the above the adjoining site will not be detrimentally affected by the proposed development.</p>
<p><u>Damage to Existing Dwellings</u></p> <p>Request that a dilapidation report be carried out of adjoining property prior to excavation with concerns of possible damage to existing house.</p>	<p>The applicant has stated that they will carry out a dilapidation report on the adjoining property prior to commencing any development and this requirement has been imposed as a condition.</p>

Summary of Comments Received:	Officer Technical Comment:
<p><u>Air Conditioners</u></p> <p>Concern over the location of air conditioners and request that the location is made in consultation with the adjoining property owners</p>	<p>The applicant has indicated that the air conditioning system will be designed by a professional consultant and in accordance with the Australian Standards with the location of external air conditioning motors to be made with consideration of the adjoining property.</p> <p>The applicant has also indicated it is their intention for the air conditioning installers to consult with the neighbours.</p>
<p><u>Retaining Walls</u></p> <p>Concern over any changes to the boundary wall and construction of retaining wall along the southern boundary. Any new boundary walls is to be in discussion with the adjoining owners.</p>	<p>The applicant is required to construct any retaining walls in accordance with an approved building permit, signed by a structural engineer. In addition they would also be required to seek the approval of the adjoining property owner with a BA20 form given some encroachment to their property. Any alteration to the existing boundary fencing is to be in accordance with the <i>Dividing Fences Act 1961</i> and in consultation with the adjoining property owner.</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

The following legislation and policies apply to the proposed construction of two three-storey grouped dwellings at No. 1 Bold Court.

- *Planning and Development Act 2005*;
- City of Vincent Town Planning Scheme No. 1;
- Residential Design Codes 2013;
- Policy No. 7.1.4 – Oxford Centre Precinct; and
- Leederville Masterplan Built Form Design Guidelines – Appendix 19.

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City’s Strategic Plan 2013-2023 states:

“Natural and Built Environment

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

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

SUSTAINABILITY IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

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

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

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

SOCIAL	
Issue	Comment
The development contributes positively to the social sustainability of the area by increasing density, social mix and the diversity of dwelling types. The dwelling will also remove an existing vacant site and the associated negative impacts of this.	

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

The subject development, at a height of three storeys, is in accordance with the provisions of the Leederville Masterplan Built Form Guidelines and the future vision for the Leederville Town Centre area.

The proposed design will both complement the existing streetscape along this section of Bold Court and provide a bookend to the existing two storey dwelling type. The inclusion of an under croft garage will assist to provide the required on-site parking and will not impact the adjoining two storey dwellings.

The proposed variations to the lot boundary setbacks, boundary walls and site works are not considered unreasonable for the development and the front setbacks proposed will provide for minimal intrusions into the front setback area and will not affect the streetscape.

CONCLUSION:

Overall the proposed development is deemed acceptable and it is recommended that the proposal is supported.

9.1.8 Nos. 63 (Lot: 701 D/P: 73321) & 65 (Lot: 700 D/P: 73321) Alma Road, Mount Lawley – Proposed Change of Use from Two Grouped Dwellings to Unlisted Use (Short Term Accommodation)

Ward:	South	Date:	15 May 2015
Precinct:	Precinct 10 – Norfolk	File Ref:	PR53052; 5.2015.19.1
Attachments:	1 – Consultation Map 2 – Development Application Plans 3 – Management Plan –Party Control Procedures 4 – Applicant Response to Objections		
Tabled Items:	Nil		
Reporting Officer:	S Laming, Planning Officer		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **REFUSES** the application submitted by K Clark on behalf of the owner R F Clark, for the proposed Change of Use from Two (2) Grouped Dwellings to Unlisted Use (Short Term Accommodation) at Nos. 63 (Lot: 701 D/P: 73321) & 65 (Lot: 700 D/P: 73321) Alma Road, as shown on plans date stamped 21 January 2015, included as Attachment 2, for the following reasons:

1. The proposed use is inappropriate for this location and inconsistent with orderly and proper planning;
2. The proposed use does not contribute to the preservation of the amenity of the locality as it will result in an increase in noise, anti-social behaviour and issues relating to car parking which will adversely impact the amenity of adjoining residents;
3. The proposal will create an undesirable precedent which inhibits the City's ability to safeguard the social, physical and cultural environment of the area; and
4. Strong opposition to the proposal from adjoining residents during the community consultation process and throughout the unauthorised operation of the use previous to the submission of the subject Development Application.

PURPOSE OF REPORT:

To determine a proposal to change the use of two grouped dwellings to unlisted use (short term accommodation).

BACKGROUND:

On 2 December 2014 the City's Compliance Services received a complaint from a neighbouring property owner that the subject properties at Nos. 63 & 65 Alma Road, Mount Lawley had been operating as short term accommodation without formal planning approval.

The landowner was advised in a letter dated 5 December 2014 that there was no formal verification that the use of the properties complied with current regulations or that their current use as short term accommodation was approved.

The landowner was advised to cease operation of the unauthorised use and provided with the option to apply for development approval for its continuation.

The City received an application for planning approval on 21 January 2015.

DETAILS:

Landowner:	R F Clark
Applicant:	K Clark
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Residential R40 Draft Town Planning Scheme No. 2 (TPS2): Residential R40
Existing Land Use:	Grouped Dwellings
Use Class:	Unlisted Use - Short Term Accommodation
Use Classification:	SA – “Unlisted Use”
Lot Area:	Lot 700 – 296 square metres Lot 701 – 296 square metres
Right of Way:	Not Applicable
Date of Application:	19 January 2015

The proposal is for a change of use from Two Grouped Dwellings to Short Term Accommodation. As short term accommodation is not a use class under the City’s Town Planning Scheme No. 2 this use is deemed an “Unlisted Use”.

Each grouped dwelling is two-storeys in height, and includes a meals/family area, kitchen and a laundry on the ground floor. The upper floor includes three bedrooms and two bathrooms. Two on-site car-parking bays for each property are provided in double garages accessible from the rear right-of-way.

The applicant has provided the following details regarding the operation and management of the short term dwellings:

- The two properties are to operate as short term dwellings 24 hours per day, seven days a week.
- The proposed maximum number of tenants at each property at any one time is six.
- The owners will not live at either of the two properties.
- No building works are required to the existing grouped dwellings to accommodate the change of use to short term dwellings.
- The two properties will be subject to dual layers of management:
 - Homestead Realty as property managers; and
 - Espresso Apartments as the entity that markets the apartments to tenants.

The applicant proposes to market the short term dwellings to high-end and executive tenants, and is expecting a rental rate ranging from \$330 to \$415 per night.

A management plan was provided with the application, which outlines the rules and regulations tenants are required to comply with when using the properties. This management plan includes a party control procedure included as **Attachment 3**.

ASSESSMENT:

Summary Assessment

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

Design Element	Complies	Requires the Exercise of Discretion
Land Use		✓
Density/Plot Ratio	✓	
Front Setback	✓	
Front Fence	✓	

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

Use

Short term accommodation is an “Unlisted Use” which Town Planning Scheme No. 1 treats as a SA use classification for advertising purposes.

Under Clause 39 of the City’s Town Planning Scheme No. 1, the approval of an unlisted use requires an absolute majority decision by Council.

CONSULTATION/ADVERTISING:

Required by Legislation:	No	Required by City of Vincent Policy:	Yes
--------------------------	----	-------------------------------------	-----

Consultation Period:	3 March 2015 – 23 March 2015
Comments Received:	Eight objections and two general concerns

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

Summary of Comments Received:	Officer Technical Comment:
<p><u>Noise</u></p> <p>The proposal for short term dwellings is not a suitable use in a quiet residential area. The increase in visitors coming to the properties will result in an increase in noise, which will be a detriment to the adjoining properties. How will the noise be controlled?</p> <p>The patio area of No. 65 Alma Road is directly adjacent the patio area of the adjoining property. Previous tenants that have used the subject property for short term dwellings would have parties and would always open the glass sliding doors and play loud music whilst they were outside in the patio area.</p>	<p>The applicant proposes a ‘no party’ rule through the provided management plan and in the event that disruptive behaviour occurs from either property, the owner, managing agent or call centre helpline can be contacted for assistance. Notwithstanding this rule, there are significant concerns with the operation of short term accommodation at this location in relation to noise created from patrons using the properties for overnight accommodation. Irrespective of measures which are put in place to deal with noise, the management plan cannot prevent excessive noise emanating from the properties or parties from occurring.</p> <p>Noted. Please refer to the comments above.</p>

Summary of Comments Received:	Officer Technical Comment:
<p>We request that measures are taken to reduce any noise from the subject property from carrying over to the adjoining property. Can an Acoustic Report/Assessment be undertaken to demonstrate how noise will be reduced?</p>	<p>Should Council determine to approve this application, a condition requesting that an acoustic report be provided would need to be imposed.</p>
<p><u>Car Parking</u></p> <p>The proposal for short term accommodation at the subject properties may increase congestion and exacerbate car parking issues along Alma Road and the surrounding areas.</p> <p>On-street car parking is already limited along Alma Road due to an existing number of the adjoining properties not having off-street parking.</p> <p>Given that the owners will not be residing in the properties they will not have to deal with any of the frustrating parking issues as a result of their proposal.</p>	<p>The proposed parking is compliant with the provisions of the City's Parking and Access Policy. Notwithstanding compliance with car parking, complaints were received from nearby residents regarding parking on verge areas on Alma Road. The use has the potential to attract visitors to the site, thereby exacerbating issues relating to car parking in the area.</p> <p>Noted. Please refer to the comments in the section above.</p> <p>Noted.</p>
<p><u>Anti-Social Behaviour</u></p> <p>When No. 65 Alma Road was operating as short term accommodation without planning approval a party was held where approximately 30 young people attended, showing anti-social behaviour, swearing, street drinking and creating excessive noise for three days.</p> <p>In any event of what is described above, the adjoining property owners request a 24 hour attended contact phone number to lodge complaints and request assistance.</p>	<p>The applicant proposes a 'no party' rule as part of the management plan, a copy of which the applicant intends to provide to all tenants and neighbouring residents. Anti-social or disruptive behaviour will result in the tenants being evicted and being banned from leasing the properties in the future.</p> <p>Notwithstanding this proposed rule, there are significant concerns with the operation of short term accommodation at this location in relation to anti-social behaviour as a result of the temporary nature that the residents occupy these properties. Irrespective of measures which are put in place to deal with noise, occupiers of such premises do not have an incentive to develop good relationships with the neighbours due to the short term use of the sites.</p> <p>In the event that disruptive behaviour occurs from the subject properties, the owner, managing agent or call centre helpline is to be contacted. The applicant proposes to provide all neighbouring residents with the relevant contact numbers prior to the first occupancy of the premises.</p>

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

Design Advisory Committee:

Referred to Design Advisory Committee: No

LEGAL/POLICY:

The following legislation and policies apply to the Proposed Change of Use from Single Residential House to Short Term Accommodation:

- *Planning and Development Act 2005;*
- Residential Design Codes 2013;
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 7.1.10 – Norfolk Precinct; and
- Policy No. 7.4.5 – Temporary Accommodation.

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:

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

Economic Development

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

SUSTAINABILITY IMPLICATIONS:

The City’s Strategic Plan 2013-2023 states:

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

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

ENVIRONMENTAL	
Issue	Comment
The proposal uses an existing building. The adaptive re-use of this existing space has a lower environmental impact compared to constructing a new building for this purpose.	

SOCIAL	
Issue	Comment
The proposal enhances the possibility of anti-social and disruptive behaviour occurring from the subject properties.	

ECONOMIC	
Issue	Comment
The proposed land use provides employment opportunities.	

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The applicant provided a management plan that outlines the rules and regulations all tenants must comply with, which includes a 'no party' policy. However, the management plan acts only as a deterrent and cannot prevent parties or anti-social behaviour from occurring at the two subject properties.

In the event that a party is held at either property or other issues arise during the operation of the proposed short term accommodation, the management plan does not ensure that neighbouring residents will not be adversely impacted by the use.

During the subject properties' unauthorised operation as short term accommodation, residents of the surrounding properties experienced anti-social behaviour including loud noise, street drinking, foul language, littering and vandalism.

The unauthorised use of the subject properties also exacerbated car parking issues along Alma Road, as the various tenants using the short term accommodation parked cars on the verge and street areas rather than the available secure parking accessed from the right-of-way.

The City's Town Planning Scheme provides a number of objectives for controlling and guiding development which this proposal conflicts with. Specifically, the proposed use is inappropriate for this location and not consistent with orderly and proper planning. Furthermore, the proposed use does not contribute to the preservation of the amenity of the locality and will adversely affect neighbouring properties.

Given the resident's previous experience with the unauthorised use in relation to noise, anti-social behaviour and car parking, the proposal is considered to be unsuitable for this area. It does not satisfy the objectives of the City's Town Planning Scheme No. 1 and has had a detrimental impact on the amenity enjoyed by adjoining neighbours when it was operating as an unauthorised use.

CONCLUSION:

The proposed use is therefore not supported.

9.1.9 Amendment to Planning Policy No. 7.5.1 – Minor Nature Development

Ward:	North & South Wards	Date:	15 May 2015
Precinct:	All	File Ref:	SC2315
Attachments:	1 – Final Amended Policy No. 7.5.1 – Minor Nature Development 2 – Summary of Submissions		
Tabled Items:	Nil		
Reporting Officer:	J O’Keefe, Manager Strategic Planning, Sustainability and Heritage Services S Peters, Planning Officer (Strategic)		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council:

- ADOPTS Policy No. 7.5.1 – Minor Nature Development as shown in Attachment 1;**
- NOTES the submissions received in relation to the advertising of the amendment to Policy No. 7.5.1, included as Attachment 2 and ENDORSES Administration’s responses to those submissions; and**
- AUTHORISES the Chief Executive Officer to advertise the final version of the adopted Minor Nature Development Policy in accordance with Clause 47 of Town Planning Scheme No. 1 and Policy No. 4.1.5 – Community Consultation.**

PURPOSE OF REPORT:

To consider the outcomes of the public consultation period and to request Council adopts the amended Policy No. 7.5.1 – Minor Nature Development.

BACKGROUND:

Initiated by a Notice of Motion, Council resolved at its meeting on 10 March 2015 to amend Clause 1.2 of the Policy No. 7.5.1 – Minor Nature Development.

The amendment removes reference to amplified music as a trigger for requiring planning approval.

As a result of this amendment it will be easier for the City and other organisations to host events with amplified music without the need to obtain planning approval. The process of applying for planning approval adds unnecessary costs and time delays. As these events benefit the whole community removing these barriers is desirable.

HISTORY:

Date	Comment
27 March 2001	The Minor Nature Development Policy was adopted by Council.
22 November 2005	The Minor Nature Development Policy was amended to provide clarification regarding signage, encourage interactive shop fronts and to delete a clause relating to ancillary accommodation.
11 June 2013	The Minor Nature Development Policy was amended regarding works to a building in a dangerous state and for consistency with the Residential Design Codes 2013.
10 March 2015	Council resolved to advertise the deletion of the reference to amplified music from Clause 1.2 of the Minor Nature Development Policy.
12 May 2015	Administration presented the outcomes of advertising to a Council Forum.

PREVIOUS REPORTS TO COUNCIL:

This matter has not previously been reported to Council, however it is a result of a Notice of Motion presented at the Council Meeting on 10 March 2015.

The Minutes for Item 10.1 from the Ordinary Meeting of Council held on 10 March 2015 are available on the City’s website.

DETAILS:

This amendment to Policy No. 7.5.1 – Minor Nature Development is to modify Clause 1.2 by deleting the reference to amplified music as follows:

“1.2 of a temporary nature occurring on one-off occasions (although may occur on a number of days) but not of any permanent nature or re-occurrence, ~~but excluding activities involving the use of amplified music such as rave parties or rock concerts;~~”

This will ensure that events using amplified music will be exempt from the need for planning approval. All other requirements of the City associated with temporary events continue to apply.

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

CONSULTATION/ADVERTISING:

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

Consultation Period:	31 March 2015 – 28 April 2015 (30 Days)
Consultation Type:	<ul style="list-style-type: none"> • Adverts in The Guardian and the Perth Voice; • Notice on the City’s website; • Copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre; and • Consultation with adjoining Local Authority’s and government agencies.

Position	Community	Government Authority	Total Submissions	Percentage
Support	2	0	2	25%
Object	0	0	0	0%
Not Stated	0	6	6	75%
	2	6	8	100%

SUMMARY OF COMMENTS RECEIVED:

No specific comments were recorded.

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- *Town Planning Regulations 1967;*
- City of Vincent Town Planning Scheme No. 1; and
- Policy No. 4.1.5 – Community Consultation.

RISK MANAGEMENT IMPLICATIONS:

The amendment to the Policy will allow events with amplified music to proceed without planning approval. Sufficient controls exist within other operational areas of the City to ensure that the impacts from temporary events on residential amenity is managed appropriately.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

1.1 *Improve and Maintain the Environment and Infrastructure.*

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

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

SUSTAINABILITY IMPLICATIONS:

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

N/A – Appropriate events may provide opportunities to promote sustainability principles such as recycling, resource conservation and public transport.

The following tables outline the applicable sustainability issues of this Policy:

ENVIRONMENTAL	
Issue	Comment
Events are unlikely to create any environmental issues because of their temporary nature	

SOCIAL	
Issue	Comment
Events provide a number of benefits for communities which promote community development and wellbeing.	

ECONOMIC	
Issue	Comment
Events are likely to create an increase in spending with local businesses and may also attract people who may not normally visit that area.	

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial/budget implications associated with this amendment.

COMMENTS:

Events provide significant benefits such as increased community cohesion and wellbeing, increased revenue for local businesses and opportunities to raise awareness of issues or charitable causes which may need support from the local community. Events also contribute to the City of Vincent's image as a creative and vibrant place

This amendment will make it easier for the City and other organisations to hold events that include amplified music as planning approval will no longer be required.

CONCLUSION:

Given that no objections to the amendment have been received during advertising, it is recommended that the amendments to the Minor Nature Development Policy be adopted.

9.1.10 Amendment to Policy No. 7.5.11 – Exercise of Discretion for Development Variations

Ward:	Both Wards	Date:	15 May 2015
Precinct:	All Precincts	File Ref:	SC1878
Attachments:	1 – Draft Amended Policy No. 7.5.11: Exercise of Discretion for Development Variations 2 – Summary of Submissions		
Tabled Items:	Nil		
Reporting Officers:	T Elliott, Strategic Planning Officer		
Responsible Officer:	G Poezyn, Director Planning Services		

OFFICER RECOMMENDATION:

That Council:

1. **ADOPTS Policy No. 7.5.11 – Exercise of Discretion for Development Variations as shown in Attachment 1 to come into effect on 1 July 2015;**
2. **NOTES the submissions received in relation to the advertising of amendments to Policy No. 7.5.11, included as Attachment 2 and ENDORSES Administration’s responses to those submissions; and**
3. **AUTHORISES the Chief Executive Officer to advertise the final version of Policy No. 7.5.11 – Exercise of Discretion for Development Variations in accordance with Clause 47 of the City of Vincent Town Planning Scheme No. 1 and the City’s Policy No. 4.1.5 – Community Consultation.**

PURPOSE OF REPORT:

To advise Council of the outcomes of the public consultation period for the amendment of Policy No. 7.5.11 – Exercise of Discretion for Development Variations and to request Council to adopt the amended policy.

BACKGROUND:

Triggered by a Notice of Motion, Council resolved at its meeting on 10 February 2015 to amend Policy No. 7.5.11 – Exercise of Discretion for Development Variations. The purpose of the amendment is to include a new clause to restrict the use of the Policy in conjunction with the heights proposed by Town Planning Scheme No. 2 (TPS2).

Policy No. 7.5.11 currently allows developments up to an additional 2 storeys when certain criteria are met.

TPS2 has increased the permitted height associated with the zoning/density coding proposed on major roads. Using the provisions of Policy No. 7.5.11 in conjunction with the increased heights permitted under TPS2 results in built forms that are not in keeping with Council’s vision for the area.

The proposed amendment is an interim measure while the City undertakes a major review of all development policies.

History:

Date	Comment
20 November 2012	Council first adopted Policy No. 7.5.11.
9 April 2013	Council endorsed amendments to Policy No. 7.5.11.
10 September 2013	Council endorsed further amendments to Policy No. 7.5.11.
10 February 2015	Council resolved to amend Policy No. 7.5.11 by inserting a new clause 3.1.
18 March 2015 – 16 April 2015	Formal consultation period.
12 May 2015	Administration presented the outcomes of advertising to a Council Forum.

Previous Reports to Council:

Although Administration has not prepared previous reports relating to this matter, to Council, a Notice of Motion was considered by Council at its meeting on 10 February 2015.

The Minutes from the Council meeting held on 10 February 2015 are available on the City's website.

DETAILS:

The amendment to Policy No. 7.5.11 – Exercise of Discretion for Development Variations includes a new Clause 3.1 as follows:

'The provisions of this Policy must not be used in conjunction with the requirements of Town Planning Scheme No. 2 as adopted by Council at its Special Meeting held on 18 November 2014.'

The formal advertising of the amendment was undertaken in accordance with Clause 47 of Town Planning Scheme No. 1 and Policy No. 4.1.5 – Community Consultation.

CONSULTATION/ADVERTISING:

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

Consultation Period:	18 March 2015 – 16 April 2015
Consultation Type:	<ul style="list-style-type: none"> • Adverts in the Guardian and the Perth Voice; • Notice on the City's website; • Copies displayed at City of Vincent Administration and Civic Building and Library and Local History Centre; and • Consultation with adjoining Local Authority's and government agencies.

Position	Community	Government Authority	Total Submissions	Percentage
Support	1	2	3	60%
Object	0	0	0	0%
Not Stated	0	2	2	40%
	1	4	5	

Summary of Comments Received:	Officer Comment:
The words "this Policy" should be replaced with "this Clause" if the Policy is to continue to be applied once Town Planning Scheme No. 2 is adopted.	The proposed Amendment to Policy No. 7.5.11 is an interim measure whilst the City undertakes a review of the Planning Framework. As the new Planning Framework proposes amendments to the provisions relating to Policy No. 7.5.11, reference to Town Planning Scheme No. 2 is unnecessary. Therefore no change in wording is required.

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

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- *Town Planning Regulations 1967;*
- *City of Vincent Town Planning Scheme No. 1; and*
- *Policy No. 4.1.5 – Community Consultation.*

RISK MANAGEMENT IMPLICATIONS:

This amendment will reduce the risk of development proposals that result in heights greater than anticipated.

STRATEGIC IMPLICATIONS:

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

"Natural and Built Environment

1.1 *Improve and Maintain the Environment and Infrastructure.*

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

SUSTAINABILITY IMPLICATIONS:

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

"AIR & EMISSIONS

1.14 *Offer guidance and encourage energy efficient design for new developments and retrofitting for existing developments within the City."*

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

ENVIRONMENTAL
A reduction in development height allowed may reduce energy and materials used in construction.

SOCIAL
The community affected by developments proposing increased height will have more certainty as to maximum heights allowed.

ECONOMIC
The reduction in height may reduce development potential and subsequently resident numbers resulting in a reduction in potential rate revenue.

FINANCIAL/BUDGET IMPLICATIONS:

Expenditure to progress this Policy Amendment will be paid from the operating budget.

COMMENTS:

Despite the small number of responses to the proposed change this amendment will be a significant tool to manage development applications for proposals with significant heights which are currently causing much community concern.

The Amendment will require development applications to propose heights contained in Town Planning Scheme No. 1; and assist to prevent overdevelopment of sites to proportions that are not in-keeping with Council's vision.

Given the low number of submissions, Administration recommends that the amendment takes effect from 1 July 2015 to ensure that development applications in various stages of assessment and preparation can adjust to the new requirements and enable the City to inform current and future applicants of the change.

CONCLUSION:

It is recommended that the amendment to Policy No. 7.5.11 is adopted without modification.

9.2 TECHNICAL SERVICES

9.2.1 Proposed 2015/16 State Black Spot Improvement Projects

Ward:	Both	Date:	15 May 2015
Precinct:	Beaufort (13) Mount Hawthorn (1)	File Ref:	SC1248
Attachments:	1 – Proposed 2015/16 State Black Spot Projects 2 – Current Traffic Upgrade intersection of Scarborough Beach Road, London and Loftus Streets		
Tabled Items:	Nil		
Reporting Officers:	C Wilson, Manager Asset and Design Services R Lotznicker, Director Technical Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

1. **NOTES that;**

- 1.1 the City has been successful in attracting 2015/16 State Black Spot funding for traffic/safety improvements as follows:

Location	Attachment	Estimated Cost	City Contribution
Intersection of Parry and Pier Streets, Perth	1	\$150,000	\$50,000
Intersection of Hobart and London Streets, North Perth	2	\$30,000	\$10,000
TOTAL		\$180,000	\$60,000

- 1.2 in accordance with Policy 4.1.5, Community Consultation Appendix 2 General Consultation, prior to commencing the works, Administration will provide the community with an enhanced 'Information Bulletin' outlining the background and rationale for the project; and
- 1.3 an amount of \$180,000, for the two Black Spot Improvement projects, has been listed, for consideration, in the 2015/16 draft budget.

PURPOSE OF REPORT:

To advise Council that the City has been successful in attracting 2015/16 State Black Spot funding for two projects.

BACKGROUND:

Each year the City is requested to submit funding applications to Main Roads WA for both State and National 'Black Spot' Improvement Projects. State funding is allocated at a 2:1 ratio (with the state paying 2/3 to the City's 1/3), while National Black Spot Projects are fully funded by the program.

The Black Spot application process generally takes about two years from submission to implementation and once approved the project cannot be changed as any redesign would affect the cost benefit ratio (CBR) and the project would most probably not meet the funding requirements. Therefore the majority of Local Governments do not consult on Black Spot projects as a Black Spot improvement is viewed as a safety improvement for the betterment of the wider community.

With this in mind at its Ordinary Meeting held on 9 August 2011 Council made the following decision (in part):

“That the Council;

2. APPROVES BY AN ABSOLUTE MAJORITY to amend the City’s Policy No 4.1.5- Community Consultation as follows;

“7. NON-STATUTORY AND GENERAL CONSULTATION (Page 12)

<p>LOCAL AREA TRAFFIC MANAGEMENT SCHEME (LATM) – Proposal to Conduct</p>	<p><i>Notice delivered or mailed to all owner(s) and occupier(s) within the designated area and those on both sides of the perimeter roads giving them 14 days to provide comment, excluding “Black Spot” projects.</i></p> <p><i>CEO can determine Local Public Notice – if required.</i></p> <p><i>“Black Spot” Projects</i></p> <p><i>A “Black Spot” is defined as a location whereby there have been more than five (5) accidents over a five (5) year period.</i></p> <ul style="list-style-type: none"><i>• Provide the community with an enhanced ‘Information Bulletin’ at the time prior to construction outlining the background and rationale for the project; and</i><i>• Provide potentially affected residents (upon request) with all the relevant information including, but not limited to, the approved design, accident information and posts this information on the City’s website.”</i>
--	--

DETAILS:

A ‘Black Spot’ is a location where there have been five or more accidents over a five year period. The accidents are analysed and a treatment to address the predominant accident type is designed, costed, a cost benefit ratio (CBR) determined (in accordance with the funding guidelines) and if the CBR is above a certain threshold, the project is submitted for funding. National Black Spots require a higher CBR than State Black Spots in order to qualify for full funding.

2015/2016 Black Spot Projects:

In 2014 the City submitted four projects of which the following two were successful.

Intersection of Parry and Pier Streets, Perth - Proposed Roundabout:

The five accident history period for 2014 submissions was 1 January 2009 to 31 December 2013. During this period there were six accidents resulting in major property (vehicle) damage and one casualty. The predominant accident type being right angle crashes.

However, in light of the traffic volumes on both roads it was not appropriate to eliminate any turning movements and therefore the nominated treatment was a roundabout.

The roundabout treatment does not divert or re-direct traffic into the surrounding streets and has minimal impact upon the amenity of the adjacent/nearby residents and businesses. Furthermore, the proposed centre rotary landscaping will enhance the streetscape similar to that of the roundabout at the Stirling and Parry Streets intersection.

Intersection of London and Hobart Streets, North Perth – Installation of a Continuous Median to Prevent Right Turns and Straight Through Movements:

For the period 1 January 2009 to 31 December 2013 there were 13 accidents at this location resulting in major property (vehicle) damage and four casualties. The predominant accident types being right turn and right angle crashes.

In this instance the nominated treatment is to extend the London Street median island through the intersection to prevent the right turn in and out and the straight through movement from Hobart Street. However, unlike a roundabout, closing the median may result in traffic being diverted to the adjoining road network albeit 'rat runners' or residents. Therefore there may be some objections from residents in the adjoining streets.

However, a positive and recent development that will help counter this argument is that the long awaited changes to the traffic signals at the intersection of Scarborough Beach Road, London Street and Loftus Street, has commenced, in conjunction with the City's Scarborough Beach Road Bike Lane works. The upgrade will include LED lanterns with a right turn phase (arrows) in London Street and Loftus Street (both north and south bound). In addition there will be parallel walk pedestrian crossing phases with lanterns.

CONSULTATION/ADVERTISING:

In accordance with Policy 4.1.5 Community Consultation Appendix 2: General Consultation (No.6), with regards to Black Spot projects, which are defined as a location whereby there have been more than five accidents over a five year period, the following will occur:

- The community will be provided with an enhanced 'Information Bulletin', prior to the commencement of the project, outlining the background and rationale for the project;
- Potentially affected residents (upon request) will be provided with all the relevant information including, but not limited to, the approved design, accident information; and
- The proposal, with all associated information, will be available on the City's website.

LEGAL/POLICY:

Both intersections are under the care, control and management of the City.

RISK MANAGEMENT IMPLICATIONS:

Medium/High: Black Spots are locations that have recorded five or more accidents over a five year period.

STRATEGIC IMPLICATIONS:

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

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

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

SUSTAINABILITY IMPLICATIONS:

Improved safety for all road users.

FINANCIAL/BUDGET IMPLICATIONS:

The 2015/2016 draft budget includes the following State Black Spot projects:

- Intersection of Pier and Parry Streets, Perth, budget \$150,000 (\$100,000/\$50,000); and
 - Intersection of Hobart and London Streets, North Perth, budget \$30,000 (\$20,000/\$10,000).
-

COMMENTS:

Black Spots are locations whereby there have been five or more accidents over a five year period. Black Spot designs are based on a range of standard treatments and counter measures to eliminate accidents and once approved by Main Roads WA there is no scope to change the design as the funding would be jeopardised.

Therefore the majority of Local Governments do not consult on Black Spot projects as a Black Spot improvement comprises a safety improvement for the betterment of the wider community.

The two proposals discussed in the report will provide improved safety and enhanced amenity for all road users.

9.2.2 Traffic Related Matters Considered by the City's Integrated Transport Advisory Group (ITAG) May 2015 – Randell Street Additional Traffic Calming, Bondi/Egina Streets Intersection & Anzac Road Additional Traffic Calming

Wards:	Both	Date:	15 May 2015
Precinct:	Mount Hawthorn (1) Hyde Park (12)	File Ref:	SC926; SC697; SC768; SC673
Attachments:	1 – Plan No. 2724-CP-01 2 – Plan No. 2724-CP-01A 3 – Plan No. 3209-CP-01 4 – Plan No. 3208-CP-01		
Tabled Items:	Nil		
Reporting Officers:	R Lotznicker, Director Technical Services C Wilson, Manager Asset & Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

1. **CONSULTS** with all affected residents regarding the following proposals;
 - 1.1 **additional traffic calming in Randell Street, Perth, as shown on Plan No. 2724-CP-01A, at Attachment 2;**
 - 1.2 **improvements to the intersection of Buxton and Egina Streets, Mount Hawthorn, as shown on Plan No. 3209-CP-01, at Attachment 3; and**
 - 1.3 **additional traffic calming in Anzac Road, between Bondi Street and Egina Street, Mount Hawthorn, as shown on Plan No. 3208-CP-01, at Attachment 4; and**
2. **RECEIVES** a further report at the conclusion of the consultation period.

PURPOSE OF REPORT:

To update Council of the outcome of matters considered by the Integrated Transport Advisory Group (ITAG) meeting of 11 May 2015.

BACKGROUND:

A number of matters were considered by ITAG at its meeting held on 11 May 2015 including traffic matters, Bike Network update, parking matters and a RoadWise update. This report deals with the traffic related matters discussed by the group.

DETAILS:

**Randell Street, Perth – Request for Additional Traffic Calming:
(Plan No. 2724-CP-01 - Attachment 1 and Plan No. 2724-CP-01A - Attachment 2).**

Randell Street is approximately 250m long with a 10m wide carriageway that connects Fitzgerald Street in the west to Palmerston Street in the east.

The street is classified as an access road, in accordance with the Metropolitan Functional Road Hierarchy, and as previously reported to Council, traffic data collected in Randell Street, Perth, in September 2009 indicated that the average weekday traffic was 1,130 vehicles per day, while the 85% speed was 53.6 kph.

While the traffic volumes were considered reasonable, Council considered that the 85% speed, while not excessive, was nudging the acceptable speed threshold and residents were consulted regarding a traffic management proposal. At the time, the majority of the respondents were in favour of the proposal and some saw the proposal as being “*an overdue first stage*” and suggested that additional traffic calming measures should be considered in the future.

At the conclusion of the consultation period, after considering the comments received, Council approved the implementation of the proposal. (Refer attached Plan No. 2724-CP-01 - Attachment 1). The approved works were subsequently implemented.

Recent Traffic Data:

Vehicle classifiers were redeployed in 2014 and while the speeds have remained constant, the volumes have increased by over 250 vehicles per day.

Road	Location	AWT Sept 2009	AWT April 2014	Sept 2009 Ave Speed kph	April 2014 Ave Speed kph	Sept 2009 85% Speed kph	April 2014 85% Speed kph
Randall Street	Palmerston to Fitzgerald	1,130	1,407	42.5	43.7	53.6	52.6

ITAG considered that an additional speed hump be considered as shown on attached Plan No. 2724-CP-01A (Attachment 2).

Bondi and Egina Streets Intersection (Plan No. 3209-CP-01 - Attachment 3):

Residents have complained about rat running and dangerous manoeuvrings particularly vehicles travelling east along Bondi Street and turning right into Egina Street. Both roads are classified as access roads in accordance with the Metropolitan Functional Road Hierarchy, and via Merredin Street, provide a link between Green Street to the north and Scarborough Beach Road to the south.

At a recent site meeting it was determined that a simple solution to improve safety at the intersection, would be as follows:

- Installation of a pedestrian refuge island in Egina Street, south of Bondi Street, to channelise traffic; and
- Installation of a low profile speed slowing device.

ITAG supported these proposals.

Additional Traffic Calming – Anzac Road – (Plan No. 3208-CP-01 - Attachment 4):

Recent observations, and discussions with residents in the section of Anzac Road between Buxton and Egina Streets, indicates that speed is still an issue at this location despite the four low profile speed humps previously installed. In addition many residents cross Anzac Road, to not only access the shops on the south side of the street, but also to access Britannia Reserve and Lake Monger Reserve (refer below – NOTE: existing speed humps shown in red).



Anzac Road is classified as a District Distributor B in accordance with the Metropolitan Functional Road Hierarchy, has a posted speed limit of 50 kph, and provides a link between Oxford Street and Brady Street. The 85% speed is about 9 kph above the posted speed in some sections of the road. The Police have in past deployed traffic officers to monitor and enforce the 50 kph speed limit both as a visual deterrent and to change driver behaviour.

In the section of Anzac Road, between Egina Street and Buxton Street, four speed humps previously implemented have effectively "broken up" the traffic flow and have reduced the impact on adjoining residents. However, Anzac Road, between Federation and Egina Streets, forms part of the No. 15 Transperth bus route, and given that there are already four standard low profile speed humps within this section, any additional traffic calming needs to minimise the potential impact on buses.

ITAG agreed that some additional speed slowing devices were warranted at this location. Speed cushions have been nominated, in lieu of asphalt speed humps, as buses can traverse speed cushions without any vertical displacement, and if in future the speed cushions are not considered necessary, they can be easily removed.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

There are no specific funds allocated for any of the proposals discussed in this report.

- Additional traffic calming in Randell Street – estimated cost \$3,500;
- Improvements to the intersection of Bondi Street and Egina Street – estimated cost \$25,000; and
- Additional traffic calming in Anzac Road, between Buxton Street and Egina Street, – estimated cost \$12,500.

The total estimated cost of these proposals is \$41,000 and can be funded from miscellaneous traffic management allocation in 2015/16.

COMMENTS:

As has been recently highlighted in the press traffic speed, volumes, driver inattention and rat running is becoming an increasing concern amongst residents, exacerbated by ever increasing vehicles numbers. The proposals discussed in the report are an attempt to help address some of these issues.

9.2.3 Proposed Parking Changes – Grosvenor and Raglan Roads, Mount Lawley

Ward:	South	Date:	15 May 2015
Precinct:	Smith's Lake (6)	File Ref:	SC923, SC738 & SC228
Attachments:	1 – Summary of Comments		
Tabled Items:	Nil		
Reporting Officer:	C Wilson, Manager Asset & Design Services		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

1. **NOTES** the comments received regarding the implementation of additional and enhanced line marking and extended parking restrictions in Grosvenor Road, Raglan Road and Hutt Street, between Hutt Street and the City's public car park (Beaufort Street end), as shown in the Summary of Comments at Attachment 1;
2. **APPROVES** the:
 - 2.1 additional and enhanced line-marking at all crossovers in Grosvenor and Raglan Roads, unless otherwise requested, and;
 - 2.2 installation of 2P 'At All Times' restriction in Grosvenor Road, between Hutt Street and the City's public car park, and;
3. **DOES NOT** amend the existing parking restrictions in Raglan Road, from 8.00am to 5.30pm, Monday to Friday, and 8.00am to 12noon Saturday, to 2P 'At All Times';
4. **NOTES** that the line-marking and signage in Hutt Street will be upgraded to reinforce the existing restrictions, and;
5. **ADVISES** respondents of its decision.

PURPOSE OF REPORT:

To advise Council of the outcome of the recent consultation regarding the proposed changes to line marking and parking restrictions in the aforementioned streets.

BACKGROUND:

The City received a request to review the existing parking restrictions in Grosvenor and Raglan Roads, Mount Lawley, between Hutt Street and the City's car park (Beaufort Street end), due to the increasing demand generated by the Mount Lawley entertainment and commercial precinct, and in particular, the rising popularity of the Astor Theatre (within the City of Stirling) as a 'live' venue.

DETAILS:

Site Meeting March 2015:

A deputation of residents met with the Mayor, Director of Technical Services and Manager Asset & Design Services on 19 March 2015 to voice their concerns about the increasing parking demand and inconsiderate parking by visitors to the area. The residents were of the opinion that their parking issues have arisen as a result of the on-going popularity of the Mount Lawley Precinct as an entertainment destination, the increasing number of live performances at the Astor Theatre and people trying to avoid having to pay parking fees in the City's public carparks.

The residents, while predominately from Grosvenor Road, suggested that there were similar issues and concerns in Raglan Road.

To address the inconsiderate parking element, i.e. people parking across property crossovers, it was suggested to the residents that each crossover be line marked and stencilled 'No Stopping' in accordance with the Australian Standards. However, it was also recognised that in some instances it is residents parking across their own crossover, and if stencilled and line-marked, they too would have to comply or be infringed. As a consequence it was agreed that residents be asked, as part of any consultation, if they supported the installation of 'No Stopping' at crossovers.

In respect of existing parking restrictions the two streets differ:

- Grosvenor Road has a 2P time restriction, 8.00am to 8.00pm Monday to Sunday, while
- Raglan Road has 2P time restriction 8.00am to 5.30pm, Monday to Friday, and 8.00am to 12noon Saturday restrictions.

One of the residents primary concerns was that a visitor to the area could park in the street 2 hours prior to the end of the respective restrictions and then remain late into the evening. Therefore, in Grosvenor Road the current restriction allows unrestricted parking to commence at 6.00pm and in Raglan Road at 3.30pm, before many residents are likely to return home from work.

The residents subsequently requested a 2P restriction at all times.

Hutt Street, between Grosvenor Road and Raglan Road, differs again in that parking on road is already banned due to the narrow road width, (short length between the 90° bends and crossovers), and is therefore subject to routine line marking and sign maintenance. However, as any potential changes in Grosvenor Road and Raglan Road would likely impact upon the Hutt Street residents, they were also included in the consultation.

Administration Comments:

As can be seen from outcome of the consultation, the response rate was relatively low and as a consequence so were the majority numbers for each of the questions.

However, the conclusion that can be drawn is that there is greater support for the extended 2P restrictions in Grosvenor Road than there is in Raglan Road and hence the recommendation to proceed in Grosvenor Road and not Raglan Road.

In respect of the 'No Stopping' line-marking and stencilling it is recommended that this proceed unless otherwise requested. It appears that several properties use their internal driveway for either storage or an outdoor area and tend to park on the road in front of their gate (crossover). If, as requested, no line-mark is undertaken at these locations, others may park there in the belief that it is permitted.

CONSULTATION/ADVERTISING:

In mid-April 2015, 119 consultation packs were delivered and/or posted to the residents and property owners in Grosvenor Road, Raglan Road and Hutt Street. At the close of the consultation, 24 responses had been received - 10 each from Grosvenor Road and Raglan Road and four from Hutt Street.

Residents were asked to comments on proposals A and B as follows:

A: No Stopping' Line-Marking and Stencilling at Every Crossover:

	Yes	No	No Opinion	Total
Raglan Road	6	4	-	10
Grosvenor Road	5	4	1	10
Hutt Street	4	-	-	4
Total	15	8	1	24

Table 1

B: 2P 'At All Times':

	Yes	No	No Opinion	Total
Raglan Road	2	8*	-	10
Grosvenor Road	6	3	1	10
Hutt Street	2	1	1	4
Total	10	12	2	24

Table 2

Note:* Includes three residents of the mixed-used development on the corner of Raglan Road and (No. 83) Walcott Street who would not be eligible for resident exemption permits. Of the three who responded, two were against the 2P at all times and one was in favour, and in respect of the 'No Stopping', which has no impact upon them, two supported the stencilling and one was against. Therefore their responses, if removed, do not affect the outcome.

LEGAL/POLICY:

Council can introduce and vary parking restrictions in streets under its jurisdiction and these restrictions can be enforced by the City in accordance with the City of Vincent Parking and Parking Facilities Local Law 2007.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

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

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

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The cost to implement new signage and line-marking would be in the order of \$1,200 and this can be funded from the 2014/2015 Signing and Line Marking operating budget.

COMMENTS:

While the outcome of the public consultation was not conclusive for either of the questions asked, the level of interest shown by the Grosvenor Street residents in attending the recent meeting indicated a depth of concern and therefore it is requested that the Officer's recommendation be supported.

9.2.4 Loton Park Tennis Club – Building Upgrade and Refurbishment

Ward:	South	Date:	15 May 2015
Precinct:	Beaufort (13)	File Ref:	SC623
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	R Lotznicker, Director Technical Services J van den Bok, Manager Parks & Property Services K Bilyk, Property Officer		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That Council:

1. NOTES that;

- 1.1 an amount of \$175,000 was allocated in the 2014/15 budget for asbestos removal works, including repairs to termite damaged sub frames, relocation of switchboards and a partial upgrade of the electrical system at the Loton Park Tennis Club Pavilion;
- 1.2 all works outlined in 1.1 above have been completed, at a cost of \$145,000, with an amount of \$30,000 remaining on budget;
- 1.3 following discussions the Loton Park Tennis Club representatives, it was determined that a ramp, to make the Pavilion universally accessible from Bulwer Street, and a decking structure, the latter requested by the Loton Park Tennis Club, at a combined estimated cost of \$89,500, is a substantial change to the 2014/15 project scope and not contemplated as part of the current project budget;
- 1.4 Loton Park Tennis Club has indicated it would be prepared to contribute \$62,000 towards the construction of the decking/ramp, as outlined in 1.3 above; and
- 1.5 the proposed additions, as outlined in 1.3 above, have previously been approved by the Western Australian Planning Commission (WAPC) and the Heritage Council of Western Australia (HCWA); and

2. APPROVES BY ABSOLUTE MAJORITY, in accordance with s.6.8(i) of the Local Government Act 1995, the expenditure associated with the installation of the decking/ramp in 2014/15, at an estimated cost of \$89,500, subject to the Loton Park Tennis Club contributing \$62,000 and the City contributing up to \$27,500 towards the works; and

3. ADVISES the Loton Park Tennis Club of its decision.

PURPOSE OF REPORT:

To advise Council of the progress of works undertaken to date at Loton Park Tennis Club and to seek approval to progress with the addition of the proposed decking and ramp.

BACKGROUND:

The City currently has a peppercorn lease agreement with the Loton Park Tennis Club for the premises located at the corner of Bulwer and Lord Streets, Perth.

Various reports have been presented to Council in relation to the Loton Park Tennis Club over the past few years as follows:-

Ordinary Meeting of Council 25 September 2012 (Item 9.4.2):

The Council approved the lodgement of a Community Sport and Recreation Facility Fund (CSRFF) to the Department Sport and Recreation (DSR) for the construction of new change rooms, toilet facilities, installation of a ramp, redevelopment of the outdoor space to remove and replace decking/asbestos materials and the construction of two new tennis courts.

On 21 January 2013, DSR advised that a grant of \$35,000 was approved; however, as the club had requested an amount of \$201,633, the funding offer was not taken up at the time.

Ordinary Meeting of Council 21 October 2014 (Item 9.3.4):

An item was presented to Council to approve a lease from 1 October 2014 to 30 September 2019, with a further five year option, over the premises located at the corner of Bulwer and Lord Streets, Perth, subject to final satisfactory negotiations being carried out by the Chief Executive Officer. This item was deferred for further consideration and presently the club tenure is on a month-to-month basis pending a review of the lease agreement.

DETAILS:

Asbestos Removal:

Funds for this project, which involved removal of all asbestos from wall panelling and ceilings throughout the building, were included in the 2014/2015 budget.

During this process a number of wooden structural frames were found to have termite damage and/or areas affected due to moisture and rot; therefore, whilst the wall panelling was removed repairs were undertaken and timbers treated accordingly.

In addition, upon removal of the wall panelling and ceiling due to concerns identified with the internal wiring, an Electrical Engineering Consultant was engaged and it was determined that the entire building was in need of an electrical wiring upgrade.

Again it was cost effective to undertake the electrical requirements prior to replacing the wall and ceiling panelling. All electrical wiring within the building frame has now been upgraded with an estimated \$15,000 of works still remaining to upgrade lighting, ventilation etc.

Decking/Ramp:

No specific funding for this component of the works has been included in the 2014/15 budget. It is proposed that the decking and ramp be built on the western side of the building to accommodate current accessibility requirements and to provide improved spectator viewing of the tennis courts. The area would also serve as an added function area for the Loton Park Tennis Club.

Loton Park Tennis Club have indicated they would be prepared to make a contribution towards the decking of \$62,000 which is in addition to a further \$8,000 previously contributed by the Loton Park Tennis Club towards the preparation of plans.

Toilet Upgrade:

Funds have been listed for consideration in the 2015/16 draft budget to undertake the addition of a disabled toilet and an upgrade of the existing toilet and showering facility. A significant upgrade of the plumbing services to the building will be required as a result of these works in addition to partitioning works.

The current ablution facilities within the club rooms are in urgent need of upgrading as a result of their age and also only two toilets are currently available to members, neither of which comply with current accessibility requirements.

CONSULTATION/ADVERTISING:

Representatives of the Loton Park Tennis Club have been in close liaison with the City's officers throughout the design and construction process.

LEGAL/POLICY:

Should the value of any project exceeds \$100,000 a tender would need to be advertised and assessed in accordance with the Local Government Act 1995 tender regulations.

RISK MANAGEMENT IMPLICATIONS:

Low: The proposed project works are relatively minor in complexity and therefore the risks are considered minimal. The upgrade works to the existing building will ensure that compliance with current building codes and standards is achieved; therefore, reducing the 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:

The City's Sustainable Environment Strategy 2011-2016, Objective 9 states:

"Reduce the use of Toxic and hazardous materials within the City and facilitate the proper disposal of such materials."

Throughout the design process all sustainability options have been considered during the design of the upgraded facilities.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$175,000 was included in the City's 2014/2015 Capital Budget predominantly for asbestos removal works; however, during the course of the works a number of other essential works, including repairs to termite damaged sub frames, relocation of switchboards and a partial upgrade of the electrical system, were also undertaken.

The works, excluding the toilet upgrade, have been completed as outlined within the report at a total cost of \$145,000 and an amount of approximately \$30,000 is remaining in the 2014/15 budget.

The following table outlines the budget/expenditure of previous and outstanding works at Loton Park Tennis Club.

Item	Estimated Cost	2014/15 (funds remaining)	2015/16 (Draft Budget)	Loton Park Tennis Club Contribution	Total Proposed Budget
Deck/Ramp	\$89,500	\$30,000	Nil	\$62,000	\$92,000
Toilet Upgrade	\$97,500	Nil	\$130,000	Nil	\$130,000
Electrical Works	\$13,000	Nil		Nil	
Total	\$200,000	\$30,000	\$130,000	\$62,000	\$222,000

COMMENTS:

It is important that works commence as soon as possible to complete the decking and ramp while the tennis club is closed for the winter season. Should funding be allocated in 2015/16, the toilet upgrade works will be progressed in the new financial year.

It is anticipated that all works will be completed prior to the tennis club reopening in October 2015 for the forthcoming summer tennis season.

9.3 CORPORATE SERVICES

9.3.1 Investment Report as at 30 April 2015

Ward:	Both	Date:	15 May 2015
Precinct:	All	File Ref:	SC1530
Attachments:	1 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	N Makwana, Accounting Officer B Wong, Accountant		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council **NOTES** the Investment Report for the month ended 30 April 2015 as detailed in Attachment 1.

PURPOSE OF REPORT:

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

BACKGROUND:

Surplus funds are deposited in the short term money market for various terms, to maximise investment returns in compliance with good governance, legislative requirements and Council's Investment Policy No 1.2.4. Details are attached in **Attachment 1**.

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

DETAILS:

Total Investments for the period ended 30 April 2015 were \$15,561,000 as compared to \$19,061,000 at the end of March 2015. At 30 April 2014, \$14,311,000 was invested.

Investment comparison table:

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

Total accrued interest earned on Investments as at 30 April 2015:

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$292,600	\$265,812	\$399,457	136.52
Reserve	\$292,300	\$250,909	\$263,232	90.06

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

Long Term Rating (Standard & Poor's) or Equivalent	Short Term Rating (Standard & Poor's) or Equivalent	Direct Investments Maximum % with any one institution		Managed Funds Maximum % with any one institution		Maximum % of Total Portfolio	
		Policy	Actual	Policy	Actual	Policy	Actual
AAA Category	A1+	30%	Nil	45%	Nil	100%	Nil
AA Category	A1+	30%	29.9%	30%	Nil	90%	75.5%
A Category	A1	20%	14.1%	30%	Nil	80%	24.4%
BBB Category	A2	10%	Nil	n/a	Nil	20%	Nil

RISK MANAGEMENT IMPLICATIONS:

High: Section 6.14 of the *Local Government Act 1995*, section 1, states:

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

As per the City's Investment Policy No. 1.2.4, funds are invested with various financial institutions with Long Term and Short Term Rating (Standard & Poor's) or equivalent by obtaining more than three (3) quotations. These funds are spread across various institutions and invested as Term Deposits from one (1) to twelve (12) months to reduce risk.

STRATEGIC IMPLICATIONS:

Strategic Plan 2013-2023:

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

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

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

The funds invested have reduced from the previous period to meet the requirements for creditor and other payments. However, as per the City's policy, investments that have matured during this period have been transferred across various financial institutions to obtain the best interest rates.

The City has obtained an average interest rate for investments of 3.17% as compared to the Reserve Bank 90 days Accepted Bill rate of 2.25%. As of April 2015, our actuals are over budget estimates. Interest earned on Municipal Investment is higher due to higher level of funds held, primarily due to current level of spending on capital projects. As a result the year to date Municipal interest revenue is currently 137% of the full year budget and the Reserve interest is 90% of the annual budget. Based on the current trend, the City will exceed the overall total interest on investments budget.

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

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

9.3.2 Authorisation of Expenditure for the Period 1 to 30 April 2015

Ward:	Both	Date:	15 May 2015
Precinct:	All	File Ref:	SC347
Attachments:	1 – Creditors Report 2 – Credit Card Report		
Tabled Items:	-		
Reporting Officers:	R Tang, Accounts Payable Officer; B Wong, A/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 April 2015 as detailed in Attachment 1 and 2 and as summarised below:

Cheque numbers 77914 – 78078	\$408,371.69
EFT Documents 1775 – 1786	\$3,240,255.95
Payroll	\$1,016,110.22
Credit Cards	\$6,899.89
Direct Debits	
• Lease Fees	\$180,115.02
• Loan Repayment	\$145,581.02
• Bank Fees and Charges	\$2,419.74
Total Accounts Paid	\$4,999,753.53

PURPOSE OF REPORT:

To present to Council the expenditure and list of accounts paid for the period 1 April to 30 April 2015.

BACKGROUND:

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

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

DETAILS:

The Schedule of Accounts paid, covers the following:

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Automatic Cheques	77914 - 78078	\$408,371.69
Cancelled Cheques	77623,78083	
Transfer of Creditors by EFT Batch	1775 - 1786	\$3,240,255.95
Sub Total		\$3,648,627.64
Transfer of Payroll by EFT	April 2015	\$1,016,110.22
Total Payments		\$4,664,737.86
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$2,419.74
Lease Fees		\$180,115.02
Corporate Credit Cards		\$6,899.89
Loan Repayment		\$145,581.02
Rejection fees		\$0.00
Total Bank Charges & Other Direct Debits		\$335,015.67
Less GST effect on Advance Account		0.00
Total Payments		\$4,999,753.53

LEGAL/POLICY:

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2013-2023:

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

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

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

SUSTAINABILITY IMPLICATIONS:

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

ADVERTISING/CONSULTATION:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENT:

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

9.3.3 Financial Statements as at 30 April 2015

Ward:	Both	Date:	15 May 2015
Precinct:	All	File Ref:	SC357
Attachments:	1 – Financial Reports		
Tabled Items:	2 – Significant Accounting Policies		
Reporting Officers:	N Makwana, Accounting Officer B Wong, A/Manager Finance Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council **RECEIVES** the Financial Statements for the month ended 30 April 2015 as shown in Attachment 1.

PURPOSE OF REPORT:

To present the Financial Statements for the period ended 30 April 2015.

BACKGROUND:

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

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

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

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

DETAILS:

The following documents, included as **Attachment 1** represent the Statement of Financial Activity for the period ending 30 April 2015:

Note	Description	Page
1.	Summary of Income and Expenditure by Service Areas	1-30
2.	Statement of Financial Activity by Programme Report and Graph	31-32
3.	Statement of Comprehensive Income by Nature and Type Report	33
4.	Statement of Financial Position	34
5.	Statement of Changes in Equity	35
6.	Net Current Funding Position	36
7.	Capital Works Schedule and Funding and Graph	37-43
8.	Cash Backed Reserves	44
9.	Receivables	45
10.	Rating Information and Graph	46-47
11.	Beatty Park Leisure Centre Report – Financial Position	48
12.	Explanation of Material Variance	49-57

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

Summary of Financial Activity By Programme as at 30 April 2015

	Original Budget \$	Revised Budget \$	Year to date Budget \$	Actual 2014/2015 \$	Variance \$	Variance %
Operating Revenue	30,810,822	31,850,786	24,089,014	21,538,398	(2,550,616)	-11%
Operating Expenditure	(51,659,410)	(54,723,686)	(45,809,508)	(42,769,409)	3,040,099	-7%
Add Deferred Rates Adjustment	-	-	-	31,665	31,665	0%
Add Back Depreciation	8,566,790	11,223,490	9,353,096	9,344,640	(8,456)	0%
(Profit)/Loss on Asset Disposal	(3,833,120)	(4,540,370)	(2,686,456)	(1,140,192)	1,546,264	-58%
Net Operating Excluding Rates	(16,114,918)	(16,189,780)	(15,053,854)	(12,994,898)	2,058,956	-14%
Proceeds from Disposal of Assets	4,455,000	6,305,000	1,591,666	1,302,393	(289,273)	-18%
Transfer from Reserves	5,789,800	6,464,360	6,438,735	5,210,156	(1,228,579)	-19%
	10,244,800	12,769,360	8,030,401	6,512,549	(1,517,852)	-19%
Capital Expenditure	(16,895,834)	(13,627,478)	(12,269,192)	(6,333,686)	5,935,506	-48%
Repayments Loan Capital	(1,743,478)	(1,743,478)	(719,556)	(719,557)	(1)	0%
Transfers to Reserve	(5,599,370)	(4,248,453)	(2,857,046)	(3,010,961)	(153,915)	5%
	(24,238,682)	(19,619,409)	(15,845,794)	(10,064,204)	5,781,590	-36%
Net Capital	(13,993,882)	(6,850,049)	(7,815,393)	(3,551,654)	4,263,739	-55%
Total Net Operating and Capital	(30,108,800)	(23,039,829)	(22,869,247)	(16,546,552)	6,322,694	-28%
Rates	26,909,021	27,302,021	27,254,154	27,388,629	134,474	0%
Opening Funding Surplus/ (Deficit)	3,199,779	(4,758,710)	(4,758,710)	(4,758,710)	-	0%
Closing Surplus/(Deficit)	-	(496,518)	(373,803)	6,083,367	6,457,169	-1727%

**Summary totals has rounding difference.*

Comments on Summary of Financial Activity by Programme:

Operating Revenue

Operating Revenue in programme reporting includes Non-operating Grants, Subsidies and Contributions. In view of this, Operating Revenue is reflecting a negative variance of 11% which is primarily due to the level of Grants received. However, this is directly linked to progress on the Capital Works program.

The revised budget has increased by \$22,704 to recognise a recent Community Safety Grant approved for the Vincent Light-Up Laneway Project

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

Operating Expenditure

The positive variance is currently at 7%.

Transfer from Reserves

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

Capital Expenditure

The revised budget for Purchase Infrastructure Assets has been increased by \$22,704 to provide for the New Vincent Light-Up Laneway Project as approved by Council at OMC held on 7 April, 2015.

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

Transfer to Reserves

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

Rates

Rates has achieved the full year budget.

Opening Funding Surplus/(Deficit)

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

Closing Surplus/(Deficit)

There is currently a surplus of \$6,083,367 compared to year to date deficit budget of \$373,803. This is substantially attributed to the current level of Capital Expenditure. The positive variance is not expected to be maintained through to the end of year position.

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

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

1. Summary of Income and Expenditure by Service Areas (Page 1 – 30)

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

2. Statement of Financial Activity by Programme Report (Note 2 Page 31)

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

3. Statement of Comprehensive Income by Nature and Type Report (Note 3 Page 33)

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

4. Statement of Financial Position (Note 4 Page 34)

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

The statement shows the current assets of \$19,160,265 and non-current assets of \$241,734,316 for total assets of \$260,894,581.

The current liabilities amount to \$7,493,984 and non-current liabilities of \$17,718,141 for the total liabilities of \$25,212,125.

The net asset of the City or Equity is \$235,682,456.

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

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

The net current funding position as at 30 April 2015 is \$6,083,367.

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

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

	Revised Budget \$	Year to date Budget \$	Actual to Date \$	Variance %
Furniture & Equipment	209,075	209,075	23,461	11%
Plant & Equipment	1,854,775	1,505,908	1,075,969	71%
Land & Building	1,038,275	1,028,275	293,775	29%
Infrastructure	10,525,353	9,525,934	4,940,482	52%
Total	13,627,478	12,269,192	6,333,686	52%

	Revised Budget \$	Year to date Budget \$	Actual to Date \$	Variance %
Capital Grant and Contribution	3,070,796	962,707	438,799	46%
Cash Backed Reserves	4,234,408	6,011,096	5,147,593	86%
Other (Disposal/Trade In)	247,000	247,000	217,314	88%
Own Source Funding – Municipal	6,075,274	5,048,389	529,980	10%
Total	13,627,478	12,269,192	6,333,686	52%

Note: Detailed analyses are included on page 37 – 44 of **Attachment 1**.

8. Cash Backed Reserves (Note 8 Page 45)

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

The balance as at 30 April 2015 is \$6,494,883. The balance as at 31 March 2015 was \$6,511,929.

9. Receivables (Note 9 Page 46)

Other Receivables are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Receivables of \$684,443 are outstanding at the end of April 2015.

Out of the total debt, \$374,301 (54.7%) relates to debts outstanding for over 60 days, which is related to Cash in Lieu Parking. The Cash in Lieu Parking debtors have special payment arrangements for more than one year.

The Receivables Report identifies significant balances that are well overdue.

Finance has been following up outstanding items with debt recovery by issuing reminders when it is overdue and formal debt collection if reminders are ignored.

10. Rating Information (Note 10 Page 47 - 48)

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

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

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

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

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

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

Rates debtors as at 30 April 2015 including deferred rates was \$326,086 which represents 1.18% of the outstanding collectable income compared to 1.28% at the same time last year.

11. Beatty Park Leisure Centre – Financial Position Report (Note 11 Page 49)

As at 30 April 2015 the operating deficit for the Centre was \$156,207 in comparison to the year to date revised budgeted surplus of \$209,692.

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

The cash position shows a current cash surplus of \$479,890 in comparison to the year to date revised budget estimate of a cash surplus of \$844,252. The cash position is calculated by adding back depreciation to the operating position.

12. Explanation of Material Variances (Note 12 Page 50 - 58)

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

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

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

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

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2013-2023:

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

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

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

SUSTAINABILITY IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENT:

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

Overall, the Operating Revenue is likely to come in slightly under budget by year end, however this will be more than compensated by a favourable result for operating expenditure.

Capital Expenditure will require uncompleted projects to be carried forward to the following year.

9.3.4 City of Vincent Elections 2015

Ward:	Both Wards	Date:	15 May 2015
Precinct:	All Precincts	File Ref:	SC280
Attachments:	Nil		
Reporting Officer:	Jason Flynn, Senior Rates Officer		
Responsible Officer:	John Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council:

1. **RESOLVES BY ABSOLUTE MAJORITY to:**
 - a) **DECLARE** in accordance with Section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner be responsible for the conduct of the October 2015 Ordinary Elections, together with any other elections or polls which may also be required;
 - b) **DECIDE**, in accordance with Section 4.61(2) of the *Local Government Act 1995*, the method of conducting the 2015 Election will be as a postal election; and
2. **NOTES** an amount of \$80,000 is listed for consideration in the Draft Budget 2015/2016 for the 2015 Election.

PURPOSE OF REPORT:

To obtain Council's approval to appoint the Electoral Commissioner to be responsible for the 2015 Ordinary Election and for this to be undertaken by the method of a postal election.

BACKGROUND:

The Western Australian Electoral Commission recently wrote to all local governments seeking the Council's intention regarding the conduct of the next Ordinary Local Government Elections to be held on 17 October 2015.

Council has a choice of election methods which is either by "*postal election*" or a "*voting in-person election*". The "*postal election*" method of casting votes is by posting or delivering them to an electoral officer on or before Election Day, and must be carried out by the Western Australian Electoral Commissioner. A "*voting in-person*" election is one where the principal method of casting votes is by voting in-person on Election Day but also allows for votes to be cast in-person before Election Day or posted or delivered in accordance with regulations. A "*voting in-person*" election can be carried out by the Chief Executive Officer of the local government as Returning Officer and their staff or another person appointed as Returning Officer or the Electoral Commissioner who appoints the Returning Officer and staff.

Local governments that use the voting in-person method of voting may not be representative of the whole community. Whilst voting in local government elections is not compulsory, the community may have an interest but not feel compelled to attend a polling place for the purpose of casting their vote.

Local governments should then look at ways in which to encourage the community to participate and one way is to use the postal method.

The elector participation rate at the 2013 elections for the City was 29.2% for the Mayoral Election, 31.6% for the North Ward and 27.94% for the South Ward. These results are very favourable when compared to the low participation rate achieved by an in-person election, which is usually around the 10% rate.

Since the inception of the City in 1994, the Western Australian Electoral Commissioner has conducted all elections as postal elections except the extraordinary election of the Mount Hawthorn Ward in December 1997.

In his letter dated 24 February 2015, the Electoral Commissioner stated:

“The current procedure required by the Local Government Act 1995 is that my written agreement has to be obtained before the vote by Council is taken. To facilitate the process, you can take this letter as my agreement to be responsible for the conduct of the ordinary elections in 2015 for the City of Vincent in accordance with section 4.20(4) of the Local Government Act 1995, together with any other elections or polls that may also be required. My agreement is subject to the proviso that the City of Vincent also wishes to have the election undertaken by the Western Australian Electoral Commission as a postal election.”

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Council adopted Policy 4.2.14 – “Local Government Elections” at the Ordinary Meeting of Council held on 11 March 2014.

Item 1.2 – Conduct of Elections and Plebiscites states that:-

“All Local Government Ordinary and Extraordinary Elections and Plebiscites shall be by postal vote, unless the Council resolves that there are extenuating or special circumstances which precludes this.”

Administration is unaware of any extenuating or special circumstances that exist in relation to the October 2015 Ordinary Council Elections.

Council needs to approve by an absolute majority to;

1. declare in accordance with section 4.20(4) of the *Local Government Act, 1995* the Electoral Commissioner to be responsible for the conduct of the October 2015 elections; and
2. decide, in accordance with section 4.61(2) of the *Local Government Act, 1995* the method of conducting the election will be as a postal election.

RISK MANAGEMENT IMPLICATIONS:

HIGH: Failure to declare the Electoral Commissioner to be responsible for the conduct of the election will result in an “in-person” election being held. This is likely to result in a lower elector turn-out.

STRATEGIC IMPLICATIONS:

The City has a philosophy of community consultation and encouraging its residents to participate in elections. Postal voting has resulted in a higher participation rate than “in person” voting.

FINANCIAL/BUDGET IMPLICATIONS:

The Electoral Commissioner has provided the cost estimate of \$80,000 (including GST) based on the following assumptions:

- 21,600 electors;
- Response rate of approximately 40%;
- Five vacancies;
- The count being conducted at the City's Administration Centre; and
- Standard Australia Post delivery service to apply.

Items not included in the estimate comprise:

- Non-statutory advertising (i.e. three advertisements in community newspapers and promotional advertising);
- Miscellaneous, contingency and any legal expenses (other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns);
- One local government staff member to work in the polling place on Election Day; and
- Catering.

An amount of \$80,000 (exclusive of GST) has been listed in the 2015/16 Draft Budget to cater for the cost of the elections.

COMMENTS:

Local Government is required to encourage community participation and be more open and accountable for their actions. The City of Vincent has actively supported these requirements. From an election view point, the conduct of the previous ordinary elections by the postal vote method, has ensured that the highest consultation and participation rates possible were achieved.

Having the local government election process managed by the Western Australian Electoral Commission, whose principle activity is to conduct elections, is most appropriate for the following reasons;

1. The election is conducted by professionally trained staff appointed for that sole purpose;
2. The election is overseen by an independent person with the experience and resources to perform the task;
3. The appointment of the Electoral Commission to manage Local Government Election removes any conflict of interest that may exist or be perceived to exist between Elected Members and the Chief Executive Officer as the Returning Officer and other local government officers appointed for the election.

Appointing the Western Australian Electoral Commission to manage the City's 2015 Election, is in accordance with Council's adopted Policy 4.2.14 – Local Government Elections and would continue the strong commitment to consult with the community and achieve high voter participation rates, as established with previous elections. It is therefore recommended that the 2015 Ordinary Election for the City be conducted by the Electoral Commission using the postal vote method.

9.3.5 Approval Of Lease - Lee Hops Cottage No. 176 (Lot 229) Fitzgerald Street, Perth – Department for Child Protection and Family Support

Ward:	South	Date:	15 May 2015
Precinct:	Hyde Park (12)	File Ref:	SC351
Attachments:	1 – Submission from Department for Child Protection & Family Support 2 – Submission from Jigsaw Search and Contact WA Inc.		
Tabled Items:	Nil		
Reporting Officer:	K Davies, Executive Secretary Corporate Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council:

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

PURPOSE OF REPORT:

To provide Council with details regarding the submissions received to lease the vacant Lee Hops Cottage property, at 176 Fitzgerald Street Perth.

BACKGROUND:

Property Details:

Address:	176 (Lot 229) Fitzgerald Street, Perth
Certificate of Title:	Plan 835, Volume 1077 Folio 518.
Status:	Freehold
Zoning/Land Use:	Local Scheme Reserve – Parks and Recreation. The approved use is office.

Lee Hops Cottage was constructed in 1903 and is located on Fitzgerald Street, Perth on the Certificate of Title that incorporates Robertson Park. The cottage is approximately 130m², inclusive of verandahs and comprises three rooms plus kitchen. Following conservation works in 2003, which had a budget of \$140,000 and included a contract with Central Tafe for works to be undertaken in conjunction with the WA Department of Training, the cottage has been leased out to various community groups.

Life Without Barriers were leasing the property at 176 Fitzgerald Street, Perth, for the two year period from 1 June 2013 to 31 May 2015, however they have advised that they no longer require the property and will be vacating at the end of the lease term.

The City has been approached by the Department for Child Protection and Family Support (The Department) and Jigsaw Search and Contact WA Inc. (Jigsaw) to lease the property. The submissions can be viewed in **Attachment 1** and **Attachment 2**.

DETAILS:

Department for Child Protection and Family Support

On 13 May 2015 Director Corporate Services met with Nick Trahanas, District Director Department for Child Protection and Family Support to discuss the proposal to lease the facility as a possible venue for the Perth District Enhanced Contact Centre (ECC).

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

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

An ECC is operated by departmental Family Resource Employees and all participants are assessed for suitability for contact outside of the office environment.

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

This location is supported by the Department due to its proximity to the Department's office in Stirling Street and convenient access to public transport.

Jigsaw Search and Contact WA Inc.

Jigsaw is a not for profit agency, founded in 1978 by adopted adults, birth parents and adoptive parents for the purpose of lobbying for legislative change and more openness in adoption. This group is financed by government grants, fees charged and donations and is managed by a volunteer committee of people directly involved in adoption. They employ a professionally qualified coordinator/counsellor to provide most client services. All of the staff have long term experience in adoption issues, some are personally involved.

Due to their current premises being sold, Jigsaw need to relocate. Jigsaw operates and has members throughout the metropolitan area and state wide and as such the location is not related to their membership.

Jigsaw has been informed by the Executive Director, Community and Business Services, Department for Child Protection and Family Support, that they will provide additional funding that would enable them to pay an annual lease amount of \$7,637.28 (incl GST) plus outgoings.

Jigsaw has indicated they would like to contribute to the property over the lease term by enclosing the rear verandah to provide more secure storage as well as erecting a "sail shade" system to make the rear yard more user friendly.

Jigsaw has two staff, one full time and one part time plus a number of volunteers who help with administration and have indicated they would be in the property five days per week. They have requested a two year lease with further options for four years and two or three resident parking permits or permits for staff to park in the tennis/art centre area all day.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

In accordance with the *Local Government Act 1995 Section 3.58 Disposing of Property and Local Government (Functions and General) Regulations 1996* the City pursued its options to find a new tenant as per below:

“30. Dispositions of property excluded from Act s. 3.58

- (2) *A disposition of land is an exempt disposition if —*
- (c) *the land is disposed of to —*
- (ii) *a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or...*”

City of Vincent Policy 1.2.1 – Policy Statement:

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

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

“2.1.3 Develop business strategies that reduce reliance on rates revenue

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

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

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

Whilst the City has not obtained a formal valuation, it is of note that a property on the opposite side of Fitzgerald Street has a gross rental value registered on the City's rating system of \$14,300 p.a.

COMMENTS:

The City has not undertaken a formal public expression of interest process for the lease of Lee Hops Cottage, however given two unsolicited submissions have been received it was considered appropriate to present these to Council for determination.

Administration is of the opinion that the submission received from the Department to operate the Perth District Enhanced Contact Centre would be the most beneficial option to the City.

Further, it is proposed to achieve security of tenancy by offering a five year lease with an option term of a further five years.

9.3.6 2015/16 Draft Budget

Ward:	Both	Date:	22 May 2015
Precinct:	All	File Ref:	SC245
Attachments:	1 – Draft Budget Commentary 2 – Statutory Statements 3 – Management Statement – Detailed Nature and Type 4 – Management Statement – Summary of Income/Expenditure by Service Area 5 – Draft Capital budget 6 – Fees and Charges Schedule		
Tabled Items:	-		
Reporting Officer:	J Paton, Director Corporate Services		
Responsible Officer:	J Paton, Director Corporate Services		

OFFICER RECOMMENDATION:

That Council:

1. **ADVERTISES** the 2015/16 Draft Budget in accordance with the Community Consultation Policy No 4.1.5;
2. **NOTES** that any public submissions received in response to advertising of the Draft Budget will be presented to Council for consideration; and
3. **APPROVES BY ABSOLUTE MAJORITY** the:
 - a) establishment of an Asset Sustainability Reserve, with the following purpose:

“To assist Council in funding its long term asset management objectives by providing a means to spread the cost of intergenerational assets over multiple years”; and
 - b) transfer of any surplus for 2014/15 to the new Asset Sustainability Reserve to commence contributing funds to meet the City’s outstanding asset renewal obligations.
4. **NOTES** a comprehensive review of the Long Term Financial Plan will be undertaken in 2015/16, which will include the development of a draft 10 Year Capital Works Program and a review of all cash backed Reserves, with a view to verifying ongoing relevance, funding requirement (linked to Capital Works Program) and identification/clarification of source and level of funding.

PURPOSE OF REPORT:

To consider the 2015/16 Draft Budget for advertising and to establish an Asset Sustainability Reserve to meet the City’s asset renewal obligations.

BACKGROUND:

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

Council considered a proposal to levy Differential and Minimum Rates at its Ordinary Council Meeting held 5 May 2015 and adopted the following resolution:

“That Council:

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

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

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

In developing the Draft Budget, the following timetable has been followed:

DATE	ITEM/ACTIVITY
March 2015	Budget inputs
9 April 2015	Preliminary Budget prepared
14 April 2015	Council member Budget Workshop 1
21 April 2015	Council Member Budget Workshop 2
5 May 2015	Ordinary Council Meeting – Proposed Differential Rating
12 May 2015	Differential rates - Advertised for public comment (21 days)
2 June 2015	Ordinary Council Meeting - Draft Budget
3 June 2015	Differential Rating - Public comment period closes
9 June 2015	Draft Budget - Advertised for public comment (14 days)
24 June 2015	Draft Budget - Public comment period closes
7 July 2015	Special Council Meeting – Adoption of Budget
27 July 2015	Rates distributed

It is noted that the public submission period for the Differential and Minimum Rates expires on 3 June 2015 and will be incorporated into the Budget Adoption report. In the interim, any submissions received prior to the compilation of the agenda for the Ordinary Council Meeting of 2 June 2015 will be incorporated into this report.

In developing the Draft Budget, it has been necessary to undertake a significant review of the current financial position and past budget decisions and practices that have contributed to this position. Key elements of that review have been incorporated into a Budget Commentary document (see **Attachment 1**).

Major observations from that document that have been used to inform the Draft Budget include:

- The City’s Underlying Operating result for the last five years has consistently been a deficit.
- The Own Source Revenue Coverage Ratio for 2012/13 was in the ‘Intermediate’ standard, 2013/14 in the ‘Advanced’ standard and also reached the ‘Advanced’ standard in the 2014/15 Revised Budget. This ratio measures a local government’s ability to cover its costs through its own revenue efforts. This is generally a good outcome, demonstrating that despite the operating deficits, the City has the capacity to fund its operations, including the depreciation component (which can loosely be aligned to renewal expenditure demand).

- The Asset Sustainability Ratio for 2013/14 was 0.5 and 0.4 for the 2014/15 Revised Budget, which indicates the City would not have been replacing or renewing existing assets at the rate the overall asset stock was wearing out.
- The City has the lowest Minimum Rate in the metropolitan area, when the waste collection charge is factored in and the fourth lowest rates of the 29 local governments benchmarked.
- The City appears to have a significant proportion of depreciable assets, including buildings and other structures that contribute to the level of depreciation which is contributing to some of the unfavourable Ratio results.

Asset Management

A significant proportion of the Budget Commentary document (**Attachment 1**) is dedicated to the City's asset management obligations. Key elements are summarised below:

Asset Management *The combination of management, financial, economic, engineering and other practices applied to physical assets with the objective of providing the required level of service in the most cost-effective manner.*

The Department of Local Government and Communities' Asset Management Framework and Guidelines publication includes the following extract from the Minister's 'Foreword':

"Careful planning and coordination of local government infrastructure is fundamental to the economic and social well-being of our communities. Assets, public utilities and services make possible our wide range of lifestyle choices and high standards of living.

Much of the sector has critical 'information gaps' in its overall planning process, including its asset management systems. Many current asset management processes do not provide for the true asset management costs to be accurately captured and evaluated on a uniform reporting basis."

At 30 June 2014, the City of Vincent reflected a written down book value of \$238 million in assets (infrastructure, Property, Plant and Equipment) under its care. Effective asset management will ensure these assets are maintained and as required, renewed to ensure they continue to provide an appropriate level of service (fit for purpose) to the community.

The City is required to report three different ratios that collectively are designed to provide an indication of the financial capacity for, and level of Asset Management being exercised with a view to maintaining a consistent level of service and amenity to the community over the short, medium and longer term.

	2010/11	2011/12	2012/13	2013/14	Standard
Asset Sustainability Ratio	0.87	1.21	1.43	0.5	> 0.9
Asset Consumption Ratio	N/A	N/A	0.6	0.54	>0.5
Asset Renewal Funding Ratio	N/A	N/A	0.77	0.76	0.75 – 0.95

Based on the ratios reflected above, it would suggest that in 2013/14 the City had sufficient financial capacity to maintain and renew its assets, albeit at the low end of the standard (Asset Renewal Funding Ratio), however the overall condition of the assets declined slightly during the period (Asset Consumption Ratio), with the assets depreciating (rate of consumption) at twice the value the City expended on renewing assets.

Asset Management is a long term process and a one year view is not necessarily reflective of overall performance. The Asset Sustainability Ratio for 2011/12 and 2012/13, were both well above the standard, however those results were significantly contributed by the Beatty Park Redevelopment project in 2011/12 and 2012/13 and the Hyde Park Lake Restoration Project in 2012/13. Not only are those projects unique, but the apportionment of the 'renew' portion of the expenditure on major upgrade projects can distort results.

The ratios detailed in the current LTFP 2013-2023, for each of the forecast 10 years of the plan indicate a sustainable approach to Asset Management, however the Asset Renewal Funding Ratio was not able to be calculated and is therefore showing "Unknown" for all 10 years. This reflects the level of detail currently available to support each of the AMP's, with the exception of the Transport AMP.

In the absence of full data on assets; their condition, rate of consumption and proposed renewal date, the forecast capital expenditure utilised in the LTFP has been based on historical levels of expenditure, rather than a specified renewal programme associated with each of the AMP's. This has an impact on the level of confidence in the forecast ratios for Asset Management.

The 2014/15 Capital Budget has been revised down to \$13.6 million, which in turn has reduced the total of the Renew projects to \$4.46 million. As the depreciation charge is expected to be approximately \$11.22 million, the Asset Sustainability Ratio would be 40%, down from 50% in 2013/14.

A low Asset Sustainability Ratio if maintained over an extended period could translate to a degrading of asset condition, a reduction in the standard of service able to be delivered through the asset(s) and an escalation in the cost and quantum of repair and renewal required.

In the absence of adequate long term financial planning and reliable asset condition data, together with a low ratio of asset renewal expenditure, there is a significant risk that the City's traditional asset management practices will be deficient and as a consequence, there may exist a substantial deferred maintenance liability, particularly with building assets.

The direct impact of this is:

- Facilities that may not be delivering an acceptable standard of service;
- Community and user dissatisfaction;
- Increased level of maintenance expenditure; and
- Deferral and compounding of the required renewal expenditure.

A lack of data at the City prevents an accurate assessment of the level of asset renewal backlog, however it is safe to assume, based on past practice and as generally indicated by the applicable ratios presented, a backlog will exist and will therefore need to be addressed, with the consequential impact on the Annual Budget and LTFP.

DETAILS:

The 2014/15 Draft Budget as presented, includes the following components:

- Statutory Budget Statements (**Attachment 2**)
 - Statement of Comprehensive Income by Nature and Type – this statement details the Operating income and expenditure categorised by the nature of the income or expenditure, together with non-operating (capital) grants and profit/loss on asset disposal. Details of the 2014/15 Adopted and Revised Budget, together with year to date Actual are included for comparative purposes.
 - Statement of Comprehensive Income by Programme – this statement categorises the income and expenditure by the Program (function) it applies to.
 - Rate Setting Statement – this statement identifies the amount of rates necessary to undertake all activities for the year, once all income is recognised, non-cash items are adjusted back, Reserve transfers are incorporated and opening balance is factored in.
-

- Management Statements
 - Income Statement: Detailed Nature and Type – this Statement expands the level of detail summarised in the Statutory Statement of Comprehensive Income and shows the total Operating Income or Expenditure within the individual activities at the overall organisation level. (**Attachment 3**)
 - Summary of Income and Expenditure by Service Areas – this statement provides a breakdown of the organisation by service area and a summary of the applicable Operating Income and expenditure. (**Attachment 4**)
- 2015/16 Draft Capital Budget (**Attachment 5**)
- Fees and Charges Schedule (**Attachment 6**)

Operating Budget

	2012/13	2013/14	2014/15			2015/16
	Audited Actual	Audited Actual	Adopted Budget	Revised Budget	Forecast	Draft Budget
REVENUE						
Rates	23,825,952	25,362,390	26,909,021	27,302,021	27,418,736	29,063,813
Operating Grants, Subsidies and Contributions	1,567,459	1,435,384	2,473,885	1,493,840	1,542,267	1,565,895
Fees and Charges	15,304,231	19,187,447	20,337,630	20,747,640	19,628,090	20,984,415
Interest earnings	1,243,366	897,486	854,120	854,120	970,858	785,980
Other Revenue	3,590,513	1,099,417	163,975	1,144,020	1,240,142	1,128,305
	45,531,521	47,982,124	50,738,631	51,541,641	50,800,093	53,528,408
EXPENDITURE						
Employee Costs	(20,737,967)	(22,996,728)	(19,008,330)	(23,097,796)	(23,243,109)	(24,790,490)
Materials and Contracts	(14,495,855)	(14,385,556)	(15,054,925)	(15,348,526)	(14,417,443)	(15,728,520)
Utility Charges	(1,983,195)	(2,176,874)	(1,914,770)	(1,914,770)	(1,950,000)	(1,946,150)
Depreciation on Non-Current Assets	(8,906,059)	(11,760,170)	(8,566,790)	(11,223,490)	(11,223,490)	(11,144,595)
Interest Expenses	(1,199,652)	(1,145,812)	(1,096,580)	(1,096,580)	(1,096,580)	(991,375)
Insurance Expenses	(794,498)	(878,414)	(915,330)	(1,136,305)	(1,165,332)	(1,009,145)
Other Expenditure	1,204,412	(449,720)	(4,972,685)	(906,219)	56,192	(156,870)
	(46,912,814)	(53,793,274)	(51,529,410)	(54,723,686)	(53,039,762)	(55,767,145)
OPERATING RESULT	(1,381,293)	(5,811,150)	(790,779)	(3,182,045)	(2,239,669)	(2,238,737)

The above table shows the movements in the Operating Budget since 2012/13. It is of note that the most significant increase occurred in 2013/14 and a substantial contributor to that was the increase in Depreciation resulting from the phased introduction of the Fair Value method of asset valuation. The forecast actual for 2014/15 is reflecting well in comparison to 2013/14, although valuation updates are still being received, which may yet have an impact on the depreciation charge in 2014/15. This is a non-cash expense, but does impact on reported results and ratios.

The total Operating Revenue is reflecting an increase of 3.8%, compared to the 2014/15 Revised Budget. Significant factors include:

- Rates is an overall 6.5% increase. (For details on the rating strategy, see Section 9)
- The 2014 Federal Budget froze indexation of the Commonwealth Financial Assistance Grants for a three year period commencing 2014/15. Therefore, the relevant budget provision (\$1.129 million) will remain the same until 2016/17.
- Fees and Charges are providing a very moderate 1% increase compared to the 2014/15 Revised Budget, however a 6.9% increase on the forecast actual for 2014/15. The Fees and Charges Schedule (**Attachment 6**) has been reviewed to update those charges prescribed by legislation and provide appropriate indexation to others.
- Interest on investment is a reduction of 8% reflecting lower interest rates and portfolio balance.

The total Operating Expenditure Budget is reflecting a 1.9% increase over the 2014/15 Revised Budget. Major factors impacting on the level of increase over 2014/15 include:

- Annual indexation of employee costs, together with a provision for an additional five positions. It is proposed to increase the establishment by seven, however two of those positions are currently on contract in Planning and not an actual increase to the budget.
- A 7% increase (\$24,000) has been allowed to cover an increase in the annual Perth Parking Licence (levy). The new rate has recently been published in the Government Gazette and it is reflecting a 22.4% increase in the fee (\$995.80 per bay up from \$813.30). As a result, a further adjustment will be required to increase the budget by \$34,500 to cover the increase in the licence fee.
- Leasing costs have been increased by the value of additional equipment leases.
- An \$80,000 provision for the cost of the 2015 local government elections to be undertaken by the Electoral Commission.
- Various consultancy fees, including a provision for finalisation of the City's Asset Management framework and other strategic projects associated with the Strategic Community Plan and Corporate Business Plan.
- A reduction in the Interest Expenses budget, partially linked to the reduction in the loan balance following the proposed repayment of Loan No 7 (81 Angove Street), which is scheduled to occur following Settlement on the sale of this property prior to 30 June 2015.

Non-Operating Budget

The 2015/16 Draft Budget has factored the following non-operating income and expenses:

- Capital Grants to the value of \$1,462,428, directly related to specific projects listed in the Capital Budget.
- Proceeds from the disposal of Assets to the value of \$2,089,333. This relates to:
 - Sale/trade in value of \$256,000 associated with the light fleet and heavy plant replacement programme, as listed in the Capital Budget.
 - Payments from the Tamala Park Regional Council of \$1,833,333 for the City's share in the proposed land sales.
- Non-cash entries for Profit/Loss on Asset Disposals, related to the items above.

In addition, the Rate Setting Statement also lists the Principal loan repayments scheduled for 2015/16, being \$760,288. This is reflecting a substantial reduction on 2014/15 total of \$1,743,478, which included scheduled principal repayments and a lump sum payout of Loan No. 7.

Capital Budget

The table below compares the 2015/16 Draft Capital Budget (as detailed in **Attachment 5**) against the Adopted and Revised Budget for 2014/15. In comparing the totals, it is important to recognise that the 2014/15 Adopted Budget included carry forward projects to the value of \$6,753,959, with the new projects totalling \$10,141,875. Carry forwards will 2015/16 will be reported in the Draft Budget to be presented to the Special Council Meeting on 7 July 2015.

Category	2014/15		2015/16
	Adopted Budget	Revised Budget	Draft Budget
Land & Buildings	1,774,275	1,038,275	2,151,876
Infrastructure Assets	13,762,767	10,988,071	5,455,658
Plant and Equipment	1,205,167	1,854,775	1,627,650
Furniture and Equipment	153,625	209,075	364,800
Total	16,895,834	14,090,196	9,599,984

Key Projects scheduled to be undertaken in 2015/16 include:

○ Cheriton Street Redevelopment (Community Centre)	\$653,000
○ Britannia Reserve – installation of path lighting (stage 2)	\$140,000
○ Black Spot intersection projects	\$180,000
○ Mary Street Piazza Development	\$165,000
○ Other 'Place Making' Initiatives	\$202,000
○ Bicycle Network and Travelsmart projects	\$1,403,000
○ Greening Plan projects	\$297,500
○ Public Artwork projects	\$227,500

Following Budget Workshop 2, the following adjustments have been made and are drawn to the attention of Council:

Land and Buildings

- A new budget item has been listed for consideration:
'Depot fitout and relocation expenses' \$70,000

Plant and Equipment

- The budget for Parking Machines has been increased by \$2,250 to provide for the purchase of a spare cash box with each machine.

For the avoidance of doubt, the following projects deferred by Council during the Budget review last year have not been included in the 2015/16 Draft Budget.

The principle reason for omitting these projects is that prioritisation should be undertaken in context of the broader asset management review to be undertaken during 2015/16.

Unless otherwise determined by Council, these projects will not be carried out in the new financial year and will in future need to compete with all other new capital projects and asset management items.

- Forrest Park Croquet Club - W/C & Change rooms \$40,000
- Woodville Res pavilion - Air con \$15,000

Cash Backed Reserves

The Rate Setting Statement reflects transfers to Reserve of \$3,834,397, with the transfer from Reserves totalling \$1,737,050, thereby providing in the 2014/15 Draft Budget for a net inflow to the City's Reserves.

The transfers from Reserve are funding specific projects listed in the Draft Capital Budget (**Attachment 5**). Transfers to Reserves is made up of the following:

- \$203,680 interest earnings from the Reserves and reflects the anticipated income listed in the Operating Budget (0304: Interest Received Reserve – Detailed Nature and Type Statement)
- \$250,000 to the Cash in Lieu of Parking Reserve and reflects the anticipated income listed in the Operating Budget (0072: Cash in Lieu Contributions – Detailed Nature and Type Statement).
- \$6,900 to the Loftus Community Centre Reserve and reflects income received from the Lessee as prescribed under the lease for asset management.
- \$63,900 to the Loftus Recreation Centre Reserve and reflects income received from the Lessee as prescribed under the lease for asset management.
- \$12,000 to the State Gymnastics Centre Reserve and reflects income received from the Lessee as prescribed under the lease for asset management.
- \$1,833,333 proceeds/dividend payment from Tamala Park Regional Council.
- \$1,464,584 transfer to a proposed new Asset Sustainability Reserve.

LEGAL/POLICY:

The following clauses from the *Local Government Act 1995* are relevant to the preparation of the Annual Budget.

6.2. Local government to prepare annual budget

- (1) *During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*
- * Absolute majority required.*
- (2) *In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —*
- (a) *the expenditure by the local government; and*
 - (b) *the revenue and income, independent of general rates, of the local government; and*
 - (c) *the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.*
- (3) *For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.*
- (4) *The annual budget is to incorporate —*
- (a) *particulars of the estimated expenditure proposed to be incurred by the local government; and*
 - (b) *detailed information relating to the rates and service charges which will apply to land within the district including —*
 - (i) *the amount it is estimated will be yielded by the general rate; and*
 - (ii) *the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;*

and
 - (c) *the fees and charges proposed to be imposed by the local government; and*
 - (d) *the particulars of borrowings and other financial accommodation proposed to be entered into by the local government; and*
 - (e) *details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used; and*
 - (f) *particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and*
 - (g) *such other matters as are prescribed.*
- (5) *Regulations may provide for —*
- (a) *the form of the annual budget; and*
 - (b) *the contents of the annual budget; and*
 - (c) *the information to be contained in or to accompany the annual budget.*

The fees and charges schedule has been reviewed in conjunction with the Budget development. The following provisions are relevant to the implementation of fees and charges.

6.16. Imposition of fees and charges

(1) *A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

** Absolute majority required.*

(3) *Fees and charges are to be imposed when adopting the annual budget but may be —*

(a) imposed during a financial year; and*

(b) amended from time to time during a financial year.*

** Absolute majority required.*

Community Consultation Policy No. 4.1.5.

Policy No 4.1.5 prescribes the Draft Budget to be advertised via a local public notice for a period of 14 days. Copies of the Draft Budget will also be placed on the City's website and in the Library. The Policy also requires a letter and copy of the Draft Budget to be sent to local business and community groups.

STRATEGIC IMPLICATIONS:

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

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

"4.1.4 Plan effectively for the future":

SUSTAINABILITY IMPLICATIONS:

A substantial part of the preparation of the Draft Budget has been establishing a better understanding of the City's current financial position and long term financial sustainability. This process has revealed a range of issues that impact on the confidence level of the City's forecasting capability beyond a 12 month period. This is primarily due to the following issues:

- The standard of the Strategic Community Plan and associated Corporate Business Plan and level of integration to the City's Resourcing Plans;
- The extent of asset data available to support the Asset Management Plans, to define and effectively plan for asset renewal/replacement requirements; and
- The absence of a 10 Year Capital Works Program to inform the Long Term Financial Plan.

Plans are being developed and factored into the 2015/16 Draft Budget to prioritise the implementation of a range of corporate projects over the next 12 months to develop the strategic management capacity of the City. This includes the review of the Strategic Community Plan, Corporate Business Plan and to progress the asset management data capture and renewal planning. This will enable an integrated approach to the 2016/17 Budget preparation, including development of an informed 10 Year Capital Works program, which will in turn facilitate the enhancement of the City's 10 Year Long Term Financial Plan.

In the interim, the development of the 2015/16 Draft Budget, has been undertaken with a view to improving some of the fundamentals for long term financial sustainability. This includes a number of Budget Principles proposed to establish guidelines, objectives and strategies to progressively enhance the financial performance of the City and ensure sustainable service delivery for our community. These include the establishment of an Asset Sustainability Reserve to enable the accumulation of funds for the capital renewal expenditure associated with the City's intergenerational assets.

FINANCIAL/BUDGET IMPLICATIONS:

Following the public consultation process for the Draft Budget and Differential/Minimum Rates, it is proposed to present the Draft Budget with any submissions received to a Special Council Meeting scheduled for 7 July 2015. Subject to Adoption, the Rates notices would then be able to be distributed from 27 July 2015.

COMMENTS:

The 2015/16 Draft Budget is considered overall, to be a consolidating budget. Operationally, it is stable, with the Capital Budget funded within the annual financial capacity. However, it is recognised that the state of data held on the current condition and renewal/replacement requirements for depreciable assets, means there is a risk that an asset renewal backlog liability exists.

This risk is supported by various prescribed ratios which would indicate the City has not been consistently renewing and replacing its assets at the same rate that they have been consumed (as reflected through depreciation). Given the experience of other local governments in dealing with significant asset renewal backlogs, a major focus of this budget has been to commence a process of quantifying the risk and developing funding strategies.

To assist in this process, a range of Budget Principles are proposed, to assist in guiding future decisions. The financial assessment and rationale is detailed in section 8 of the Budget Commentary document (**Attachment 1**), however the general premise is the City has a stewardship role of assets that provide services across generations. It is therefore important that servicing of those inter-generational assets, including decisions of maintaining, renewing and replacement are undertaken within a long term and sustainable financial framework, minimising impacts on rates and/or debt levels.

In order to achieve this, within the financial capacity of the community, this will involve a range of strategies, including:

- optimising the level of rates generated;
- identifying opportunities for widening or increasing the City's other source revenue;
- reviewing the range and standard of services provided by the City;
- seeking opportunities to achieve operational efficiencies; and
- prioritisation of asset renewal within the capital works program.

Budget Principles:

1. Budgets should aim to achieve a balanced Underlying Operating Result (to ensure an appropriate level of funding is available to service the asset renewal demand – aligned to the level of depreciation).
 2. In accordance with Policy 2.2.12 Asset Management, capital renewal expenditure will be prioritised ahead of new capital expenditure, unless cost benefit analysis justifies otherwise.
 3. The LTFFP must be supported by a 10 Year Capital Works Program that matches the annual works program with the financial and resourcing capacity of the City.
 4. An Asset Sustainability Reserve shall be established to benefit Council and ultimately the community, by enabling the allocation of funds for future capital expenditure for the purpose of replacing and renewing intergenerational assets. This will assist in minimising impacts on rates and/or debt levels.
-

5. The Asset Sustainability Reserve shall be funded from planned surpluses identified in the Long Term Financial Plan. Improved performances which result in an end of year surplus, will also be transferred to the Reserve, to ensure consistent funding source allocation, rather than the potential for the surplus to be used to subsidise subsequent budget and rating decisions.
6. Proceeds from Asset disposal shall be available to be applied to expanding and enhancing the level of services and facilities provided by the City.
7. Financing the services and facilities provided by the City is a shared responsibility and should be met equitably through the adoption of a Differential Rating system and establishment of Minimum Rates at a level that recognise a minimum cost of services available to all ratepayers regardless of the value of their property.
8. Reserves are to be used to smooth out significant expenditure requirements listed in the LTFP, to minimise disproportionate impacts on rates or demand to increase debt.

In addition to consulting on the Draft Budget, given it is likely the net result for 2014/15 will now be a surplus, substantially driven by improved level of proceeds from the sale of assets, it is proposed to establish a new Asset Sustainability Reserve and endorse the transfer of the surplus to that Reserve.

The Asset Sustainability Reserve is a key initiative to establishing an effective funding source to smooth out 'spikes' in future asset renewal expenditure. It is recommended that the forecast surplus from 2014/15 be transferred to this Reserve to provide initial seed funding to help the City meet its asset renewal obligations. The actual level of funds invested in this Reserve in years to come will need to be determined by Council on an annual basis and will be informed by the strategic projects to be initiated in 2015/16 and ultimately feeding into a comprehensive review of the LTFP ahead of the development of the 2016/17 Annual Budget. This process will by necessity warrant a review of all Reserves and is likely to lead to a rationalisation of the current spread of individual Reserves.

9.4 COMMUNITY SERVICES

9.4.1 Proposed Introduction of Paid Parking and Amendments to Time Restrictions in the Fitzgerald Street Carpark and South Side of Lawley Street, West Perth

Ward:	South	Date:	15 May 2015
Precinct:	Hyde Park (12)	File Ref:	SC1072
Attachments:	1 – Aerial Photo – Fitzgerald Street Car Park and southern side of Lawley Street Car Parking 2 – Layout of Fitzgerald Street Car Parking Bays		
Tabled Items:	Nil		
Reporting Officer:	S Butler, Manager Ranger and Community Safety Services		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That Council:

1. **ADVERTISES** the proposal to introduce paid parking;
 - 1.1 in the Fitzgerald Street Car Park, subject to amending the parking restrictions in the Fitzgerald Street Car Park from 3P 8am to 12 Noon, Monday to Friday, to paid ticket parking 8am to 5pm Monday to Friday at a cost of \$2.40 per hour; and
 - 1.2 on the southern side of Lawley Street between 8.00am and 5.00pm Monday to Friday;
2. **NOTES** that an amount of \$43,650 is listed for consideration in the Draft 2015/2016 Budget for the purchase of six parking machines at a cost of \$41,400 and six additional cash boxes at a cost of \$2,250 to be located in the Fitzgerald Street Car Park and on Lawley Street; and
3. **RECEIVES** a further report at the conclusion of the community consultation process having regard to any submissions received.

PURPOSE OF REPORT:

To consider the proposed introduction of paid parking in the Fitzgerald Street Car Park and Lawley Street, West Perth.

BACKGROUND:

The Fitzgerald Street Car Park is very popular due to its close proximity to the City, location on a major road and relatively unrestricted parking regulations. Its discrete location behind the Italian Club and Bocce Club further enhances its perception as a dedicated facility for the surrounding land uses.

Recently, the City has received numerous complaints in relation to parking issues at this car park. Complaints included overstays and other abuse of parking facilities by commuters and employees of local businesses.

Administration has been addressing four Council Member Requests received over the last 12 months requesting further investigations be undertaken in response to complaints from the public.

Car park surveys of the Fitzgerald Street Car Park were undertaken by the City in November and December 2014 and again in April 2015. Vehicle counts were undertaken three times per day, and whilst the surveys revealed moderate to heavy use, on a number of occasions more than 150 cars were recorded in the car park, which at the time had a capacity of 124 bays. The car park now has a capacity of 142 bays, after recent modifications, of which three are ACROD bays.

At the Ordinary Meeting of Council held on 18 November 2014 in relation to the Car Parking Strategy Implementation, the following officer recommendation was deferred to a Forum on 9 December 2014;

“introducing paid parking in the Fitzgerald Street Car Park and in the existing 90 degree angled parking area on the south side of Lawley Street, North Perth to be ticketed with a fee of \$2.30 per hour, between 8am and 6 pm, Monday to Friday”.

At the Council Forum held on 9 December 2014, Elected Members were provided with an update on the City of Vincent Car Parking Strategy. One of the recommendations of this presentation was the introduction of paid parking to the Fitzgerald Street Car Park.

DETAILS:

Fitzgerald Street Carpark

This carpark is one of the last remaining City owned car parks that does not charge an hourly fee for use.

The Car Parking Strategy adopted by Council in 2010 provides a strategic framework to guide Council and Administration when considering matters relating to car parking within the City. As a general principle, the Strategy supports the introduction of paid parking where it can be demonstrated that peak period occupancy reaches or exceeds 85%.

The surveys conducted in 2014 at the Fitzgerald Street Car Park show this car park satisfies this requirement despite the fact that it is not located within one of the City's Town Centres.

In order to apply a consistent and equitable approach to the management of the City's car parks, Administration supports the introduction of paid parking in the Fitzgerald Street Car Park between 8.00am and 5.00pm, Monday to Friday.

Options

The City has a number of options available in respect to the management of this facility which include:

- Do nothing;
 - Extend unpaid ticket parking restrictions;
 - Paid ticket parking 8am to 5pm Monday to Friday (with or without first hour free);
 - Paid ticket parking 8am to 5pm Monday to Sunday (with or without first hour free);
 - Paid ticket parking 8am to midnight Monday to Friday (with or without first hour free);
 - Paid ticket parking 8am to midnight Monday to Sunday (with or without first hour free);
 - and
 - Paid ticket parking at various times and days of the week (with or without first hour free).
-

Lawley Street

In support of the introduction of paid parking to the Fitzgerald Street Car Park, Administration also recommends including the south side of Lawley Street. Parking on the south side of Lawley Street is currently unrestricted and the introduction of paid parking in the Fitzgerald Street Car Park will displace motorists to Lawley Street.

The introduction of paid parking in the angle parking section of the street is in line with other similar parking areas in the City.

CONSULTATION:

A consultation period of 14 days will be required in accordance with the City of Vincent Policy No. 4.1.5 relating to Community Consultation.

LEGAL/POLICY:

There is no legal impediment to the introduction of paid ticket parking restrictions at the Fitzgerald Street Car Park.

The Fitzgerald Street Car Park will be managed in accordance with the City of Vincent Parking and Parking Facilities Local Law 2007.

RISK MANAGEMENT IMPLICATIONS:

Low: Failure to introduce parking meters will allow continued abuse of the facility and reduce the availability of parking spaces for general use by the public.

STRATEGIC IMPLICATIONS:

In keeping in line with the City's '*Strategic Community Plan 2013-2023*', the following Objectives state:

"Natural and Built Environment

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

1.1.5: *Take action to improve transport and parking in the City and mitigate the effects of traffic."*

SUSTAINABILITY IMPLICATIONS:

The introduction of paid parking in these locations and subsequent installation of the ticket machines will encourage behavioural change for users of the car park.

FINANCIAL/BUDGET IMPLICATIONS:

The cost associated with these recommendations are as follows:

Capital Expense

Six Ticket Machines at \$6,900 per unit	\$41,400
Six Spare Cash Boxes at \$375 each	<u>\$ 2,250</u>
Total	\$43,650
Signage for the Car Park	\$ 2,000

Operating Expense

Monthly Maintenance at \$158 per machine \$11,400 Annualised

An amount of \$43,650 has been included in the Draft 2015/2016 Budget for the purchase of six parking machines and associated cash boxes. Signage and maintenance costs will be incorporated into operating expenses.

The hourly rate for parking would conform to other City of Vincent car parks and commence at \$2.40 per hour from 8am to 5pm Monday to Friday, with no time restrictions after 5pm. Future price levels shall be as determined annually by the Council when adopting the 'Schedule of Fees and Charges'.

There are 142 public parking bays in the Fitzgerald Street Car Park. Calculated on the current daily parking rate of \$16.50, with an 55% occupancy rate, Monday to Friday, the anticipated gross annual revenue for the facility is estimated to be \$283,000. A discount has been included in the calculation for public holidays and the Christmas/New Year period (averaged at 1 month).

COMMENTS:

Administration is recommending the introduction of paid parking in the Fitzgerald Street Car Park and on the south side of Lawley Street for the following reasons:

- 1) The Council adopted Car Parking Strategy supports paid parking where a threshold of 85% peak period occupancy is met. The Fitzgerald Street Car Park satisfies this requirement;
- 2) It will allow greater control and insight into how the facility is utilised; and
- 3) It represents an equitable approach to City owned car parks as all users will be required to pay an appropriate fee for using the facility.

Paid parking restrictions that cease at 5pm on Monday to Friday will not affect patrons of the surrounding sporting facilities and clubs in the evenings and on weekends.

Notwithstanding the Council's current position in respect of 'first hour free' at car parks within city centres, it is recommended that this provision not be introduced at the Fitzgerald Street Car Park. The Fitzgerald Street Car Park is not within a city centre, entertainment or shopping precinct and is generally used by motorists as a de-facto CBD car park.

There have been a number of concerns for some time that first hour free provisions at the City's car parks is being abused by patrons who obtain a ticket every hour and consequently, some car parks are not being utilised as intended, but rather for all day parking.

Conclusion

The ongoing management of the Fitzgerald Street Car Park is becoming problematic for the City given its increased usage, the pressures of being located close to the City and relatively unrestricted parking requirements.

Increased complaints by residents, businesses and community groups requires the City to find an equitable solution to the issues.

The City's Car Parking Strategy was adopted by Council in 2010 and provides clear parameters for when paid parking is acceptable. The recommendation of this report is consistent with this adopted position and Council is requested to support the officers' recommendation.

9.4.2 Festivals Programme 2015/2016

Ward:	Both	Date:	15 May 2015
Precinct:	All	File Ref:	SC1452
CONFIDENTIAL Attachments:	CONFIDENTIAL Attachments (Proposals): 1 – Revelation Film Festival 2 – Northbridge Festival 3 – Angove Street Festival 4 – Spooks In The Park 5 – Mt Hawthorn Community Fair 6 – Open House Perth 7 – Beaufort Street Festival 8 – Light Up Leederville Carnival 9 – Pride Sponsorship 10 – Anzac Cottage Celebrations 11 – Hyde Park Community Fair 12 – Mt Hawthorn Streets & Laneways Festival 13 – St Patrick’s Day Festival 14 – Community Festival Feedback (Angove, Beaufort and Leederville)		
Tabled Items:	Nil		
Reporting Officers:	Y Coyne, Coordinator Arts and Creativity J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That Council:

- NOTES an amount of \$352,500 is listed for consideration in the Draft Budget 2015/2016 for funding of the Festival Programme, to be distributed as follows:**

	ORGANISATION	EVENT	INTENDED DATE	AMOUNT SOUGHT	AMOUNT RECOMMENDED
1	Revelation Film Festival	Revelation Perth International Film Festival	2-12/7/2015	\$30,000	\$20,000
2	The William Street Collective	Northbridge Festival	February 2016	\$69,227.86	\$30,000
3	North Perth Local	Angove Street Festival	25/10/2015	\$53,500	\$45,000
4	Orienteering WA	Spooks In The Park	31/10/2015	\$3,000	\$0
5	Mt Hawthorn Primary School	Mt Hawthorn Community Fair	07/11/2015	\$5,000	\$0
6	Open House Perth	Open House Perth	7-8/11/2015	\$15,000	\$0
7	Beaufort Street Network	Beaufort Street Festival	14/11/2015	\$90,000	\$75,000
8	Leederville Connect	Light Up Leederville Carnival	06/12/2015	\$60,000	\$50,000
9	Pride Western Australia	Pride Sponsorship	07/02/2016	\$20,000	\$15,000

	ORGANISATION	EVENT	INTENDED DATE	AMOUNT SOUGHT	AMOUNT RECOMMENDED
10	Friends of ANZAC Cottage	Anzac Cottage Celebrations	12-14/2/2016	\$12,700	\$2,500
11	Rotary Club of North Perth	Hyde Park Community Fair	6-7/3/2016	\$30,000	\$20,000
12	Mt Hawthorn Hub	Mt Hawthorn Streets & Laneways Festival	April 2016	\$50,000	\$45,000
13	St Patrick's Day WA Inc.	St Patrick's Day Parade & Festival	13 March 2016	\$65,000	\$20,000
14	Form: Art Festival	PUBLIC 2016	April 2016	-	\$30,000
TOTAL (EX GST):				\$503,428	\$352,500

- 2. NOTES the Festival events detailed in Clause 1 above will be approved subject to the following conditions:**
- 2.1 a funding agreement between the City of Vincent and the organisation be signed;**
 - 2.2 the sponsorship contribution shall be paid to the festival organisers on a reimbursement basis of expenditure incurred through the provision of tax invoices, and a full evaluation report on the festival being provided no later than three (3) months after the event;**
 - 2.3 a bond between \$3,000 and \$10,000 shall be lodged, payable to the City as security for any damage to or clean-up of the event area;**
 - 2.4 a suitable Traffic Management Plan in accordance with Australian Standards 1742.3 and Main Roads Code of Practice 2011 and a Risk Management Plan, in accordance with the relevant Australian Standards, as well as an Event Management Plan, shall be submitted to the City at least two months prior to the event at the expense of the organisers;**
 - 2.5 the event organisers shall comply with the conditions of use and fees imposed, including Environmental Health fees and other conditions;**
 - 2.6 the event organisers shall ensure full consultation with businesses and residences within the event parameter and at a minimum of a 500 metre radius outside of the event parameter to ensure that the festival is representative of and attuned to the local businesses and residents;**
 - 2.7 the activities and programme offered as part of the events shall be accessible, inclusive and targeted to a broad range of City residents;**
-

2.8 acknowledgement of the City of Vincent as a major sponsor of the events on all publications and advertising materials, subject to the conditions listed in the report; and

2.9 full compliance with the City's Policy No. 3.1.5 'Donations, Sponsorship and Waiving of Fees and Charges', Policy No. 3.10.8 'Festivals' and Policy No. 3.8.3 'Concerts and Events';

to the satisfaction of the Chief Executive Officer; and

3. APPROVES BY ABSOLUTE MAJORITY the expenditure of \$20,000 for the sponsorship of the Revelation Film Festival to be held in early July 2015, in accordance with Section 6.8 (1) of the Local Government Act 1995.

PURPOSE OF REPORT:

To consider the approval of the proposed Festivals Programme and their associated budgets for 2015/2016.

BACKGROUND:

At the Ordinary Meeting of Council held on 22 April 2014, Council resolved the following:

"That the Council;

1. APPROVES the following festival events funding as part of the Festivals Programme for 2014/2015:

	ORGANISATION	EVENT	DATE	AMOUNT SOUGHT	AMOUNT RECOMMENDED
1	Revelation Film Festival	Revelation International Film Festival	3 Jul 2013 - Jul 2014	\$20,000	\$15,000
2	WA Italian Club	Community Open Day and Fair	12 Oct 2014	\$12,850	\$7,500
3	City of Vincent	Multicultural Festival	Oct 2014	\$20,000	\$20,000
4	The North Perth Business and Community Association Inc	Angove Street Festival	26 Oct 2014	\$50,000	Carry forward from 2013/2104 Budget-\$45,000
5	Open House Perth	Open House Perth	1-2 Nov 2014	\$10,000	\$10,000
6	Beaufort Street Network	Beaufort Street Festival 2014	15 Nov 2014	\$82,500	\$75,000
7	Leederville Connect	Light Up Leederville Carnival	7 Dec 2014	\$60,000	55,000
8	RTRFM	Beaufort Street Music Festival	17 Jan 2015	\$11,500	\$5,000
9	City of Vincent	Summer Concerts x 6	Jan-Apr 2015	\$45,000	\$40,000
10	Trickster Productions	Hyde Park Caribbean Party – Summer Concert	Feb 2015	\$7,500	Summer Concert
11	WA Youth Jazz Orchestra	Big Band Festival	Feb 2015	\$7,500	\$0

	ORGANISATION	EVENT	DATE	AMOUNT SOUGHT	AMOUNT RECOMMENDED
12	<i>Pride Western Australia</i>	<i>Pride Sponsorship 2014/2015</i>	<i>Various</i>	<i>\$30,000</i>	<i>\$15,000</i>
13	<i>HMS Pop Up Productions</i>	<i>Fete de la Femme</i>	<i>7 Mar</i>	<i>\$30,000</i>	<i>\$0</i>
14	<i>St Patrick's Day WA Inc.</i>	<i>St Patrick's Day Parade and Family Fun Day</i>	<i>15 Mar</i>	<i>\$25,000</i>	<i>\$25,000</i>
15	<i>Mt Hawthorn Hub</i>	<i>Up Late in Mount Hawthorn</i>	<i>Various</i>	<i>\$40,000</i>	<i>\$40,000</i>
16	<i>Perth International Jazz Festival Inc.</i>	<i>Perth International Jazz Festival</i>	<i>8-10 May 2015</i>	<i>\$20,000</i>	<i>\$0</i>
17	<i>City of Vincent Stalls and Floats</i>	<i>St Patrick's Day, Pride and stalls at events</i>	<i>Various</i>	<i>\$10,000</i>	<i>\$10,000</i>
TOTAL				\$511,850	\$362,500

2. *The festival events detailed in clause 1 above shall be subject to the following conditions:*

2.1 *the sponsorship contribution shall be paid to the festival organisers on a reimbursement basis of expenditure incurred through the provision of tax invoices;*

2.2 *'event fees' for the festivals shall be waived;*

2.3 *a bond of \$3,000 shall be retained by the City as security for any damage to or clean-up of the event area;*

2.4 *a suitable traffic, risk management and event site plan shall be submitted to the City at least two (2) months prior to the event at the expense of the organisers;*

2.5 *the event organisers shall comply with the conditions of use and fees imposed, including Environmental Health and other conditions;*

2.6 *the event organisers shall ensure full consultation with businesses and residences within the event parameter and at a minimum of a five hundred (500) metre radius outside of the event parameter to ensure that the festival is representative of and attuned to the local businesses;*

2.7 *the activities and programme offered as part of the events shall be accessible, inclusive and targeted to a broad range of residents;*

2.8 *acknowledgement of the City of Vincent as a major sponsor of the events on all publications and advertising materials, subject to the conditions listed in the report;*

2.9 *the funds received from the City shall be acquitted together with a full evaluation report on the festival being provided no later than three (3) months after the event; and*

2.10 *full compliance with the City's Policy No. 3.1.5 'Donations, Sponsorship and Waiving of Fees and Charges', Policy No. 3.10.8 'Festivals' and Policy No. 3.8.3 'Concerts and Events';*

to the satisfaction of the Acting Chief Executive Officer; and

3. *AUTHORISES the Acting Chief Executive Officer to approve any scheduling changes under delegated authority."*

DETAILS:

On 30 January 2015, an invitation to organisations planning major festivals within City of Vincent in 2015/2016 to apply for funding was advertised. On 23 February 2015, a Festivals Funding information night was held at the City's Administration and Civic Centre where potential applicants could ask for further information from the City's Officers. The deadline for submissions was 26 March 2015.

13 Festival Sponsorship applications were received and are included as Confidential Attachments to this report. The festivals/events are detailed below:

1. Revelation Perth International Film Festival: 2-12 July 2015

Revelation Perth International Film Festival is held at Luna Cinema in Leederville and surrounding properties in the City of Vincent, such as Central Institute of Technology, Bills Bar and Bites and the Backlot in West Perth.

The Revelation Film Festival program includes feature films, documentaries, special events, animation, Super-8 film competition, live musical performances to film and short films.

Admission to the film sessions are ticketed, but there are free events for the community as outlined below:

- Magnolias (a fun and informative film discussion) at Bill's Bar and Bites;
- Multiple Q&A's at Luna Leederville with national and international guests;
- Multiple Revcon sessions at Luna Leederville, Central Institute of Technology and the Backlot Perth discussing all things film. The Australian Directors Guild and The Australian Writers Guild will all be involved;
- Acting workshops for adults and children;
- Face painting and balloon sculptures for kids to tie in with our family friendly program;
- Discussions are ongoing for a family friendly live act, but would be subject to receiving funding;
- Discussions are ongoing with the Menagerie Choir and other various arts based performers to engage with the public along Oxford Street (subject to City of Vincent approval);
- Light show on the Luna Leederville building, created by Roly Skender; and
- In discussions with various artists and Streets of Perth for to a street art tutorial session in the park or on a blank wall if available in the area for children and adults (subject to funding).

City of Vincent In Kind Support

As the event is held indoors, there will be no in-kind support required from Health, Waste Management, Rangers or Parks.

The full funding submission is found in **Confidential Attachment 1**.

Administration Comments

Funding amount sought: \$30,000
Funding amount recommended: \$20,000

The Revelation Perth International Film Festival is the highlight of the year for film enthusiasts and independent cinema goers. Though the main events are ticketed, there are a good amount of free events accessible by the community. Furthermore, the proposed place activation, use of local establishments to complement the festival, and hosting the event in Leederville further cements the City as a vibrant creative place.

2. Northbridge Festival – February 2016

A free, community event which aims to be a celebration of the local area, highlighting its rich and diverse culture. The area between Fitzgerald, Bulwer, Newcastle and Stirling Streets will be activated through stalls, arts, local businesses extending their trade, live music, a residents' jumble sale, creative activities and workshops, photo booths and children's activities. As much activity as possible will be sourced from local businesses and groups, to create a quality event, with a strong point of difference.

The focus will be on the local businesses and what they have to offer, encouraging pedestrians to walk the strip of William Street with incentives to do so.

The event is proposed to be held in February to tie into the Fringe Festival. There are no road closures proposed. The aim of the event is focused on activating the City of Vincent area by encouraging people to visit each business, and to showcase the diversity Northbridge has to offer.

City of Vincent In Kind Support

Health Services:	Administering temporary public building assessment and approval, liquor applications and comments, temporary food applications and permits, noise management and exemptions. Health permit fees will not be waived, and are not included in the in kind support.
Ranger Services:	Block certain areas/car bays for event installation zones.
Waste Services:	Supply additional bins and road sweep pre and post event.

The full funding submission is found in **Confidential Attachment 2**.

Administration Comments

Funding amount sought: \$69,227.86
Funding amount recommended: \$30,000

The City of Vincent last held the William Street Festival in 2012. This was a co-funded event with the City of Perth, where OnWilliam were contracted to deliver the festival on the City of Perth side of William Street. OnWilliam is run by The William Street Collective Incorporated - a not for profit group of local businesses. The Collective aim to support the area's creative and cultural industries, and attract more like minded businesses to the area. Their vision is for Northbridge to be a strong and supportive community that is a vibrant hub for the creative industries. OnWilliam are made up of two business owners who operate retail stores in Northbridge, and have worked together to successfully implement business and retail activation by way of map production and magnet collections for other festivals, including the Perth Fashion Festival, which have been a great success. It has been noted that the William Street precinct is in need of some activation and the proposed festival aims to be simple but different from other festivals.

3. Angove Street Festival – 25 October 2015

Angove Street Festival is an annual community event held to showcase and celebrate all that is North Perth - the cafes and restaurants, fashion outlets and vast cultural diversity. The one-day event will be host to live music, fresh street food, market stalls, free kids activities, arts, design, photography and more.

A strong focus of the North Perth Local organising committee is to showcase the local artisans, the unique wares local businesses have to offer, and promote the multiculturalism that makes up the City of Vincent. A unique attribute to the Angove Street Festival, that makes it stand out from other events held in the City of Vincent, is focus on promotion of, and embracing the local Community and family friendly values with the involvement of North Perth Primary School.

City of Vincent In Kind Support

Health Services:	Administering temporary public building assessment and approval, liquor applications and comments, temporary food applications and permits, noise management and exemptions. Health permit fees will not be waived, and are not included in the in kind support.
Ranger Services:	Close View Street and Rosemount Car Parks, and hood street signs for the road closures on Angove Street (between Daphne Street and Fitzgerald Street) and part of Woodville Street as per previous years.
Waste Services:	To provide additional bins and waste removal service. The event is responsible for removal of recyclable waste and any skip bins.

The full funding submission is found in **Confidential Attachment 3**.

Administration Comments

Funding amount sought: \$53,500
Funding amount recommended: \$45,000

North Perth Local has worked hard to engage the North Perth community to be a collaborative entity for this festival. The Festival grew significantly in 2014, whilst still maintaining a small community feel. This was partly due to North Perth Local's keen engagement with the local community that is likely to occur again. It is recommended that \$45,000 sponsorship be granted.

4. Spooks in the Park – 31 October 2015

Spooks in the Park is a Halloween themed event for children aged 6 to 14 years old, proposed to be held in Hyde Park. Using a park map and following the park's pathway and directions from volunteer marshals, the children will visit eight manned stations with games to complete. Children will be given a map to navigate their way between the Game Stations. Each child will carry a specially prepared event map which will have the activity stations indicated. Each activity station manager or supporting volunteers will mark the map once the activity has been completed. Upon the presentation of a completed map, the children will receive a show bag containing toys, free activity maps around Perth, information material (for the parents) and other treats to take home.

The following YouTube video is a taster of the event held at Centennial Park in New South Wales last year: <https://www.youtube.com/watch?v=7fex8HLHWk>

The event would be free for spectators, but each child in the 'race' would be required to pay an event entry fee of \$10, or \$20 for a family group of two or more children.

City of Vincent In Kind Support

Health Services:	No food permits required. Some structures may need approval.
Waste Services:	Additional bins for the event may be required dependent on numbers.
Parks Services:	Booking of the whole park for one (1) day. Assistance in cordoning off sections.

The full funding submission is found in **Confidential Attachment 4**.

Administration Comments

Funding amount sought: \$3,000
Funding amount recommended: \$0

Halloween is becoming more popular in Australia and each year more Halloween events occur. This event provides good, safe family fun for younger children too young to go trick or treating and provides them with a challenge to follow a map to different sections to collect a prize. Due to the entry fee for each child, only in kind support as listed above is recommended.

5. Mount Hawthorn Community Fair – 7 November 2015

The Mount Hawthorn Primary School is holding a community fair on the school grounds on Saturday, 7 November 2015 and are seeking financial assistance to host the event.

The full funding submission is found in **Confidential Attachment 5**.

Administration Comments

Funding amount sought: \$5,000
Funding amount recommended: \$0

Given that the event is a school fundraiser, this does not fall into the category of major festivals.

6. Open House Perth – 7 - 8 November 2015

Open House Perth provides a platform for people to engage with Perth's creative potential in conjunction with celebrating its existing assets. By providing a free annual event Open House Perth is able to promote high quality design projects, unlock the City to the public and provide substantial benefit to local industries including: design practices, construction sector, food and beverage providers, retailers, the arts and hospitality sectors.

In 2014, the City of Vincent funded Open House Perth \$10,000, but later reduced this amount to \$7,000 when the number of Open Houses in Vincent were reduced from 20 to 14 without notifying the City. In the application submission, which can be found in **Confidential Attachment 6**, there is no notice of how many City of Vincent homes are to be featured in the 2015 Open House Perth.

Administration Comments

Funding amount sought: \$15,000
Funding amount recommended: \$0

Given that the value for the City of Vincent is not apparent in their application, funding is not recommended.

7. Beaufort Street Festival – 14 November 2015

Beaufort Street Festival – now undoubtedly Perth's largest street festival is scheduled for Saturday, 14 November 2015.

The festival will begin at Queens Crescent (in the City of Stirling) and in 2015 proposes to be extended to Bulwer Street to accommodate the estimated attendance of 200,000 people.

City of Vincent In Kind Support

- Health Services: Administering temporary public building assessment and approval, liquor applications and comments, temporary food applications and permits, noise management and exemptions. Health permit fees will not be waived, and are not included in the in kind support.
- Ranger Services: Hooding of bays along road closures as per previous years to include Beaufort Street, as well as the side streets of Broome Street, Lincoln Street, St Albans Avenue, Harold Street, Mary Street, Vincent Street, Barlee Street, Chelmsford Road, Chatsworth Road and Walcott Street. Car Park closures include Barlee Street Car Park and Grosvenor Car Park (behind IGA). Usually, overflow parking is arranged and managed by a local primary school at Forrest Park.
- Parks Services Use of Forrest Reserve as a temporary car park.

The full funding submission is found in **Confidential Attachment 7**.

Administration Comments

Funding amount sought: \$90,000
Funding amount recommended: \$75,000

The Festival continues to grow each year and is the most successful street festival. Due to increasing popularity of the Festival, the City is unable to undertake the waste management service and Festival Organisers will be responsible in future. A Waste Management Plan will be discussed with the City's Officers. The Beaufort Street Network have sought an increase in funding to service this need; however, an amount of \$75,000 (unchanged from last year) is recommended as the City's contribution to the project.

8. Light Up Leederville Carnival – 6 December 2015

The Light Up Leederville Carnival is proposed to be held on 6 December 2015 from 12pm to 8pm. Taking on board the feedback from the 2014 festival, the application states that the site plan will be slightly smaller with less stalls. The 2015 carnival promises that although the site plan will be more condensed, the carnival will have more things to do by engaging the local businesses and community. Fireworks are proposed to be a feature of the event, to aid in "lighting up" Leederville.

City of Vincent In Kind Support

- Health Services: Administering temporary public building assessment and approval, liquor applications and comments, temporary food applications and permits, noise management and exemptions. Health permit fees will not be waived, and are not included in the in kind support.
- Ranger Services: Partial car park closure of Frame Court Car Park, hooding of street signs for car parking bays within the road closures. Proposed road closures are Oxford Street from Leederville Parade to the School of Isolated Distance Education (SIDE), as well as Carr Place, Vincent and Newcastle Streets.
- Temporary Car Parks: Leederville Oval has been requested to be used as a temporary car park; however, this has not been approved by the Leederville Oval committee. The festival committee are looking into other temporary parking venues, that they will warden on the day, which may include Aranmore College and Leederville Hotel.

The full funding submission is found in **Confidential Attachment 8**.

Administration Comments

Funding amount sought: \$60,000
Funding amount recommended: \$50,000

The Carnival is a unique and fun day in Leederville. The plans to condense the festival and be more inclusive of the local businesses is a good idea. Feedback from local businesses indicate a great level of support for the festival to go ahead. Conversations with Leederville Connect suggest the event may be scaled back in area size from the 2014 festival. An amount of \$50,000 is recommended as the City's contribution to the project.

9. Pride Fair Day – 7 February 2016

Pride WA is again seeking support for their annual fair day due to be held on 7 February 2016.

In February 2015, Pride WA's Fairday event catered to families within the Pride community that have children. The event was accessible and family focused encouraging Perth's Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) community members as well as the wider community. The event was successful and won a Fringe World Award for Best Community Event. A nominal fee of five dollars entry was charged last year to non-Pride members.

City of Vincent In Kind Support

Health Services:	Administering temporary public building assessment and approval, liquor applications and comments, temporary food applications and permits, noise management and exemptions. Health permit fees will not be waived, and are not included in the in kind support.
Waste Services:	To provide additional bins.
Parks Services:	Assisting with sectioning off areas within the reserve, clean up and maintenance.

The full funding submission is found in **Confidential Attachment 9**.

Administration Comments

Funding amount sought: \$20,000
Funding amount recommended: \$15,000

The one day event is a welcome addition to the City's festival programme, further celebrating the City's diverse community.

10. Anzac Cottage Celebrations – 12-14 February 2016

The heritage listed Anzac Cottage turns 100 in 2016 and the Friends of Anzac Cottage wish to celebrate with a weekend long program of activities with the following proposed schedule:
Friday 12 February: Cocktail Party;
Saturday 13 February: Anzac Day Open House and concert in Braithwaite Park; and
Sunday 14 February: Birthday Street Party.

There is a possibility of combining the Summer Concerts event in Braithwaite Park with the proposed Agelink theatre production.

City of Vincent In Kind Support

- Health Services: Administering temporary public building assessment and approval, liquor applications and comments, temporary food applications and permits, noise management and exemptions. Health permit fees will not be waived, and are not included in the in kind support.
- Ranger Services: Temporary residential road closure and hooding of street signs for car parking bays within the road closures.

The full funding submission is found in **Confidential Attachment 10**.

Administration Comments

Funding amount sought: \$12,700
Funding amount recommended: \$2,500

An amount of \$2,500 is recommended to contribute to the Anzac Cottage Celebrations event. As the cocktail party is an invitation only event, this would not be funded under the Major Festivals and Events programme.

11. Hyde Park Community Fair – 6 and 7 March 2016

A community favourite for the past 27 years, the North Perth Rotary Group is seeking funds to hold their annual fair at Hyde Park. The North Perth Rotary Group are seeking \$30,000 to hold the two day event in March 2016.

City of Vincent In Kind Support

- Health Services: Administering temporary public building assessment and approval, liquor applications and comments, temporary food applications and permits, noise management and exemptions. Health permit fees will not be waived, and are not included in the in kind support.
- Ranger Services: Review permits.
- Waste Services: To provide additional bins. The event is responsible for removal of recyclable waste and any skip bins.
- Parks Services: Assisting with set up of sectioning off areas within the reserve. Clean up and maintenance.

The full funding submission is found in **Confidential Attachment 11**.

Administration Comments

Funding amount sought: \$30,000
Funding amount recommended: \$20,000

The fair has been running in a similar format for many years, and is very popular with the local community as well as visitors. The City's Officers will work with the festival organisers to encourage more local content in the fair's stalls.

12. Mount Hawthorn Streets & Laneways Festival – April 2016

3 May 2015 saw the first Mount Hawthorn Streets & Laneways Festival. The event was deemed a success with an estimated 35,000 people in attendance. For 2016, the Mt Hawthorn Hub wish to bring the event forward to April to take advantage of the warmer weather. The Mt Hawthorn Hub held an informal debrief on 8 May 2015 with City's Officers in attendance. Public feedback surveys will be distributed and a full evaluation will take place once the results of this survey are collected.

City of Vincent In Kind Support

Health Services: Administering temporary public building assessment and approval, liquor applications and comments, temporary food applications and permits, noise management and exemptions. Health permit fees will not be waived, and are not included in the in kind support.

Ranger Services: Review permits.

Waste Services: To provide additional bins. The event is responsible for removal of recyclable waste and any skip bins.

Parks Services: Assisting with sectioning off areas within the reserve, clean up and maintenance.

The full funding submission is found in **Confidential Attachment 12**.

Administration Comments

Funding amount sought: \$50,000
Funding amount recommended: \$45,000

Mount Hawthorn continues to establish itself as a suburb whose vibrancy is growing rapidly. The addition of the Mount Hawthorn Streets and Laneways Festival was a testament to the local community who all worked hard to pull the festival together.

13. St Patrick's Day Parade & Festival – 13 March 2016

For the past three years, Leederville has turned green for St Patrick's Day. Starting with a parade and ending with a festival at Medibank Oval, it is fast becoming a tradition in the area. Each year the event has grown both in size and attendees.

City of Vincent In Kind Support

Health Services: Temporary public building assessment and approval, liquor applications and comments, temporary food applications and permits, noise management and exemptions. Health Services fees will not be waived.

Ranger Services: Hooding car bays inside the road closure in preparation for the parade.

Waste Services: To provide additional bins. The event is responsible for removal of recyclable waste and any skip bins.

Parks Services: Assisting with Medibank Oval liaison.

The full funding submission is found in **Confidential Attachment 13**.

Administration Comments

Funding amount sought: \$65,000
Funding amount recommended: \$20,000

The funding application from St Patrick's Day WA Inc. was received late. The request of \$65,000 is triple what was previously funded, and the reasons stated in their application for the increase are not conclusive of community benefit.

14. Form: PUBLIC 2016

Form's "PUBLIC 2015" festival was a symposium conference with international speakers, public art from local and international artists and workshops/seminars about change and place making. The event was held in April 2015 across Fremantle, Victoria Park and the City of Perth. The City of Vincent sponsorship resulted in 12 new wall murals in Leederville, Mount Hawthorn and Perth.

Administration Comments

A formal application has not been received as of yet; however, if there is general support from Council, it is recommended that a budget provision of \$30,000 be made for Form's PUBLIC festival in 2016. This was discussed with Elected Members at the Budget Workshop held on 21 April 2015.

CONSULTATION/ADVERTISING:

The City's Officers presented local businesses in the Town Centres feedback forms to provide the City with comments on the major festivals in terms of benefits. A full report on the responses collected can be found in **Confidential Attachment 14**.

Consultation and advertising of all festivals, which include advertising in community newspapers, street banners, letter drop to City of Vincent residents, flyers/posters, will be the event management's responsibility. The use of the City's logo will be approved and the cross promotion of the events will be advertised on the City's website and social media avenues.

LEGAL/POLICY:

Policy No. 3.1.5 – Donations, Sponsorship and Waiving of Fees and Charges;
Policy No. 3.10.8 – Festivals; and
Policy No. 3.8.3 – Concerts and Events.

STRATEGIC IMPLICATIONS:

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

- 3.1.1 Celebrate, acknowledge and promote the City's cultural and social diversity.*
- 3.1.5 Promote and provide a range of community events to bring people together and to foster a community way of life.'*

SUSTAINABILITY IMPLICATIONS:

The purpose of the Festivals is to provide community events in the City and is an excellent opportunity to promote environmental/sustainability initiatives provided by the City. Recycling was compulsory at all events in 2014 and this will continue for events held in 2015/2016.

RISK MANAGEMENT IMPLICATIONS:

Moderate: Previous festivals have been extremely popular and successful; however, factors such as weather on the day can be a contributing factor to attendance levels.

FINANCIAL/BUDGET IMPLICATIONS:

The amount of \$352,500 is listed on the Draft Budget 2015/2016 for the Festival Programme.

As the Revelation Film Festival is held in early July, this event will need to be approved in advance. An agreement will be drawn up with marketing deadlines that will fall before the adoption of the 2015/2016 Annual Budget. The amount sponsored by Council for Revelation Film Festival will need to be approved on the Draft Budget 2015/2016 scheduled for 7 July 2015.

At an Ordinary Meeting of Council held in February 2013 an estimated breakdown of costs associated with each Festival's waste management requirements was provided. It was recommended that a new 'Public Events Expenditure' operating budget be created to fund waste management requirements associated with Festivals.

The 2014/2015 Budget includes an amount of \$75,000 for Public Events bins/refuse collection and a similar amount has been included in the Draft 2015/2016 Budget. Therefore, the projected annual expenditure associated with Festivals, in 2015/2016 is \$427,500.

COMMENTS:

The festivals that were staged in the City of Vincent last financial year were all very successful, with large attendances and excellent positive feedback from both the community and businesses.

The City of Vincent continues to be known as 'The Festival City' and the City's Officers recognise the excellent contribution the festivals make to the community and support the proposed festivals as recommended.

In addition to the Festival funding, the City's Health Services, Ranger Services, Waste Services, Park Services and Community Development provide substantial 'in kind' support to service the Festival Programme.

9.4.3 North Perth Community Gardens (Inc.) – Portion of No. 10 (Lot 2545) Farmer Street, North Perth (Woodville Reserve) – Approval of Lease

Ward:	North	Date:	15 May 2015
Precinct:	North Perth	File Ref:	SC2091
Attachments:	1 – Map of Leased Area, with proposed extension 2 – Greenhouse Structure 3 – Public Open Space		
Tabled Items:	Nil		
Reporting Officers:	M Haley, Community Development Officer J Anthony, Manager Community Development		
Responsible Officer:	R Boardman, Director Community Services		

OFFICER RECOMMENDATION:

That Council:

- APPROVES** a peppercorn lease from 2 October 2015 to 1 October 2018, for the premises at No. 10 (Lot 2545) Farmer Street, North Perth, an area of approximately 807m² being granted to the North Perth Community Garden (Inc.), as shown in Attachment 1, (Drawing 2846-CP-01F) as follows:

Term: Three years;
Rent: \$1.00 per annum plus GST (paid on demand);
Outgoings: To be paid by the Lessee;
Rates & Taxes: To be paid by the Lessee; and
Permitted Use: Community garden activities;

subject to final satisfactory negotiations being carried out by the Chief Executive Officer;

- APPROVES** a variation to the current lease agreement to extend the leased area of the premises located at No. 10 (Lot 2545) Farmer Street, North Perth by 64m² to North Perth Community Garden, as shown in Attachment 1, for the period 3 June 2015 to 1 October 2015; and
- RECEIVES** a progress update on the progression of the Public Open Space design development at Woodville Reserve.

PURPOSE OF REPORT:

To consider a request by the North Perth Community Garden (Inc.) to extend their current leased portion of No. 10 (Lot 2545) Farmer Street, North Perth by 64m² to allow the continuation of a Community Garden in the leased space. Information is also provided regarding a proposal to develop the land identified as Public Open Space (POS) in the adopted Woodville Reserve Master Plan, adjacent to the North Perth Community Garden (NPCG).

BACKGROUND:

- | | |
|---------------|---|
| 12 July 2011 | Council approved 'in principle' the establishment of a men's shed on vacant City owned land comprising part of the Woodville Reserve. |
| 24 April 2012 | Council approved the Implementation Plan for the establishment of a community garden and progressing / advertising the Woodville Reserve Master Plan. |

- 24 July 2012 Following community consultation, Council approved the Implementation Plan for the establishment of a community garden. At this meeting, Council also approved construction of the Vincent Men's Shed building and allowing workshop machinery to operate between the hours of 9:00am and 5:00pm.
- 12 February 2013 Council considered a further report on the development of the Woodville Reserve Master Plan where the following decision was made (in part)
- "That the Council;*
1. *RECEIVES Progress Report No. 5 on the Woodville Reserve Master Plan; and*
 2. *ADOPTS the Master Plan as shown in Plan No. 2846-CP-01E, as shown in Appendix 9.4.2B."*
- 8 October 2013 Council was advised that the Steering Committee for the NPCG had become an incorporated body and would independently manage the North Perth Community Garden, with the support of the City. The City's Officers recommended putting a lease in place for the NPCG to clearly highlight the roles and responsibilities of both the City and the NPCG.
- Following consideration of the report, Council made the following decision (in part):
- "That the Council APPROVES a peppercorn lease from 1 October 2013 to 1 October 2015, for the premises at No. 10 (Lot 2545) Farmer Street, North Perth, an area of approximately 743 m² being granted to the North Perth Community Garden (Inc.),"*

Men's Shed and Community Garden

The approved Woodville Reserve Master Plan outlined the footprint for the proposed community garden, men's shed, future Wellness Centre with its associated parking, access, landscaping, and future POS. To date, only the men's shed and community garden have been built and operational. No further development has occurred on the site.

In July 2014, following discussions with the Mayor, the NPCG were requested to submit a proposal to develop the POS, adjacent to the NPCG, into an inviting community space for all to enjoy.

DETAILS:

Lease Renewal

The NPCG has held a lease over a portion of the premises located at Woodville Reserve for a period of two years. During this time, the premises has been developed and maintained to a high standard.

The City's Officers are recommending the renewal of a peppercorn lease for the NPCG use of a portion of No. 10 (Lot 2545) Farmer Street, North Perth. Although the NPCG is an incorporated body, they are a new entity run by volunteers and are not yet financially independent.

The NPCG has completed a significant amount of work on the leased area since they entered into the original lease agreement in 2013. A garden shed, water tank, garden beds and an accessible pathway have all been installed on site. NPCG has been viewed by other working groups and Councils as demonstrating best practice in the community garden sphere and a substantial number of metropolitan and regional working groups have sought the help and advice from the committee. These include but are not limited to City of Stirling, City of Bayswater, Water Corporation, Shire of Merredin and Shire of York.

Extension of Space

Currently, all of the land allocated to the NPCG has been utilised to its full potential and to further develop the garden operations more space is needed. The Community Garden has therefore requested an extension of 64m², as shown in **Attachment 1**.

This area will be used for a greenhouse-propagation area, and compost development, which is a natural extension of community garden operations. The greenhouse will be used by adults and children in the propagation of seedlings from the NPCG seed supply and seed bank. It will also be an educational area covering topics of sustainability and environmental management. The compost area will be a place where all green waste is treated and used for compost, helping to make the garden a “zero waste” site.

The greenhouse-propagation structure and composting area will sit adjacent to the current shed. The greenhouse once erected sits at 6.4m x 5m x 3m (WxLxH), as shown in **Attachment 2**, with the remaining requested space utilised for composting. The final size of the footprint of land required to successfully operate both areas is 64m².

The proposed development on the City's Reserve land requires both Planning Approval and an application for a Building Permit.

The NPCG received a \$6,604 grant from the Department of Local Government and Communities. These funds will support the purchasing of a greenhouse and development of a compost area. The remaining expenditure required will be drawn from the City's Community Garden operational expenditure account.

Unused Public Open Space

The Mayor and the City's Officers have previously discussed the concept of developing the current POS with NPCG members. Some broad guidelines and ideas for a POS development, include:

- BBQ facilities;
- Seating;
- Public art;
- Edible components;
- Shaded areas for meeting, informal gathering and workshops;
- Elements for children aged 10 to 16; and
- Compliance with the City of Vincent Greening Plan.

A landscape architect and a City of Vincent resident with experience in developing public spaces for community use, have volunteered to develop the Concept Plans in accordance with the these guidelines.

As a result, NPCG has established a working relationship with Curtin University and the University of Western Australia. Landscape Architecture Masters students from Curtin University are currently developing working drawings and models based on the Concept Plan. As part of the students' brief, they are designing landscape concepts and documenting shelters for the POS. These proposals will be aligned with budget costings. The estimated date for completion of the students work is 27 June 2015. After this, a further progress report will be submitted to Council where a selection of the students' works will be presented.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Policy No. 1.2.1 – Terms of Lease

Policy Statement:

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

RISK MANAGEMENT IMPLICATIONS:

Medium: The NPCG is currently an unfenced area, with a low lying front gate. Members of the public are able to access this space unsupervised. The NPCG is a registered ‘Precinct Group’ with the City and as such comes under the City’s Public Liability scheme for busy bee’s/public admittance and general meetings. The risk associated with maintaining the garden, installation of a greenhouse and development of a composting area is deemed as medium.

STRATEGIC IMPLICATIONS:

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

“Economic Development

- 2.1 Progress economic development with adequate financial resources
- 2.1.2 *Develop and promote partnerships and alliances with key stakeholders.*
- 2.1.3 *Develop business strategies that reduce reliance on rates revenue.*
 - (c) *Continue to review leases and commercial contracts to ensure the best return for the City, whilst being cognisant of its community service obligations.*

Community Development and Wellbeing

- 3.1 *Enhance and promote community development and wellbeing*
 - 3.1.3 *Promote health and wellbeing in the community.*
 - 3.1.5 *Promote and provide a range of community events to bring people together and to foster a community way of life.*
 - 3.1.6 *Build capacity within the community to meet its needs.”*
-

SUSTAINABILITY IMPLICATIONS:

The NPCG adhere to sustainable and eco-friendly design principals in their maintenance of the community garden. The extension of a greenhouse-propagation and composting area are a further extension of these principals, with the goal of making the garden a “zero waste” site.

FINANCIAL/BUDGET IMPLICATIONS:

The current annual lease payment for the NPCG is \$1.00 per annum GST inclusive.

The NPCG has also received a \$6,604 grant from the Department of Local Government and Communities. These funds will support the purchasing of a greenhouse and development of a compost area. Both the NPCG and the City will contribute towards the remaining expenditure required to assist with development and implementation. It is estimated \$2,900 will be drawn from the City’s Community Gardens operational expenditure account, as follows:

Budget Amount:	\$3,000
Spent to Date:	\$ 75
Balance:	\$2,925

As the proposed lease area is within a Reserve, there are no rates payable on this land.

COMMENTS:

The North Perth Community Garden has been approved by Council as part of the Woodville Reserve Masterplan. The City’s Officers recommend renewing the current peppercorn lease, with the inclusion of an extra 64m² of land, to assist with new projects and initiatives being developed by the Community Garden. The area being sought is currently ‘fallow land’, as shown in **Attachment 3**. The proposal by NPCG to use some of this land for a sustainable community project is viewed as a viable proposition.

9.5 CHIEF EXECUTIVE OFFICER

9.5.1 Use of the Council's Common Seal

Ward:	-	Date:	18 May 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 May 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
4/05/2015	Deed of Easement	3	City of Vincent and R A James of PO Box 253 Inglewood WA 6932 re: No. 12 Flinders Street, Mount Hawthorn – Proposed Alterations and Additions to existing Single Dwelling Building – <i>Right of Access via an Access Easement Register on the Certificate of Title</i>
11/05/2015	Withdrawal of Caveat	1	City of Vincent and HWL Ebsworth Lawyers re: Level 11, 167 St Georges Terrace, Perth WA 6000 re: Nos 602-610 Beaufort Street, Mount Lawley – <i>Further to conditional approval granted by the Development Assessment Panels (DAP) dated 7 March 2014</i>
18/05/2015	Proposed Deed of Consent to Mortgage	3	City of Vincent and HWL Ebsworth Lawyers re: 15 Baker Avenue, Perth – <i>Deed of Consent to Mortgage To satisfy conditional approval of the Ordinary Meeting of Council held on 28 June 2011</i>
18/05/2015	Deed and Withdrawal of Caveat	2	City of Vincent and HWL Ebsworth Lawyers re: No. 6 Anzac Road, Perth – <i>Proposed Deed and Withdrawal of Caveat Relating to a Planning Condition – To satisfy conditional approval of the Ordinary Meeting of Council held on 11 October 2005</i>
25/05/2015	Section 70A Notification	2	City of Vincent and JVP1 Pty Ltd of 6891 West Swan Road, West Swan re: No. 39 (Lot 2; D/P 9083) Cowle Street, West Perth – To satisfy Clause 8.5 conditional approval of the Ordinary Meeting of Council held on 26 August 2014
25/05/2015	Section 70A Notification	2	City of Vincent and Ms R di Virgilio of 6 Kayle Street, North Perth re: No. 6 Kayle Street, North Perth – Proposed Notification on Title (Section 70A) relating to a Planning Condition – To satisfy conditional approval of the Ordinary Meeting of Council held on 12 August 2014

9.5.2 Draft Policy: Council Member Contact with Developers

Ward:	-	Date:	22 May 2015
Precinct:	-	File Ref:	
Attachments:	1 - Draft Policy 4.2.15 – Council Member contact with Developers		
Tabled Items:	Nil		
Reporting Officers:	L Kosova, Chief Executive Officer		
Responsible Officer:	L Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

That Council **ADVERTISES** Draft Policy 4.2.15 – Council Member contact with Developers included as Attachment 1, for public comment in accordance with the Community Consultation Policy No. 4.1.5.

PURPOSE OF REPORT:

To consider advertising for public comment Draft Policy 4.2.15 – Council Member contact with Developers.

BACKGROUND:

Council at its meeting on 20 January 2015 considered a Notice of Motion from the Mayor, to introduce a public register of Elected Member contact with Developers. In response to that Motion Council resolved as follows:

“That Council REQUESTS the Chief Executive Officer to present a report to a Council Forum to consider introducing a public register of all Council Member meetings and telephone conversations with developers and applicants regarding planning and development proposals within the City of Vincent.”

The possible introduction of a public register of Elected Member contact with developers was discussed at the Council Forum on 17 February 2015, at which time it was generally agreed that a further report on this matter should be brought back to Council Forum prior to formal consideration by Council.

A Draft Policy was also presented to the Council Forum on 12 May 2015, which resulted in Administration making further refinements to the Draft Policy to clarify and narrow the range of contact with developers that would need to be recorded.

DETAILS:

Draft Policy 4.2.15 is aligned to Council’s Code of Conduct and would require Elected Members to record certain “prescribed contact” with Developers, whilst also requiring the CEO to keep and maintain a public register of that contact. A copy of the Draft Policy is included as **Attachment 1**.

CONSULTATION/ADVERTISING:

The Community Consultation Policy No. 4.1.5 specifies that new policies will be advertised by way of a 21 day Local Public Notice, together with letters to local business and community groups.

LEGAL/POLICY:

Section 5.103 of the *Local Government Act 1995* prescribes that every local government is to prepare and adopt a code of conduct to be observed by council members, committee members and employees.

RISK MANAGEMENT IMPLICATIONS:

Low: The adoption of this policy is applying an additional level of transparency to Council's operation and supports existing provisions in the City's code of conduct.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013 – 2023 states:

"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"

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

The Draft Policy has been constructed to supplement and guide Elected Members' compliance with clauses 2.8 and 2.9.3 of Council's adopted Code of Conduct (2013). Those clauses are reproduced below for ease of reference:

"2.8 Development Decisions

- (i) Council Members have a duty to ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly. Council Members must avoid impropriety and must also avoid any occasion for suspicion and any appearance of improper conduct.*

 - (ii) In determining development applications, it is essential that Council Members are highly conscious of the potential for even the slightest impropriety to lead to suspicion of misconduct. This means Council Members must ensure that no action, statement or communication between themselves and applicants or objectors conveys any suggestion of willingness to provide concessions or preferential treatment."*
-

“2.9.3 Transparency

- (i) *Council Members should exercise judgement when deciding whether to be involved in private meetings with people seeking to influence a council decision. Suspicions of inappropriate lobbying can occur when lobbying is not open to public scrutiny. Regardless of whether such suspicions are justified, they still have the potential to undermine public confidence in council decision-making and adversely affect an Council Member’s reputation.*

- (ii) *Transparency is a useful means of governing accountability and perceptions of fairness in lobbying processes. There are a number of ways Council Members can help ensure transparency whilst being lobbied. These include:*
 - (a) *documenting meetings with proponents;*
 - (b) *generally conducting meetings in official locations, such as Council premises;*
 - (c) *having other people present during meetings;*
 - (d) *inviting applicants who have approached them for a meeting to discuss significant developments, to write to the City seeking a meeting with all Council Members and relevant employees;*
 - (e) *providing copies of information presented during lobbying meetings to City employees for consideration and assessment (if required), distribution to other Council Members and filing as part of Council’s records;*
 - (f) *asking people who have requested a meeting to put their arguments in writing;*
and
 - (g) *making a declaration at a Council meeting about lobbying activities they have been engaged in that are not part of Council’s formal processes.”*

The Draft Policy does not introduce different or additional requirements for Elected Members than those already contained in the Code of Conduct, but rather clarifies and standardises the recording of contact between Elected Members and developers, to ensure maximum transparency and consistency in the method of recording that contact.

9.5.3 Information Bulletin

Ward:	-	Date:	15 May 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 15 May 2015 as distributed with the Agenda.

DETAILS:

The items included in the Information Bulletin dated 15 May 2015 are as follows:

ITEM	DESCRIPTION
IB01	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 1 April 2015
IB02	Unconfirmed Minutes of the Design Advisory Committee Meeting held on 15 April 2015
IB03	Tamala Park Regional Council Meeting of Council Minutes held on 16 April 2015
IB04	Mindarie Regional Council Ordinary Council Meeting Minutes held on 23 April 2015
IB05	Unconfirmed Minutes Parks Working Group (PWG) held on Wednesday 4 March 2015
IB06	WALGA State Council Meeting Summary Minutes – May 2015
IB07	State Administrative Tribunal Orders for No. 62 Wasley Street, North Perth – Wright & Anor v City of Vincent, DR 294 of 2014
IB08	Register of Petitions – Progress Report – June 2015
IB09	Register of Notices of Motion – Progress Report – June 2015
IB10	Register of Reports to be Actioned – Progress Report – June 2015
IB11	Register of Legal Action (Confidential – Council Members Only) – Monthly Report as at 14 May 2015
IB12	Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 14 May 2015
IB13	Register of Applications Referred to the Design Advisory Committee – 2015
IB14	Register of Applications Referred to the MetroWest Development Assessment Panel – Current

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

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

14.1 CONFIDENTIAL REPORT: No. 125 & 127 (Lot: 12 & 102 D/P: 854 & 49899) Richmond Street, Leederville – Proposed Demolition of Existing Single House and Construction of 17 Multiple Dwellings – Reconsideration under s31 of the State Administrative Tribunal (SAT) Act 2004 (DR 140 of 2015)

Ward:	South	Date:	26 May 2015
Precinct:	Precinct 3 – Leederville	File Ref:	PR25043; 5.2014.540.1
Attachments:	Confidential – Amended Development Application Plans Confidential – Marked up plans showing proposed versus required setbacks		
Tabled Items:	Nil		
Reporting Officer:	A Groom , Planning Officer (Statutory)		
Responsible Officer:	G Poezyn, Director Planning Services		

DETAILS:

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

LEGAL:

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

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

“2.14 Confidential business

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

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

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

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

15. CLOSURE
